



27 June, 2024

**To: Mr. Ben Saul
The United Nations Special Rapporteur
on the promotion and protection of human rights
and fundamental freedoms while
countering terrorism
hrc-sr-ct@un.org**

The Centre for Democracy and Rule of Law (CEDEM) avails itself of the opportunity to express its high esteem and provide the information as follows.

CEDEM is a think-and-act tank that has been working in the Ukrainian public sector since 2005, focusing on developing independent media, civil society and building the rule of law in Ukraine.

CEDEM is working on the improvement of AML/CFT policies and legislation in Ukraine under the Ukraine Civil Society Sectoral Support Activity implemented in partnership with the Ukrainian Center for Independent Political Research (UCIPR) and the Initiative Center to Support Social Action “Ednannia” funded by the USAID.

CEDEM has thoroughly studied the key questions and will comment the following ones:

1.b In Ukraine there exists a system of legislation aimed at countering terrorism. The [Law of Ukraine ‘On Combating Terrorism’](#) with its Article 3 providing basic principles for such activities. The first principle reads that countering terrorism in Ukraine shall be based on the principle of legitimate actions and strict adherence with human rights and freedoms.

9.a In 2021 Cabinet of Ministers of Ukraine drafted the law on the procedure of recognising an organisation as a terrorist one (hereafter Draft Law 5872). In the same year a group of Members of Parliament suggested an alternative Draft Law on the same issue (hereafter Draft Law 5872-1). In late May 2024 the main Parliamentary committee finalized the analysis of both draft laws and advised the Parliament to adopt Draft Law 5872 and to decline Draft Law 5872-1.

Centre for Democracy and Rule of Law analyzed both draft laws and made legal opinions explaining the risks and negative impact of such provisions on civil society activity and on human rights, if adopted. Draft Law in its current edition violates the right to freedom of assembly and of association, as well as the right to a fair trial. Please find the expert conclusions in attachments.

Attention should be also paid to Ukrainian Draft Law 8084 that suggests amendments to the Law On Public Association inserting the clause that makes the data of members of public associations public, violating the right to privacy of personal data of such persons. This Draft Law is currently revised by the main committee of the Parliament before the second hearing.





13.b The Council of Europe Office in Ukraine project 'Strengthening Measures to Counter Money Laundering and Financing of Terrorism in Ukraine' sustainably cooperates with the Ukrainian civil society. This includes partnership in organizing round-tables, holding training for civil society organisations, cooperation and mutual consultations on legal reforms, as well as in implementation of FATF standards in Ukraine. Civil society is also invited to provide its propositions and legal opinion on the technical reports performed by international experts.. Also CoE Office in Ukraine engages civil society representatives as members of local steering committees of many of its projects.

Whether you have any questions please contact Maria Poloz, the lawyer:
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Attachment: Expert conclusion on Draft Law 5872

**Sincerely,
Director**

Olesia Kholopik

