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POLITICAL RIGHTS IMPLEMENTATION OF UKRAINIAN CITIZENS AMID COUNTERACTING THE COVID-19 EPIDEMIC

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Abstract. Among the catalog of political rights of citizens of Ukraine, the COVID-19 epidemic made significant adjustments to the implementation of only two – the right to participate in elections (the opportunity to participate in government and public affairs) and the right to participate in peaceful assemblies. Instead, the other political rights (right of appeal, right of association, etc.) were subject to minimal restrictions, which were offset by electronic means of appeals, inquiries, and administrative services.

The local elections held in Ukraine on October 25, 2020, testified to the readiness of the Ukrainian state to conduct democratic procedures in difficult epidemic conditions. For this purpose, special regulations were adopted and appropriate security measures were applied. Although voter turnout was expected to be low, an objective opportunity to exercise their right to freely choose and be elected was created and ensured. The campaigns discussions and debates continued mainly online. However, the voting itself took place on election day and without the use of alternatives technologies (electronic voting, voting by mail, on behalf of, etc.).

At the time of the epidemic, the right to peaceful assembly was being severely restricted in Ukraine. The quarantine resolutions of the Cabinet of Ministers of Ukraine set various restrictions on the concentration of people (initially not more than 200, and later – not more than 10), and hence the possibility of full-fledged meetings. Although these provisions were by-laws and inconsistent with the Constitution of Ukraine, law enforcement agencies were largely guided by them and opposed the assembly. Judicial practice did not solve this problem either, as administrative rulings and protocols were revoked by courts on formal grounds, and not due to the unconstitutionality of the quarantine restriction.

Key words: epidemic, quarantine measures, the right to vote, peaceful assemblies.

Introduction. The world crisis, caused by the spread of Covid-19, produced complex economic and political effects in many countries. It challenged not only health care systems and public administration in general, but also other values of human civilization. Among them is worth mentioning the democracy, which was created in ancient times, reemerged in modern times, survived the tough hardship of the 20th century, and which is developing and protecting itself nowadays. Covid-19 also put it in danger because the quarantine conditions made it difficult to get to a polling station (in particular in the USA and several European countries postal voting was tested), limited rallies and public events, made it difficult to canvass, and political discussions were moved to social media.

Being the country within the state of the fight against Russian occupiers for its territorial integrity and overcoming the results of intervention of terrorist groups, Ukraine felt the burden and complexity of new tasks during the Covid-19 pandemic. In comparison with the countries of the European Union its economic, organizational and functional opportunities didn't correspond to the high level of threat, which followed the epidemic. The situation became more complicated because in the autumn of 2020 scheduled local elections should be held (and were eventually held). So, the question of political rights implementation of Ukrainian citizens, especially exacerbated by epidemic circumstances.

The political rights and freedoms of Ukrainian citizens are constitutionally determined degree of pencil political behavior (participation in direct democracy, exercise of state power, local government), in which the person acts as a citizen and also participant in public power relations (Pohorilko, Fedorenko, p. 184). In this publication, we will focus on the implementation of two political rights of Ukrainian citizens – the right to participate in elections and the right of peaceful assembly because their realization during the pandemic provoked the biggest number of discussions, problems and public reaction.

The statutory and regulatory basis of the restriction of political rights implementation in Ukraine during the COVID-19 counteracting

The statutory and regulatory basis of the introduction of quarantine measures in the territory of Ukraine was the Resolution of the Cabinet of Ministers of Ukraine as of March 11, 2020 No. 211 “On the Prevention of Coronavirus Disease COVID-19 in the Territory of Ukraine” (name of the current edition of the document – “On the Prevention of

Acute Respiratory Disease COVID-19 Caused by the Coronavirus Sars-CoV2 in the Territory of Ukraine) (the Cabinet of Ministers of Ukraine as of March 11, 2020 No. 211). The Resolution envisaged first security measures introduced in the territory of Ukraine in order to prevent the epidemic. This list was gradually expanded and measures became stricter. This happened during the increase of the number of the infected, hospitalized and died with the COVID-19 diagnosis.

