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THE PUBLIC ASSOCIATIONS LAW IN UKRAINE

The citizens' right of making public associations is an inalienable human right which is secured by the General Declaration of Human Rights and is guaranteed by the Ukrainian Constitution and laws. The state favors the development of political and public activities, creative initiative of people and provides equal conditions for their associations.

I. GENERAL PRINCIPLES

Article 1. Public Association.

A public association is a voluntary union of citizens made on the basis of common interests for joint realization of their rights and freedoms.

According to the present Law any union of people (rukh/people's movement, congress, association, fund, league and so on) is a political party or a public organization.

The present Law doesn't extend to religious, co-operative societies and public associations with the general purpose to get profits, to commercial funds, organs of local and regional self-government (including soviets and committees of micro-districts, house, street, blocks, village, settlement committees), voluntary formations, such as public order squads, comrades' courts, other public associations, which are made and act according to the corresponding laws.

The trade unions activities are determined by the Ukrainian Trade Unions Law.

Article 2. Political Party.

A political party is an association of people attached to the certain national program of social development, which have the main purpose to take part in making the state policy, in forming government, local and regional self-government bodies and to be represented in them.

Article 3. Public organization.

A public organization is an association of people made to satisfy and to protect their legitimate social, economic, creative, age, cultural, sports and other interests.

Article 4. Restrictions on making public associations and their activities.

A public association can not be legalized and if legalized can be prohibited by court in case their purpose is:

- to change the constitutional order by force and the state territorial integrity in any illegal form;
- to undermine the state security if acting in favor of foreign states;
- to propagandize war, violence or fascism and neofascism;
- to rouse national and religious hatred;
- to make illegal militarized formations;
- to restrict universally recognized human rights.

Formation and activities of political parties, authorities and structural centers of which are outside of Ukraine, of any structural centers of political parties in bodies of executive and legislative power, in the Armed Forces, the National Guards and the Frontier Troops, in state enterprises, establishments and organizations, state educational institutions are prohibited.

Article 5. Public Associations Legislation.

The public associations legislation includes the Ukrainian Constitution, the present Law and the corresponding statements.

II. PUBLIC ASSOCIATIONS PRINCIPLES OF ACTIVITIES AND STATUS.

Article 6. Principles of public associations formation and activities.

Public associations are made and run on the basis of voluntariness, equality of all the members (participants), self-government, lawfulness and openness (glasnost). They are free to choose the directions of their activities.

The activities of public associations can be limited only by the Ukrainian Constitution and laws.

All the main problems in the public association activities must be settled on meetings of all members of a public association or their representatives.

Public associations must publish regularly their main documents, information on their authorities composition, sources of finance and expenses.

Article 7. Prohibition to restrict peoples' right and freedoms depending on their belonging or not belonging to public associations.

Nobody can be forced to join public association. Belonging or not belonging to a public association can not be a ground for the restriction of human rights and freedoms or for any state privileges and advantages.

It is not allowed to mention in the official documents that a person is a member (participant) of this or that public association, except the cases determined in the Ukrainian laws.

It is prohibited not to accept or to expel a person from a political party because of his/her state or nationality.

Restrictions for some categories of citizens to join political parties are determined by the Ukrainian Constitution and laws.

The Labor laws, social security and social insurance extend to the public associations officials.

Article 8. The State and public associations.

The State guarantees the observance of rights and legal interests of the public associations legalized in the order provided by the present Law.

Interference of the state bodies and officials to the public association activities as well as interference of public associations to the state bodies and officials activities and the activities of the other public associations is not allowed except the cases provided by the present Law.

The Supreme Soviet defines taxes privileges for some kinds of economic and other commercial activities of public associations, their establishments, organizations and enterprises. It also defines the maximum special and general annual donations for political parties, approves the list of the all-Ukrainian public associations, which have some pecuniary aid from the State.

Article 9. Public associations status.

Public associations are made and run having all-Ukrainian, local and international status.

All-Ukrainian public associations include associations, the activities of which extend to the whole territory of Ukraine and which have local centers in the majority of its regions.

