



Memorandum of the All-Ukrainian Initiative “For Peaceful Protest!”

Kyiv, November 25, 2012

We, non-governmental organizations and civic associations,

based on the Resolution of the Forum of civic organizations of Ukraine on compliance and legal right to peaceful assembly in Ukraine (Kyiv, November 2, 2011);

declaring the necessity to consolidate efforts to guarantee freedom of peaceful assembly in Ukraine;

recognizing that freedom of assembly is one of the most important human rights with the help of which people can not only defend social, economic, civil and political rights, but also change their country;

keeping in mind that freedom of assembly is an important prerequisite for exercising citizens' rights to freedom of speech, freedom of expression and of cultural and religious needs and interests of ethnic minorities;

realizing that freedom of assembly is one of the main forms of civil society existence,

adopt Principles of the All-Ukrainian Initiative “For Peaceful Protest!” (further – Initiative) as the main document regulating its work.

The following actions planned to be conducted within the framework of the Initiative:

- prompt response to restrictions on freedom of assembly at the local level – repressions by the law enforcement agencies, ordinances that restrict human rights, etc.
- educate civic activists on how to protect the freedom of peaceful assembly (schools, trainings, lectures, etc.);
- establish a dialogue on protecting freedom of peaceful assembly with government officials, law enforcement agencies and judges;
- conduct international solidarity events;
- monitor protests in Ukraine and repressions by the authorities against them;
- monitor legal initiatives on peaceful assemblies, bills, amendments, and advocate them;
- block legal initiatives that threaten freedom of peaceful assembly;
- promote value of peaceful assemblies for protection of public interests;
- provide expert assistance to the Ukrainian government;
- initiate and assist strategic cases on freedom of assembly in the European Court on Human Rights, UN Committee on Human Rights and other international institutions;
- appeal against unconstitutional ordinances on how to conduct meetings, pickets and demonstrations and against unjust court decisions banning peaceful assemblies.

We promote principles recognized by international and European organizations as well as seek them to be followed by courts, law enforcement agencies, local governments and state bodies of Ukraine:

1. The presumption in favor of holding assemblies.
2. The state's positive obligation to facilitate and protect peaceful assembly.
3. Legality.

4. Proportionality.
5. Non-discrimination.
6. Good administration.
7. The liability of the regulatory authority.

During preparation of legislative acts and other activities, we advocate for the following provisions:

1. Freedom of assembly should require a notice of intent rather than a request for permission.
2. The right to freedom of assembly must be guaranteed to all citizens of Ukraine including sexual, national, religious and cultural minorities; minors, disabled, imprisoned, stateless persons, foreigners (despite whether they have legal rights to be in the county). The freedom to organize and participate in peaceful assemblies must not be discriminate against sex, age, ethnicity, party or ideological affiliation and sexual orientation.
3. Notification about an assembly is a right but not an obligation of participants of assemblies. Therefore one cannot establish compulsory period of notice about an assembly. Absence of notification cannot be a ground for restrictions of freedom of assembly.
4. Procedure of notification cannot be no way complicated.
5. Obligations not foreseen in the Constitution and International Law cannot be imposed on organizers and participants of assemblies.
6. The right to spontaneous and simultaneous assemblies and counter-demonstrations must be guaranteed.
7. Special law must determine a comprehensive list of places where it is prohibited to conduct peaceful assemblies.
8. Organizers and participants of an assembly should bear responsibility solely for violating public order but not for non-complying with formal procedures, e.g. notice about an assembly. Namely, article 185-1 of the Code of Administrative Offences of Ukraine must be eliminated.
9. Organizers and participants of peaceful assemblies should have the right to appeal against court bans of conducting assemblies prior to the beginning of assemblies.
10. All kinds of peaceful assemblies, including peaceful assemblies during strikes and religious events, should be regulated the same as other kinds of assemblies.
11. Representatives of law enforcement bodies must have special identifying marks.
12. Officials must carry responsibility for violating the right to peaceful assembly.
13. Restrictions on freedom of assemblies can be imposed only by courts and only in exceptional cases, if they are necessary for democratic society.
14. There should be no restrictions on time and place of conducting peaceful assemblies. Peaceful assemblies can be facilitated within “sight and sound” of their target audience.



Principles of the All-Ukrainian Initiative

«For Peaceful Protest!»

The All-Ukrainian Initiative “For Peaceful Protest” (further – Initiative) is a voluntary informal association of non-governmental organizations and community groups that joined Memorandum, adopted November 25, 2012.

I. Terms of joining the Initiative

NGOs and civic groups chose themselves the level of their involvement of the Initiative work.

1. Supporters of the Initiative

NGOs and civic groups can join the Initiative as its supporters. In order to become a supporter and receive information about the work of the Initiative, it is necessary to apply in the required form to the Secretariat of the Initiative and declare joining the Memorandum.

2. Members of the Initiative (further – members)

Initiators of creating an Initiative are its first members. In order to join the Initiative, one should already be a supporter of the Initiative. In order to become a member, it is necessary to apply in the required form to the Secretariat of the Initiative that provides the status of a member through the established procedure.

II. Procedure of making decisions

Such decisions as accepting new members, excluding from the Initiative, approving provisions, changes to the Principles and composition of the bodies of the Initiative, as well as public documents that needs to be made, are sent to the members for consideration and they have two days to react. The decision is considered approved if none of the members is against the proposal. When discussing the decision of excluding a member from the Initiative, the one that has been excluded, has no right for veto.

Members of the Initiative suggest potential candidates for including them into the working bodies of the Initiative.

III. The Secretariat of the Initiative

The Secretariat, headed by a chairman, manages activities of the Initiative. It performs the following functions:

- organize meetings of the Initiative;
- accept applications and keep records of supporters and members;
- develop provisions of the work of the Secretariat;
- choose the chairman of the Secretariat;
- moderate mailings of the Initiative;
- distribute information within the Initiative and public documents of the Initiative.

IV. Terms of excluding from the Initiative

Any member of the Initiative can initiate the exclusion of other member of the Initiative who violated these Principles, or discredited the Initiative or its members. In addition, members of the Initiative can leave it if they want to, after informing the Secretariat.

V. Public documents of the Initiative

There could be public documents released on behalf of the Initiative, for example, statements, appeals, press-releases etc. Public documents needed for immediate response can be drafted by any member of the Initiative and distributed via Secretariat that should inform members in advance. The Secretariat should conduct additional consultations with members of the Initiative before publishing documents in case they might not be perceived well by the members.

VI. Terms of amending this document

Members of the Initiative make decisions on amending the Principles.