According to Resolution No. 211 quarantine measures lasted until April, 3 and later this deadline was extended until May, 22. Taking into account the then sanitary and epidemic state, the Cabinet of Ministers extended the quarantine measures and updated their list by the Resolution as of May 20, 2020 “On the Introduction of the Quarantine in order to Prevent Acute Respiratory Disease COVID-19 Caused by the Coronavirus Sars-CoV2 in the Territory of Ukraine and Stages of Weakening Anti-Epidemic Measures” (the Cabinet of Ministers of Ukraine as of May 20, 2020 No. 392).

Despite the common fear in connection with the coronavirus epidemic the society reacted negatively to the limitations of rights and freedoms of individuals. From the legal point of view it was clear because the limitations mentioned were placed by the governmental resolution and not by law as required by the Constitution of Ukraine. The invoked circumstance and ambiguity of litigation practice caused the request of the Supreme Court of Ukraine with the constitutional production to the Constitutional Court as to the constitutionality of certain provisions of the Resolution of the Cabinet of Ministers No. 392 and some other acts.

In particular, the disputed provisions of paragraph 3 of Resolution No. 392 during the quarantine forbade:

- public (cultural, entertainment, sports, social, religious, advertisement and other) events with more than 10 participants (subparagraph 5);

- the work of food and drink venues (restaurants, cafes, etc.), shopping and entertainment center (except for the shops situated there), the activity of venues that provide advertising service, venues of entertainment activities, fitness centers, cultural institutions (subparagraph 6);

- regular and occasional passenger transportation by motor transport in city, suburban, intercity, intraregional and interregional traffic, in particular, passenger transportation on citybus routes in fixed – route taxi mode (subparagraph 7);

- planned events on hospitalization for healthcare institutions (subparagraph 14).

But at the moment of the issuance of the order on constitutional production (August 28, 2020) the above provisions of Resolution № 392 have already expired due to the adoption of Resolution of the Cabinet of Ministers of Ukraine № 641 of July 22, 2020. Therefore, the proceedings on these provisions were closed by the Constitutional Court of Ukraine. At the same time, it was stated in the Decision of the Constitutional Jurisdiction Authority that “the limitation of constitutional rights and freedoms of an individual and citizen is possible in the cases determined by the Constitution of Ukraine. Such a limitation can be placed only by law – the act adopted by Supreme Council of Ukraine as the only legislative body of Ukraine. Placement of such a limitation by the statutory instrument is contrary to Article 1, 3, 6, 8, 19, 64 of the Constitution of Ukraine” (the Constitutional Court of Ukraine as of August 28, 2020 No. 10-p/2020).

With regards to the decision in the mentioned case the point of view of the judge of the Constitutional Court of Ukraine V. Lemak is considered to be particularly valuable. It is stated in Article 4 that the Court should have framed more arguments as to the mentioned impartial legal position according to which restriction of rights and freedoms of an individual can be put only by the Constitution and laws of Ukraine and not by the governmental acts. The judge also emphasized the following: “Having decided the issue by the governmental act, which was included by the Constitution of Ukraine in exclusive legislative regulation, the Cabinet of Ministers of Ukraine assumed power of Supreme Council of Ukraine as the only legislative authority... the issuance of Resolution No. 392 by the Government of Ukraine is the way of decision making in the sphere of human rights which is of whack with the Constitution of Ukraine because it violates the principle of partition of sovereignty” (Special opinion of the judge of the Constitutional Court of Ukraine V. V. Lemak).

The Resolution of the Cabinet of Ministers of Ukraine No. 641 «On the Prevention of Quarantine and Introduction of Anti-Epidemic Measures in the Territory with a Significant Spread COVID-19, Caused by Coronavirus SARS-CoV-2» differ from its predecessors that provided an opportunity of zoning of the territory of Ukraine depending on the level of epidemic danger. Its depends of quantitative indicators beds occupancy at the hospital the regions and the administrative-territorial units received a certain color that determined the legal regime in the relevant territory: green (up to 5%), yellow (from 5 till 20%), orange (from 20 till 50%), and red (over 50%) (the Cabinet of Ministers of Ukraine of July 22, 2020 No. 641). The amount of quarantine measures also depended on the color that were used in the regions or the administrative-territorial units.

