



# INTERNATIONAL BAR ASSOCIATION

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### NEWS RELEASE

[For immediate release: Wednesday, 29 January 2014]

## **IBA welcomes repeal of Ukraine's anti-protest laws and calls for release of arrested peaceful protesters**

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The Ukrainian Government's recent adoption of a series of 'anti-protest' laws severely restricting freedom of expression, freedom of assembly, and undermining the protection of human rights has been of deep concern to the body representing the global legal profession, the **International Bar Association** (IBA).

In reaction to the Ukrainian Parliament voting to repeal a number of the harsh anti-protest laws, IBA President Michael Reynolds stated, *'The IBA welcomes the Government's decision to repeal some of the recently adopted legislation that sought to stifle the Ukrainian people's legitimate right to protest.'* He added, *'However, we urge the Ukrainian Government to abolish these laws in their entirety, as they represent a regressive step for a state committed to democracy and the rule of law. Further, the IBA calls for the release of recently-arrested peaceful protesters.'*

Concern centred on the Ukrainian Parliament's introduction of a series of broad amendments to primary legislation – seemingly in response to the widespread protests that followed Ukraine's decision not to sign a deal aimed at strengthening ties with the European Union. The amendments were wide-reaching and appeared to target protesters. Criminal liability was established for new offences and sanctions increased for existing ones, including the re-criminalisation of defamation. Moreover, an extensive provision imposed a criminal penalty for the collection and dissemination of information described as being 'clearly offensive' towards an officer of the law.

Also of concern to the IBA is the introduction of an amnesty for any person who committed 'crimes' during the period 21 November – 26 December 2013. Drafted widely, this amnesty would include the alleged excessive use of force against peaceful protesters by law enforcement officers. Such an amnesty would give rise to an atmosphere of impunity and

threaten Ukraine's commitment to upholding the rule of law. However, the IBA has been informed that this law will be the subject of parliamentary debate today, 29 January, and encourages the Ukrainian Government to limit the amnesty to peaceful protesters.

Mark Ellis, Director of the IBA, commented, *'Ukraine is a party to all core human rights treaties including the International Covenant on Civil and Political Rights which enshrines fundamental freedoms such as freedom of expression and assembly. It is also a member of the European Convention on Human Rights which provides additional robust protection of these rights and is directly applicable in domestic legislation by virtue of the Ukrainian Constitution.'* He concluded, *'The introduction of anti-protest laws were clearly designed to chill the protest movement in Ukraine. Ultimately, the right to protest is a fundamental freedom that must be protected in a democratic society which adheres to the rule of law.'*

**ENDS**

### **Notes to the Editor**

1. The two following anti-protest laws amending the Law of Ukraine contained most of the restrictive amendments. The IBA understands that the first has been annulled through Ukraine's parliamentary process and is awaiting signature by the Head of the Parliament and president of Ukraine, but that the annulment procedure has not been applied to the second law.
  - a. ***'On judicial systems and the status of judges and procedural laws regarding additional measures for the protection of citizens' security'***: Offences included driving a vehicle which moved in a column of more than five vehicles without prior agreement and taking part in a rally or protest wearing a mask or a helmet. In addition, internet freedom was curtailed by the introduction of the mandatory registration of internet media websites that provide an 'information product' to the public. A failure to register rendered the activity illegal. Also, the National Commission on Communications was authorised to issue internet providers with orders on blocking access to web sites which disseminate 'illegal information'.
  - b. ***'On elimination of negative impacts and preventing the prosecution and punishment of persons on the events that took place during peaceful gatherings, "Verkhovna Rada of Ukraine"'***: Contained provisions which extended a previous amnesty that applied only to civilian participants who had committed crimes during the period 21 November – 26 December 2013, to any person involved in the protest movement, including law enforcement officers.
2. The **International Bar Association** (IBA), established in 1947, is the world's leading organisation of international legal practitioners, bar associations and law societies. Through its global membership of individual lawyers, law firms, bar associations and law societies it influences the development of international law reform and shapes the future of the legal profession throughout the world.

The IBA's administrative office is in London. Regional offices are located in: São Paulo, Brazil; Seoul, South Korea; and Washington DC, US, while the International Bar Association's **International Criminal Court Programme** (IBA ICC) is managed from an office in The Hague.

The International Bar Association's **Human Rights Institute** (IBAHRI) works to promote, protect

and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

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