

P7_TA(2012)0507

Situation in Ukraine

European Parliament resolution of 13 December 2012 on the situation in Ukraine 2012/2889(RSP))

The European Parliament,

- having regard to its previous resolutions and reports, in particular those of 1 December 2011 containing the European Parliament’s recommendations to the Council, the Commission and the EEAS on the negotiations on the EU-Ukraine Association Agreement¹ and of 24 May 2012 on the situation in Ukraine and the case of Yulia Tymoshenko²,
 - having regard to the interim reports and preliminary conclusions of the OSCE/ODIHR election observation mission to Ukraine, in particular the Statement of Preliminary Findings and Conclusions, issued on 29 October 2012 jointly with the OSCE Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe, the European Parliament and the NATO Parliamentary Assembly,
 - having regard to the joint statement on the parliamentary elections in Ukraine issued by High Representative Catherine Ashton and Commissioner Štefan Füle on 12 November 2012,
 - having regard to the Council conclusions on Ukraine of 10 December 2012,
 - having regard to the statement made by former Polish President Aleksander Kwasniewski and former European Parliament President Pat Cox on 3 October 2012, stating that the elections will be ‘decisive’ for the future of Ukraine and that the ‘momentum in EU-Ukraine relations has stalled’,
 - having regard to the report of Parliament’s ad hoc election observation delegation to the parliamentary elections in Ukraine, presented at the Committee of Foreign Affairs meeting of 6 November 2012,
 - having regard to the EU-Ukraine Action Plan on Visa Liberalisation, adopted on 22 November 2010,
 - having regard to the ENP Progress Report on Ukraine, published on 15 May 2012,
 - having regard to Rule 110(2) and (4) of its Rules of Procedure,
- A. whereas the 2011 EU-Ukraine summit in Kyiv recognised Ukraine as a European country with a European identity, which shares a common history and common values with the countries of the European Union;
- B. whereas OSCE/ODIHR and international election observers found evidence that the Ukrainian elections were characterised by an unbalanced media environment,

¹ Texts adopted, P7_TA(2011)0545.

² Texts adopted, P7_TA(2012)0221.

mismanagement regarding the composition of the electoral commissions, lack of transparency in party financing, abuse of administrative resources, and a tilted playing field, also reflected in the absence of leading opposition candidates imprisoned for political reasons, which constituted a step backwards compared with previous general elections;

- C. whereas, while the OSCE has issued a generally positive assessment of the voting process on election day, international observers pointed to a lack of transparency in the way the final results were collated, and assessed negatively both the vote-tabulation process in 77 out of the 161 district election commissions observed and the fact that delays in vote tabulation continued on 10 November in 12 single-mandate districts;
 - D. whereas, according to OSCE/ODIHR reports, the conduct of the post-electoral process was marred by irregularities, delays in the vote count and a lack of transparency in the electoral commissions;
 - E. whereas, in a joint statement, Vice-President / High Representative Catherine Ashton and Commissioner Štefan Füle expressed concern about the conduct of the post-electoral process, which was marred by irregularities;
 - F. whereas the general elections of 28 October 2012 were considered a key test for Ukraine in signalling the irreversibility of the country's engagement towards the development of a fully-fledged democratic system, the consolidation of the rule of law and the continuation of political reforms;
 - G. whereas, for the first time, the Venice Commission and the Parliamentary Assembly of the Council of Europe (PACE) issued recommendations stating very clearly that Ukraine should have a proportional system with open lists;
 - H. whereas the European Parliament's special envoy, Aleksander Kwasniewski, warned against attempts to isolate Ukraine, which could lead to the creation of favourable conditions for undemocratic regimes;
 - I. whereas the EU-Ukraine summit of December 2011, which was intended to lead to the signing of the association agreement, fell short of its objective due to the EU's uneasiness concerning the political situation in Ukraine, in particular the arrest and trial of opposition leaders Yulia Tymoshenko and Yuri Lutsenko;
 - J. whereas the Verkhovna Rada is examining Bill 8711, a liberticidal piece of legislation that will limit freedom of expression and assembly for those who support the human rights of lesbian, gay, bisexual and transgender people; whereas the United Nations Human Rights Committee recently ruled that this breaches Articles 19 and 26 of the International Covenant on Civil and Political Rights;
1. Expresses regret at the fact that, according to the OSCE, PACE, NATO Parliamentary Assembly and European Parliament observers, the electoral campaign, electoral process and post-electoral process failed to meet major international standards and constitute a step backwards compared with the national elections in 2010;
 2. Notes, in particular, that certain aspects of the pre-election period (the arrest of opposition political leaders, the lack of a level playing field, caused primarily by the misuse of administrative resources, cases of harassment and intimidation of candidates and electoral

staff, a lack of transparency in campaign and party financing, and a lack of balanced media coverage) and the irregularities and delays in the vote count and tabulation process constituted a step backwards compared with recent national elections;