A similar approach concerning of the epidemic zoning the territory of the state and its division into four colors was applied in the next Resolution of the Cabinet of Ministers of Ukraine «On the Prevention of Quarantine and the Introduction of Restrictive Measures in the Territory of Ukraine Respiratory Disease COVID-19 Caused by Coronavirus SARS-CoV2» until December 9, 2020 No.1236. Mentioned Resolution approved the Order of implementation Anti-Epidemic measures during the election (the Cabinet of Ministers of Ukraine of December 9, 2020 No.1236).

Exercise of the Right to Participate in Elections

In March 2020, the World Health Organization declared a pandemic over the worldwide spread of the acute respiratory illness COVID-19 caused by the coronavirus SARS-CoV2. The global spread of the virus has greatly affected electoral processes in various countries. It is commonly known that elections are a mass event and its conducting promotes the transmission of the virus in a crowded place, which occurs both during voting at the polling station and at the stages of the election process (Korniyenko, p. 134). Following the COVID-19 pandemic, at least 70 countries around the world have postponed the 2020–2021 elections (Global overview of COVID-19; Impact on elections).

Conducting elections during a pandemic poses many risks and threats. First of all, it can lead to a decrease in the quality of the electoral process, inefficiency and complexity of electoral procedures, which is likely to lead to violations of generally accepted principles of electoral law and electoral standards. On the other hand, mass events (such as meeting of political parties, campaign activities, day of voting and counting of votes at polling stations) expose the life and health of citizens to significant risk (Korniyenko, p. 136).

Article 64 of The Constitution of Ukraine allows for the restriction of the right to participate in elections in a state of emergency (the Constitution of Ukraine of June 28, 1996). According to the Law of Ukraine «On the Legal Regime of the State of Emergency» such a state may be imposed in the event of particularly severe emergencies of man-made and natural nature, in particular, pandemics that threaten the lives and health of large sections of the population (On the Legal Regime of the State of Emergency) Law of Ukraine of March 16, 2000 No. 1550-III). However, in Ukraine, the COVID-19 pandemic was not a reason to declare a state of emergency.

Local elections in Ukraine were scheduled for October 25, 2020. The Cabinet of Ministers of Ukraine together with the Central Election Commission were responsible for developing measures to control the coronavirus spread during the election process. To develop them, the CEC set up a working group that included representatives of parliament, the Ministry of Health, the National Security and Defense Council and the Ministry of the Interior, as well as representatives of international organizations. The Central Election Commission, together with the Ministry of Health, established a list of personal protective equipment, while assessments, funding methods, logistics and relevant by-laws were to be added and adopted at the government level (Aivazovska O., Rizhamadze N., Postica P., Bokataru I., Iriskulbekov E., Peitie P., p. 6).

On September 14, 2020, the Cabinet of Ministers of Ukraine adopted a Resolution approving the Procedure for implementing anti-epidemic measures during the organization and conduct of elections (Approved anti-epidemic measures during holding elections). The decisions and the list of measures were based on the recommendations developed by the CEC – coordinated working group. However, at each subsequent stage there were problems in the implementation of these decisions. For example, in October the CEC was required to provide explanations on the organization and conduct of voting in the locations of voters with positive COVID-19 tests. Instead, coordination measures were put in place only 9 days before the election day. At government meetings, it was stated that the local budgets were provided with the sufficient funding from the central budget. However, in reality, local authorities had to redirect part of their resources from the special Fund to Combat COVID-19 to the needs of organizing elections in a state of pandemic (Aivazovska O., Rizhamadze N., Postica P., Bokataru I., Iriskulbekov E., Peitie P., p. 6).

On October 21, 2020, on the eve of the local elections in Ukraine, 315,826 cases of COVID-19 were laboratory confirmed, of which 6,719 per day. The administrative level of epidemic danger included 68 administrative-territorial units in 15 areas, in particular, 9 regional centers: Chernivtsi, Khmelnytsky, Chernihiv, Kharkiv, Severodonetsk, Poltava, Sumy, Ivano-Frankivsk and Ternopil (Assignment of settlements to red or others epidemic zones doesn't affect for holding local elections in October 25).

