

BARTOSZ KOŁACZKOWSKI, KATERYNA SOBOLIEVA

**The administrative limitation of assemblies in Ukraine and Poland
in the light of international law regulations
– some remarks on the Ukrainian road to democracy**

Summary

This paper focuses on the regulation of assemblies in the context of international law and the judicial decisions of the European Court of Human Rights, and compares the regulations of this in Poland and Ukraine. In the first part, international laws on assemblies binding in both countries are analysed, among them the International Covenant on Civil and Political Rights, the European Convention on the Protection of Human Rights and Fundamental Freedoms, and the Framework Convention and the Rights of National Minorities. The second part deals with the constitutional guarantees of the freedom of assembly in Ukraine and the restrictions imposed on that right that are lawfully permissible under Ukrainian law. The third part is a reflexion on the shape of the administrative law provisions regulating assemblies in Poland, and provides the definition of an assembly, the classification of assemblies, the duties of an assembly organiser and the competences of the authorities regarding assemblies, including the right to dissolve a gathering. It has been shown that although in Ukraine, likewise in Poland, freedom of assembly is constitutionally guaranteed, the similarities between the two states end there. The absence of a modern legislative act that would regulate public gatherings in a comprehensive manner (such as the Polish Act on Assemblies) is an obvious shortcoming of Ukrainian law. A selective application of provisions dating back to the former USSR system from which they originate and have remained intact since, combined with the constitutional right granted to courts to impose restrictions on the freedom of assemblies, is contrary to the standards of a democratic state, gives rise to extremely arbitrary judicial decisions, and most certainly violates the essence of freedom. Despite frequent amendments to the existing laws and some ill-conceived or ill-considered laws that are also characteristic of Polish administrative law, there is no doubt that the regulation on assemblies in Poland is much more mature.

Keywords: assemblies in Poland and Ukraine – public order – administrative limitation