Local associations are associations, the activities of which extend to the territory of a corresponding administrative-and-territorial unit or region. A public association itself determines the territory of its activities.

A public association has an international status in case its activities extend to the territory of Ukraine and at least to one other state.

Political parties in Ukraine are made and run having only the all-Ukrainian status.

Article 10. Public associations unions.

Public associations have the right to set up or to make between themselves different unions of their own free will (leagues, societies and so on), to form blocks and coalitions, to make agreements on cooperation and mutual assistance with the other public associations.

Formation and legalization of public associations unions, their activities and liquidation are determined by the present Law.

III. ORDER OF MAKING AND SUSPENDING THE ACTIVITIES OF PUBLIC ASSOCIATIONS.

Article 11. Public associations founders.

Political parties are set up on the initiative of Ukrainian citizens attained to the age of 18 years, not found incompetent by court and not imprisoned.

All citizens of Ukraine, citizens of the other countries, people without citizenship attained to the age of 18 years can make a public association. The founders of youth and children's public associations should be of at least 15 years of age.

Decision to form a public association union is made by a constituent congress (conference) or by a general meeting.

Public associations themselves are founders of a public associations union.

Article 12. Membership in public associations.

Only Ukrainian citizens attained to the age of 18 years can be members of political parties.

Any person attained to the age of 14 years can be a member of all public associations except of youth and children's. Age of youth and children's public associations members is determined by their status.

Public associations have the right not to have fixed individual membership.

Public associations can have collective members in cases determined by their status.

Article 13. Charter (regulations) of public associations.

A public association acts on the basis of its charter. A public association charter must include:

- 1) name of a public association (different from already existent ones), its status and juridical address;
- 2) purpose of a public association activities;
- 3) a public association member's admittance and expulsion conditions and order;
- 4) an association members' (participants') rights and duties;
- 5) order of making and acting of a public association charter bodies, of its local centers and their powers;
- 6) sources of finance and order of using money and other property of a public association, order of making accounts, control, carrying out of economic and other commercial activities, necessary for fulfillment of tasks determined by the charter;
- 7) order of making changes and additions to a public association regulations;

8) order of suspending of a public association activities and of solving property problems if a public association is closed down.

A charter can include other provisions concerning some peculiarities of a public association making and acting.

A public association charter must not contradict the Ukrainian laws.

Article 14. Public associations legalization.

Legalization (official recognition) of public associations is made by their registration or notification of their formation.

A public association has a juridical status if registered.

Political parties and international public associations must be registered by the Ukrainian Ministry of Justice.

A public association legalization is made correspondingly by the Ukrainian Ministry of Justice, state executive local authorities, executive committees of village, settlement, city Soviets of People's Deputies.

In case a local public association activities extend to the territory of two or more administrative-and-territorial units, their legalization is made by a government body to the territory of which extend the whole activities of a public association.

State executive local bodies, executive committees of village, settlement, city Soviets of People's Deputies must register the local centers of the registered all-Ukrainian and international associations if such a registration is necessary according to these associations charters.

To register a public association its founders should apply for. An application to register a political party must be signed by at least one thousand citizens of Ukraine, having the right to vote.

With an application it is necessary to present a public association charter, report of a constituent congress (conference) or a general meeting, information on officials staff and local centers, paid registration fee receipts. A political party presents its program as well.

An application for registration is taken up within two months from the day of submitting an application. In some cases a registration body can verify the presented documents. An applicant should be informed in a written form about registration or rejection within 10 days.

A public association participants can be present when the application for registration is discussed.

A public association should inform a registration body within 5 days about changes in its charter documents.

A re-registration of a public association is made according to the present Law.

Public associations registration bodies make a register of these associations.

A registration fee is determined by the Ukrainian Council of Ministers.

Article 16. Registration rejection.

A public association registration can be rejected in case its charter or other documents, presented for a public association registration contradict the Ukrainian laws. A registration rejection resolution must contain the rejection grounds. This resolution can be disputed in legal form.

Article 17. Notification on Foundation.