3. Stresses that the fact that two leaders of the opposition, Yulia Tymoshenko and Yuri Lutsenko, and others were held in jail during the elections adversely affected the electoral process;
4. Stresses that effective cooperation between Ukraine and the European Union can only be realised on the basis of a clear willingness on the part of the Ukrainian authorities to carry out and implement the necessary reforms, in particular that of the legal and judicial system, with the aim of fully adhering to the principles of democracy and respect for human rights and fundamental freedoms, minority rights and the rule of law; calls for active and effective support to be given to this reform process by the institutions of the European Union, the Council of Europe and its Venice Commission;
5. Is concerned about the misuse of administrative resources and the system of campaign financing, which fell short of international standards as set by the Council of Europe's Group of States Against Corruption (GRECO); calls on the new government to continue strengthening the provisions of the law on party financing in order to provide for more transparency of funding and spending, the full disclosure of sources and amounts of campaign expenditure and the sanctions for violation of campaign funding provisions in particular;
6. Calls on the Government of Ukraine to address the electoral irregularities, including the inconclusive results in some election districts, in dialogue with all political parties; expects, furthermore, the Ukrainian parliament to address in due course the shortcomings of the electoral law; expects the Verkhovna Rada to be able to build on the existing proposals that were prepared by the outgoing parliament with the full support of the European Union and the Venice Commission;
7. Expresses its concern about the problems relating to the counting and tabulation of votes in a number of single-mandate constituencies; welcomes the decision of the Central Election Commission not to declare a result for these constituencies and the fact that the Ukrainian authorities started to take measures to hold new elections in these constituencies as rapidly possible;
8. Is concerned about the rising nationalistic sentiment in Ukraine, expressed in support for the Svoboda Party, which, as a result, is one of the two new parties to enter the Verkhovna Rada; recalls that racist, anti-Semitic and xenophobic views go against the EU's fundamental values and principles and therefore appeals to pro-democratic parties in the Verkhovna Rada not to associate with, endorse or form coalitions with this party;
9. Expresses continued support for the European aspirations of the Ukrainian people; regrets that the recent parliamentary elections did not constitute meaningful progress in advancing Ukraine's credentials in this regard; stresses that the EU remains committed to working with Ukraine, including civil society (NGOs, religious organisations, etc.), in order to improve democratic institutions, strengthen the rule of law, ensure media freedom and advance essential economic reforms;
10. Confirms the EU's commitment to further advancing relations with Ukraine through the

signing of the association agreement as soon as the Ukrainian authorities demonstrate determined action and tangible progress, as called for above, possibly by the time of the Eastern Partnership Summit in Vilnius in November 2013; notes that progress in political association and economic integration is dependent on Ukraine's tangible commitment to democratic principles, the rule of law, the independence of the judiciary and media freedom;

11. Notes the adoption and signing of the law on referendums in Ukraine; expects the Ukrainian authorities to consider the recommendations of the Venice Commission, once available, in order to prevent possible abuse of this legislation;
12. Makes a strong appeal to the Ukrainian authorities to find, together with the European Parliament's envoys, Aleksander Kwasniewski and Pat Cox, a reasonable and just solution to the Tymoshenko case; urges the Ukrainian Government to respect and implement the final decisions of the European Court of Human Rights on the ongoing case of Yulia Tymoshenko and Yuri Lutsenko;
13. Calls on Ukraine to end the selective application of justice in Ukraine at all levels of government and to make it possible for opposition parties to participate in political life on the basis of a level playing field; calls on the authorities, in this context, to free and rehabilitate politically persecuted opponents, including Yulia Tymoshenko, Yuri Lutsenko and others;
14. Welcomes the signing of the amended visa facilitation agreement between the European Union and Ukraine, which introduces clear improvements in the delivery of visas for Ukrainian citizens, compared with the agreement currently in force; calls on the Council to advance EU-Ukraine dialogue on visa liberalisation ahead of the Eastern Partnership Summit in Vilnius in November 2013;
15. Strongly appeals to VP/HR Catherine Ashton and Commissioner Štefan Füle to step up the EU's engagement with Ukraine and to remain committed to work towards using the full potential of the relations between the EU and Ukraine for the benefit of the citizens of Ukraine and the EU, *inter alia* by ensuring steady progress in the visa liberalisation dialogue;
16. Welcomes the conclusions of the Foreign Affairs Council meeting of 10 December 2012;
17. Calls on the Verkhovna Rada to reject Bill 8711, which limits freedom of expression in relation to sexual orientation and gender identity and which was adopted at first reading in October; points out that this law is in clear breach of the European Convention on Human Rights and the International Covenant on Civil and Political Rights, both ratified by the parliament of Ukraine;
18. Instructs its President to forward this resolution to the European External Action Service (EEAS), the Council, the Commission, the Member States, the President, Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council of Europe and the OSCE.