Quarantine measures and assignment of human settlements to epidemic zones did not affect the setting of regular local elections, as the legislation of Ukraine does not have a direct link between the suspension of the election process or the postponement of elections with the level of epidemiological danger. The next local elections took place in Ukraine on October 25, 2020 against the background of ongoing anti-epidemic measures. Voting took place at 29,084 polling stations throughout Ukraine, including 28,156 regular and 928 special polling stations (Korniyenko, p. 138). According to the Central Election Commission, voter turnout was only 36.88%, which is almost 10% lower than in the 2015 elections (Voter turnout in local elections on October, 25 2020).

Ukrainians elected 43,122 deputies of regional, district, city, district in the city, village and settlement councils, as well as 1,421 city, village and settlement mayors. Due to inadequate regulation of the issue at the legislative and by-law levels, as well as due to the lack of funding in the Central Election Commission, difficulties have arisen in creating a safe environment for the 2020 local elections. In addition, uncertainly about funding mechanisms and the availability of funds remained unresolved until the last moment, resulting in some polling stations and their members not being properly trained (Korniyenko, p. 139-140).

On September, 14 the Cabinet of Ministers of Ukraine approved the Procedure for Implementation of Epidemic Control Measures while Organizing and Conducting Elections according to which the following was considered:

- polling of people who visit polling stations or offices of electoral commissions on any symptoms of the disease and taking the body temperature;
- recommendation to people with higher body temperature or respiratory symptoms to avoid visiting polling stations or offices of electoral commissions.
- requirements for setting up polling stations for ensuring safe voting: 1) a disinfecting area and information materials on epidemic control measures; 2) marking near the entrance to the building and on the voting premises to provide a distance of at least 1 meter between people and to inform about an optimal route for voting; 4) arrangement of areas for central collection and further recycling of personal protective gear;
- recommendation to have up to 3 voters near a table for issuing ballots;
- arrangement of a separate polling booth and a separate ballot box for voters with symptoms of the disease and a higher body temperature;
- a requirement for voters to wear masks while voting except for when the members of the Election Commission require personal identity verification;
- recommendation to voters to use their own pens while voting;

- recommendation to the citizens who self-isolate to vote according to the place of temporary residence after filing an application to the Commission until 8 pm last Friday before the election day;
- providing distance between the members of the Election Commission (at least 1 meter between chairs or using transparent shields);
- disinfecting contact surfaces every 2 hours, wet cleaning of voting premises at least once every 4 hours;
- the duty of the members of the Election Commission, official poll observers and police workers to wear masks on their faces; members of The Precinct Election Commission who ensure voting according to the place of temporary residence should wear gloves, face masks (respirators without exhalation valves) and / or face shields;
- the possibility of taking additional epidemic control measures at special polling stations and also the recommendation to the members of The Precinct Election Commission, official poll observers and police workers to pass a test 72 hours before the election day which will allow them to work at special polling stations (the Cabinet of Ministers of Ukraine as of September 14, 2020 No. 846).

The Central Election Commission conducted a public information campaign which, among other elements, included videos with social advertisement on the central channel of Ukraine and materials on billboards concerning the actions on limiting pandemic risks while voting. On October 22, 2020 (three days before the elections) the Central Election Commission provided additional explanations (Order No. 409 On Selected Issues of Conducting Electoral Procedures for Preparing and Conducting Elections on October 25, 2020 amid Spread of Acute Respiratory Disease COVID-19 Caused by the Coronavirus SARS-CoV-2 in the Territory of Ukraine) of sequence of actions of the member of the Election Commission if at the very last minute they identify people infected with COVID-19 or of the utilization rules of personal protective gear of the members of the Commission who should have organized the voting of the citizens with COVID-19 symptoms according to the place of temporary residence or at the polling station (Aivazovska O., Rizhamadze N., Postica P., Bokataru I., Iriskulbekov E., Peitie P., p. 7).

