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## **Ukraine law banning Communist and Nazi propaganda has a legitimate aim, but does not comply with European standards, say constitutional law experts of the Venice Commission and OSCE/ODIHR**

Venice, 18.12.2015 – The *Law of Ukraine on the condemnation of the Communist and National Socialist (Nazi) regimes and prohibition of propaganda of their symbols* pursues a legitimate aim, but is too broad in scope which can lead to obstructing free expression, preventing political parties from running in elections, and it introduces unfair sanctions that should be revised. These and other recommendations are part of a joint [interim opinion](#) by the [Venice Commission](#) and the OSCE/ODIHR adopted today.

The Venice Commission and OSCE/ODIHR recognise the right of Ukraine to ban or even criminalise the use of certain symbols of and propaganda for totalitarian regimes, but warn that in its current wording the law could obstruct the right to freedom of expression. The notion of propaganda must be “clearly defined” and should “imply something more than the mere expression of opinions and ideas,” they explain. The experts also point out the inconsistency of approaches to how the Communist and Nazi symbols lists are formed.

The experts note that the law contains quite “severe” and “disproportionate” sanctions. Only acts that pose an actual danger to society should entail criminal responsibility, according to the experts. “A mere display of a symbol or use of a name should not result in imprisonment”. The Venice Commission and OSCE/ODIHR call for a revision of the imposed sanctions.

By prohibiting public groups that do not respect the law, the law also puts at risk freedom of association: “The banning of political parties from participation in elections or their dissolution should be a measure of last resort in exceptional cases,” the experts stress.

Under the law, journalists may face an undue threat of criminal prosecution, effectively allowing the state to censor the media and even shut them down should they engage in “propaganda”, according to the opinion.

Under the law, over 900 villages with Communism-related names must be renamed within six months, but the opinion recommends that decisions be taken locally, and the deadline be extended.

The law is part of an on-going process of “decommunisation” in Ukraine; it was tabled in the Verkhovna Rada in April 2015 and adopted on the same day without public debate, which gave rise to criticism. The law entered into force in May 2015.

During today’s plenary session, the Venice Commission welcomed the readiness demonstrated by Ukraine’s representatives to revise the law in accordance with the opinion.

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