Public associations, their unions can legalize their existence by a written notification correspondingly to the Ministry of Justice, local executive bodies, executive committees of village, settlement, city soviets of People's Deputies.

Article 18. Public associations symbols.

Public associations can have their own symbols.

Such public associations symbols are approved according to their charters.

Political parties symbols must not reproduce state or religious symbols.

Public associations symbols must be registered in the order, determined by the Ukrainian Council of Ministers.

Article 19. Suspending of a public association activities.

A public association activities can be suspended by its reorganization and closing down (self-dissolution, compulsory dissolution).

A public association reorganization is made according to its charter. Re-registration of a newly founded public association is made in the order specified in the present Law.

A public association closing down is made on the basis of its charter or of a the court verdict.

IV. PUBLIC ASSOCIATIONS RIGHTS, ECONOMIC AND OTHER COMMERCIAL ACTIVITIES

Article 20. Registered public associations rights.

To realize purposes and tasks fixed in their charter documents registered public associations have the right:

- to participate in civil-and-legal relations, to have property and non-property rights;
- to present and defend their legal interests and legal interests of their members (participants) in state and civil authorities;
- to take part in political activities, to conduct public mass actions (meetings, rallies, demonstrations and so on);
- to give ideological, organizational, material support to other public associations, to promote their formation;
- to set up establishments and organizations;
- to obtain information necessary to realize their purposes and tasks from the state authorities and local self-government bodies;
- to make proposals to the state authorities and administration;
- to spread information and to popularize their ideas and purposes;
- to set up mass media.

Public associations have the right to set up enterprises necessary to realize their tasks.

According to the laws political parties also have the right:

- to participate in making of the state policy;
- to take part in forming of the government bodies and their agencies;
- to have an access to state mass media in time of elections and campaigns.

Public associations have other rights provided by the Ukrainian laws.

Article 21. Public associations property.

Public associations can have money and other belongings as their property necessary to carry out their activities.

Public associations get the right to have as their property money and other belongings transferred to them by their founders, members (participants) or the State, got from entrance fees and membership dues, donations of people, enterprises, institutions and organizations. Public associations also have belongings got at their own expense or by some other means not prohibited by law.

Political parties have the right on property got from sale of public-and-political literature, other propaganda materials, goods with their symbols, from conducting of festivals, exhibitions, lectures and other political actions.

Public organizations have the right on property and money got from economic and other commercial activities of self-financing establishments, organizations and enterprises founded by them.

Political parties, their institutions and organizations cannot directly or indirectly get money and other property from:

- foreign countries and organizations, international organizations, foreign citizens and people without citizenship;
- government bodies, state enterprises, institutions and organizations, except the cases specified in the Ukrainian laws;
- enterprises, founded on the basis of mixed property if a share of the State or a foreign partner is more than 20%;
- non-legalized public associations;
- anonymous donators.

Political parties cannot get profits from shares and other securities, open accounts and keep values in foreign banks.

Political parties should publish their annual budgets.

Article 23. Property right realization.

Property right of public associations is realized by their government bodies (general meetings, conferences, congresses and so on) in the order determined by the Ukrainian laws and the charter documents.

Public associations government bodies can empower their agencies, local centers or public associations unions to perform some property management functions.

Article 24. Economic and other commercial activities.

To realize their tasks and purposes registered public associations can carry out necessary economic and other commercial activities by making of self-financing organizations and institutions with a juridical status and by founding of enterprises in the order determined by laws.

Political parties, their institutions and organizations cannot set up enterprises except mass media and to carry out economic and other commercial activities except sailing of public-and-political literature, other propaganda materials, goods with their symbols, conducting of festivals, exhibitions, lectures and other social and political actions.

Public associations, their institutions and organizations must have money accounting and book keeping, statistical records, be registered in tax inspection state agencies and pay taxes determined by laws.

V. SUPERVISION AND CONTROL OVER PUBLIC ASSOCIATIONS ACTIVITIES. RESPONSIBILITY FOR BREAKING OF LAWS.

Article 25. State supervision and control over public associations activities.

