

## IAP Information Note No. 12

### ROLE OF THE LAW ENFORCEMENT AGENCIES (POLICE) IN PROTECTION OF PUBLIC ORDER

Within the structure of the Ministry of the Interior, the main department dealing with questions of public order protection is the Department of Public Security. The Department is charged with, among other duties, the organisation of the work of units of the police patrol service and special police units. It also reports on a systematic basis to the leadership of the MoI and other state bodies on dealing with issues falling within its competence. Among the main tasks of the Department of Public Security is the implementation of state policies and the taking of practical measures for the protection of public order and security and of the rights, freedoms and interests of citizens and ensuring their safety.

The police may be present during peaceful demonstrations or during the enforcement of a court decision limiting or banning such demonstrations in order to carry out its general duty to ensure the safety of citizens and to protect public order (Article 10, paragraph 1, of the Law on Police of 1990). This function during mass demonstrations is carried out by the Police Patrol and Inspection/Guard Service. Its activity is governed by the Statute of the Police Patrol and Guard Service of Ukraine<sup>1</sup> (adopted by a Decree of the Ministry of Interior of 1994) and in particular by Chapter XV of the Statute, which concerns the protection of public order and public safety during mass events.

Section 337 of the Statute replicates the authorisation procedure for holding peaceful demonstrations provided for by the Decree of 1988, which is in conflict with the notification procedure established by Article 39 of the Constitution.<sup>2</sup>

The Statute also spells out circumstances in which police may stop a demonstration in the event that a demonstration is considered unauthorised. Thus, Section 338 of the Statute provides that a demonstration may be dispersed if it is not authorised by the relevant authorities, if it is unlawful owing to a breach of the procedure for organising and holding of demonstrations or if, in the course of a demonstration, there arises a threat to the life or health of citizens or the danger of a breach of public order, or material damage to the state, collective or private property, or a breach of the highway or sanitary rules. According to Section 340 of the Statute, if an 'unauthorised' demonstration is held, the police must warn the participants and inform them of the relevant legal provisions and the liability for their breach; in case of a failure to comply with the lawful demands, the police may detain the organisers or active participants for breach of public order and unlawful activities.

---

<sup>1</sup> Text of the Statute available in Ukrainian at: <http://zakon2.rada.gov.ua/laws/show/z0213-94>

<sup>2</sup> The failure to bring the provisions of the Statute into conformity with the Constitution has been criticised by human rights activists and organisations in Ukraine. See, in particular, such position was taken by the Kharkiv Human Rights Protection Group [Report](#) concerning the human rights situation in Ukraine in 2013.