Amid the COVID-19 pandemic electoral campaigns are more frequently conducted on social networks and other online platforms. In the digital environment an intersection of streams of voters and political rivalries is limited, there is no physical distance and that's why epidemic control measures are observed. Political parties and candidates for elective office discussed their plans with the help of electronic meetings on Facebook, Instagram, Twitter, YouTube and also on TV and on the radio. Zoom and WhatsApp meetings and political advertisements on Telegram channels were widely used. Non-digital mechanisms are also used by parties and candidates during the pandemic for political advertising and propaganda material (Korniyenko, p. 141-142).

The pandemic has presented political parties and candidates for elective office with a challenge of conducting a pre-election campaign, especially in the regions with strict quarantine restrictions. The choice of voters in red and orange zones with strict restrictions depended even more on the coverage of local elections by traditional media and social networks. Some parties moved online which caused the risk of excluding voters who have no access to the Internet, for example, in rural areas. The results of monitoring Facebook show that local centers of political parties, chairpersons-in-office used this platform for discussing elections and electoral campaigns often before the beginning of election campaigning (Half Million Dollars on Facebook Advertising in a Month).

It is worth mentioning that just on the voting day the President of Ukraine took a poll at the exits from polling stations; it was financed by the party in power and was initiated by the Office of the President which made an impression of unfair political advantage on the voting day and blurred the lines between the state and the party in power. However, the Grand Chamber of the Supreme Court didn't find clear evidence in the actions of the head of the state in favour of the conclusion about commission of actions by the President of Ukraine aimed at impelling voters to vote for the political party „Sluha Narodu” during the scheduled elections on October 25, 2020, that is an implicit political campaign (Korniyenko, s. 144).

Electoral legislation in Ukraine allows to vote both at a polling station and according to the place of temporary residence if they need to stay in medical institutions or at home (Electoral Code of Ukraine). If the Election Commission could provide voters who self-isolated or had a positive COVID-19 test with an opportunity to vote according to the place of temporary residence, voters should have filed an application together with a medical certificate until 8 pm last Friday before the election day. If there were patients in hospitals who had the right to vote during the corresponding elections (voters who live in the corresponding communities), special election commissions were created in the medical institutions (Aivazovska O., Rizhamadze N., Postica P., Bokataru I., Iriskulbekov E., Peitie P., p. 7).

During the local elections on October 25, 2020 in Ukraine more than 465,000 voters were qualified to vote according to the place of temporary residence (Observation on Ukrainian Elections). The number includes voters who were registered with the sign “permanent inability to move on their own” and also those who provided a medical certificate of permanent restrictions on mobility due to illness (including COVID-19) or self-isolation. There were concerns about the inadequacy of the procedure of voting according to the place of temporary residence (at home) and situation with the pandemic among experts. Procedure currently in effect which was created before the pandemic required that voter who vote at home couldn't refuse the presence of members of the Election Commission, representatives of a candidate and political parties and also election voters who wanted to observe the process. However, during the pandemic such rules posed a higher risk of contracting the coronavirus (Korniyenko, p. 150).

During the quarantine restrictions introduced due to the pandemic an alternative (special) way of voting via online access in Ukraine wasn't used because of the absence of regulatory regulations and a technical and technological component. Other alternative means of voting weren't also used – by mail, proxy voting, early voting, etc. These means are quite risky under the conditions of unstable democracy, that's why the decision to use only voting in person was justified, though it posed additional threats to infecting voters and in general influenced the number of people who voted.

After the end of local elections on October 25, 2020 the Central Election Commission reported receiving of appeals from electoral subjects and information from international election observers as for the facts of failure to comply with the requirements or improper performance of anti-epidemic requirements of the legislation. According to the results of the data entry the Central Election Commission adopted the order as of November 6, 2020 No. 450 On Immediate Measures of Providing Conditions for Safe Organization and Conducting Revoting of Local Elections on October 25, 2020 and Selected Issues of Implementation of Anti-Epidemic Measures while its Preparation and Conduct (the Central Election Commission as of November 6, 2020 No 450).