State control over public associations activities is exercised by the state bodies in the order determined by the Ukrainian laws.

State bodies which register public associations exercise control over their regulations observance. These bodies representatives have the right to be present at the actions conducted by public associations, to require necessary documents, to get explanations.

The observance of laws by public associations is under Directorate of Public Prosecutions.

Sources and volume of financing, tax payments of public associations are under control of the corresponding financial organs and tax inspection.

Article 26. Financial control procedure.

A public association present an income and expenses declaration to financial organs.

On the basis of financial declarations newspaper "Voice of Ukraine" publishes annual lists of persons, whose donations for political parties exceed the limits set by the Ukrainian Supreme Soviet.

Special Committee of the Ukrainian Supreme Soviet made of deputies - representatives of all political parties, presented in the Parliament, examine their financial activities during a year and inform about the results at the Supreme Soviet Plenary Meeting.

According to the laws a political party is responsible for breaking financial discipline. Illegal earnings are confiscated in an indisputable way for the state budget.

Article 27. Responsibility for violation of laws.

Public associations registration bodies officials and citizens bear the disciplinary, civil-and-legal, administrative and criminal responsibility for violation of the Public Associations Law.

Public associations bear the responsibility specified in the present Law and other Ukrainian laws.

Article 28. Penalties.

A public association if violated the laws can be inflicted on such punishments:

- warning;
- fine;
- temporary prohibition (suspending) of some kinds of activities;
- temporary prohibition (suspending) of activities;
- compulsory dissolution (closing down).

Article 29. Warning.

If a public association has broken the law, the corresponding registration body should give a warning in a written form, if the present Law doesn't provide some other penalty.

Article 30. Fine.

If a public association has broken the law in a gross or systematic form, a registration body or a Public Prosecutor can fine a public association in legal form.

Article 31. Temporary prohibition (suspending) of some kinds of activities or the whole activities of a public association.

On notification of a registration body or a Public Prosecutor the court can temporarily prohibit some kinds of activities or the whole activities of a public association for a period of 3 months in order to stop the illegal activities of a public association.

Temporary prohibition of some kinds of a public association activities can be made by prohibition of mass actions (meetings, rallies, demonstrations and so on), of publishing, conducting banking and financial operations and so on

A body which applied to the court to stop a public association activities can ask to prolong the term. But the general period of temporary prohibition should not exceed 6 months.

The court can renew a public association activities in full scope if a public association has eliminated the reasons of the temporary prohibition and if a public association has applied for.

Article 32. Compulsory dissolution (closing down).

On notification of a registration body or a Public Prosecutor the court dissolve (close down) a public association in the following cases:

1. commitment of actions, specified in the Article 4 of the present Law.

2. Systematic or gross violation of the Article 22 of the present Law.

3. Conducting illegal activities after infliction of penalties, provided by the present law.

4. Reduction of political organization members number up to a number when such an organization can not exist.

Only the Ukrainian Constitutional Court can deliver a judgment to dissolve all-Ukrainian and international public associations on the territory of Ukraine.

VI. INTERNATIONAL RELATIONS OF PUBLIC ASSOCIATIONS.

INTERNATIONAL PUBLIC ASSOCIATIONS.

Article 33. International relations of public associations.

Public associations, their unions according to their charters can set up or join international public (non-government) organizations, make international unions of public associations, maintain direct international contacts and relations, make corresponding agreements and take part in conducting of actions which do not contradict international obligations of Ukraine.

Political parties have the right to set up or to join international unions, if their charters provide formation of only consultative and coordinative central bodies.

International public associations, branches, departments, representations, other structural centers of public (non-government) organizations of foreign countries on the territory of Ukraine conduct their activities according to the present Law and the other Ukrainian laws.

A legalized public association which is a founder or a member of an international organization or has extended its activities to the territory of a foreign state should apply for a re-registration as an international to the Ministry of Justice within one month.

The Ukrainian Council of Ministers establishes a registration procedure for branches and other structural centers of foreign public organizations.

President of Ukraine

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Kyiv

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