Prior to the elections the Central Election Commission completed a list of people who are allowed to enter the territory of Ukraine during the quarantine with official observers from foreign countries. According to the data of the Central Election Commission 41 election observers from 6 foreign countries worked during the local election in Ukraine on October 25, 2020. However, this is a third of the observers who worked during the local elections in 2015 – 141 observers from 14 foreign countries. Besides, only 9 international organizations sent to Ukraine 271 observers during the scheduled elections in 2020. In 2015 16 international organizations sent 1531 observers (Koniyenko, p. 162-163).

Official statistics systemized by the National Security and Defense Council of Ukraine showed that as on October 25, 2020 the registered number of COVID cases proved by PCR tests is estimated to be 6,088 infected and 102 dead per day. In two days after the elections this data increases up to 10,842 infected people and 191 fatal cases per day (Aivazovska O., Rizhamadze N., Postica P., Bokataru I., Iriskulbekov E., Peitie P., p. 10). However, a strong link between the number of cases and the conduct of local elections hasn't been established or proved.

Exercise of the Right of Peaceful Assembly

An important political right of citizens of Ukraine is the right of peaceful assembly (gatherings, meetings, marches, demonstrations) which proved its effectiveness as a tool for protecting democracy and the rule of law – first of all during the revolutions in 2004-2005 and 2013-2014. According to Article 39 of the Constitution of Ukraine the realization of this right may be restricted by court according to the law and only in the national security and public order interests. Such an attitude corresponds to the provisions of Article 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms as of November 4, 1950 and Article 21 of the International Pact on Civil and Political Rights as of December 16, 1966 which allows lawful restrictions on the right of peaceful assembly aimed at healthcare protection, protection of rights and freedoms of a person.

At the same time the Resolution of the Cabinet of Ministers of Ukraine as of March 3, 2020 No. 211 among other things prohibition to hold all public events (cultural, entertainment, sports, social, religious, advertising and others) was imposed with some exceptions. Primarily only events with more than 200 people were mentioned and later (Resolution No. 392) – more than 10 people. The lack of legal clarity of the definition “public events” and also the prohibition to hold any public events also allows talking about the unconstitutional extension of the mentioned prohibition of peaceful assembly as one of the types of public events. Besides, as it is stated in the instruments of the Council of Europe as of April 7, 2020 No. SG/Inf(2020)11, the restrictions on peaceful assembly, freedom of consciousness and expression should be clearly imposed by the law according to the constitutional guarantees and proportional to the legitimate aim to protect public health care in particular (Zozulia, p. 13-14).

It is worth mentioning that during 2020 in Ukraine there were systematic attempts of the police workers to bring to administrative justice the activists who organized peaceful assembly. The example of such attempts is the case of V. Orlov (movement Save Sole Proprietors) and I. Kleimenova (non-governmental organization Community Business) in connection with which an administrative report was made for the violation of Article 44-3 of the Criminal Code of Ukraine on Criminal Offenses. These are not the only cases of making such administrative reports concerning the organizers of peaceful assembly.

The police officers regarded the prohibition of peaceful assembly during the COVID-19 quarantine which was imposed by the Resolution of the Cabinet of Ministers of Ukraine as a reasonable cause of restrictions of peaceful assembly. Ukrainian law scholars treat this as the problem of interpretation and administration of law. The thing is that the restrictions of rights and freedoms according to the Constitution of Ukraine require the adoption of a special law by the Supreme Council of Ukraine and not a bylaw of the Cabinet of Ministers of Ukraine. So, in order to restrict the constitutional right of peaceful assembly which is allowed by Article 39 of the Constitution of Ukraine and Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, a clear decision of the body of legislative power is required.

The practice of general jurisdiction courts in Ukraine didn't hold a course for deciding the issue regarding the legitimacy of corresponding provisions of the police from the perspective of substantive law but canceled them on formal grounds mainly – the inappropriate quality of reports, lack of evidence, etc.(Topolevskyi). The situation was improved by the decision of the Constitutional Court of Ukraine concerning governmental Resolution No. 392 because quarantine measures were also foreseen later by orders No. 641 (July 22, 2020) and No. 1236 (December 9, 2020).

Conclusions. So, in general the epidemic COVID-19 had negative affect into the realization of political rights of citizens but this influence can't be considered decisive. The epidemic threat necessitated the introduction of quarantine measures in accordance with the law of Ukraine “The protection of the population against infectious diseases”. Such measures had been implemented by a number of government acts. At the same time, certain quarantine measures directly restricted constitutional rights and freedoms, such restrictions are allowed only through the adoption of a law

by the Supreme Council of Ukraine. Instead, such law wasn't passed. The constitutionality of these restrictions was discussed not only in society and professional circles, but also became the subject of consideration by the Constitutional Court of Ukraine.

References:

1. Pohorilko V. F., Fedorenko V. L. (2010) Constitutional law of Ukraine. Kyiv. (in Ukrainian).
2. (2020). On the Prevention of Acute Respiratory Disease COVID-19 Caused by Coronavirus Sars-CoV2 in the Territory of Ukraine: Resolution of the Cabinet of Ministers of Ukraine as of March 11, 2020 No. 211. URL: <https://zakon.rada.gov.ua/laws/show/211-2020-%D0%BF#Text> (in Ukrainian).
3. (2020). On the Introduction of Quarantine in Order to Prevent Acute Respiratory Disease COVID-19 Caused by Coronavirus Sars-CoV2 in the Territory of Ukraine: Resolution of the Cabinet of Ministers of Ukraine as of May 20, 2020 No. 392. URL: <https://zakon.rada.gov.ua/laws/show/392-2020-%D0%BF#Text> (in Ukrainian).
4. (2020). Decision of the Constitutional Court of Ukraine as of August 28, 2020 No. 10-p/2020 "in the case of constitutional production of the Supreme Court as to the constitutionality of certain provisions of the Resolution of the Cabinet of Ministers No. 392 "On the Prevention of Acute Respiratory Disease COVID-19 Caused by Coronavirus SARS-CoV2 in the Territory of Ukraine and Stages of Weakening Anti-Epidemic Measures", first and third provision of Article 29 of the Law of Ukraine "On State Budget of Ukraine 2020", paragraph 9 of the second provision of the second Chapter of "Final Provision" of the Law of Ukraine "On Introducing Amendments to the Law of Ukraine "On State Budget of Ukraine 2020". URL: <https://zakon.rada.gov.ua/laws/show/v010p710-20#Text> (in Ukrainian).
5. (2020). Special opinion of the judge of the Constitutional Court of Ukraine V. V. Lemak aconcerning the Decision of the Constitutional Court of Ukraine as of August 28, 2020 No. 10-p/2020 "in the case of constitutional production of the Supreme Court as to the constitutionality of certain provisions of the Resolution of the Cabinet of Ministers No. 392 "On the Prevention of Acute Respiratory Disease COVID-19 Caused by Coronavirus SARS-CoV2 in the Territory of Ukraine and Stages of Weakening Anti-Epidemic Measures", first and third provision of Article 29 of the Law of Ukraine "On State Budget of Ukraine 2020", paragraph 9 of the second provision of the second Chapter of "Final Provision" of the Law of Ukraine "On Introducing Amendments to the Law of Ukraine "On State Budget of Ukraine 2020". URL: <https://zakon.rada.gov.ua/laws/show/nb10d710-20#n2> (in Ukrainian).
6. (2020). On the Prevention of Quarantine and Introduction of Anti-Epidemic Measures in the Territory with a Significant Spread COVID-19, Caused by Coronavirus SARS-CoV2: Resolution of the Cabinet of Ministers of Ukraine of July 22, 2020 No. 641. URL: <https://zakon.rada.gov.ua/laws/show/641-2020-%D0%BF/ed20200722#Text> (in Ukrainian).
7. (2020). On the Prevention of Quarantine and the Introduction of Restrictive Measures in the Territory of Ukraine Respiratory Disease COVID-19 Caused by Coronavirus SARS-Co V2: Resolution of the Cabinet of Ministers of Ukraine of December 9, 2020 No.1236. URL:<https://zakon.rada.gov.ua/laws/show/1236-2020-%D0%BF#Text> (in Ukrainian).
8. Korniyenko V. O. (2021). European election standards and constitutional legal regulation local elections in Ukraine: dissertation for a scientific degree of Doctor of philosophy in the field of knowledge 08 Law specialty 081 Law. Odessa. (in Ukrainian).
9. (2020). Global overview of COVID-19: Impact on elections. URL: <https://www.idea.int/news-media/multimedia-reports/global-overview-covid-19-impact-elections> (in English).
10. (1996). The Constitution of Ukraine of June 28, 1996 URL: <https://zakon.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80#n4238> (in Ukrainian).
11. (2000). On the Legal Regime of the State of Emergency: law of Ukraine of March 16, 2000 No. 1550-III. URL: <https://zakon.rada.gov.ua/laws/show/1550-14#Text> (in Ukrainian).
12. Aivazovska O., Rizhamadze N., Postica P., Bokataru I., Iriskulbekov E., Peitie P. (2020). Influence of pandemic COVID-19 in 2020 on the organization and holding the elections in post-soviet states: cross-sectional study electoral environments in Ukraine, Moldova, Georgia and Kyrgyzstan. Kyiv. (in Ukrainian).
13. (2020). Approved anti-epidemic measures during holding elections. URL: <https://www.kmu.gov.ua/news/zatverdzheno-protiepi-demichni-zahodi-pid-chas-provedennya-vivoriv>. (in Ukrainian).
14. (2020). Assignment of settlements to red or others epidemic zones doesn't affect for holding local elections in October 25. URL: <https://www.ukrinform.ua/rubric-elections/3121052-cervona-zona-ne-e-pricinou-dla-skasuvanna-vivoriv-cvk.html>. (in Ukrainian).
15. (2020). Voter turnout in local elections on October, 25 2020. The Central Election Commission: official website. URL: <https://www.cvk.gov.ua/novini/yavka-vibortsiv-na-mistsevih-vivorah-25zhovtnya-2020-roku-sklala-3688.html>. (in Ukrainian).
16. (2020). On Introduction of Amendments to the Resolution of the Cabinet of Ministers of Ukraine as of July 22, 2020 No. 641: the Resolution of the Cabinet of Ministers of Ukraine as of September 14, 2020 No. 846. URL: <https://zakon.rada.gov.ua/laws/show/846-2020-%D0%BF/ed20200914#Text>. (in Ukrainian).
17. (2020). Half Million Dollars on Facebook Advertising in a Month. September 3, 2020. URL: https://www.oporua.org/12en/news/vybory/polit_ad/20556-piv-miliona-dolariv-na-reklamu-v-facebook-za-misiats/naishchedrishi-u-serpni-politichni-partiyyi (in Ukrainian).
18. (2020). Electoral Code of Ukraine as of December 19, 2020. URL: <https://zakon.rada.gov.ua/laws/show/396-20#Text> (in Ukrainian).
19. (2020). Observation on Ukrainian Elections. URL: https://www.ndi.org/sites/default/files/NDI%20Ukraine%20Local%20Elections%20Statement%20-%20October%202020%20-%20UKR%20final_v2_0.pdf. (in Ukrainian).
20. (2020). On Immediate Measures of Providing Conditions for Safe Organization and Conducting Revoting of Local Elections on October 25, 2020 and Selected Issues of Implementation of Anti-Epidemic Measures while its Preparation and Conduct: Resolution of the Central Election Commission as of November 6, 2020 No 450. URL: <https://zakon.rada.gov.ua/laws/show/v0450359-20#Text>. (in Ukrainian).
21. Zozulia O. I. (2020). Civil and Political Human Rights amid Spread of COVID-19 in Ukraine. *Law Forum*, 2020, 61 (2). 13–14. (in Ukrainian).
22. Topolevskiy R. (2020). Is it Legal to Punish Activists for Peaceful Assembly during the Quarantine? URL: <https://centre7.org.ua/chy-pravomirno-karaty-hromads-kykh-aktyvistiv-za-provedennia-myrykh-zibran-pid-chas-karantynu/>. (in Ukrainian).