

## **Current developments in Ukraine**

### **European Parliament resolution of 27 October 2011 on the current developments in Ukraine**

*The European Parliament,*

- having regard to its previous resolutions on Ukraine,
  - having regard to the 2010 Country Progress Report on Ukraine and to the European Neighbourhood Policy (ENP) Review of 25 May 2011,
  - having regard to the statement by its President on the sentencing of former Ukrainian Prime Minister, Yulia Tymoshenko, on 11 October 2011,
  - having regard to the statements issued on 5 August and 11 October 2011 by the High Representative, Catherine Ashton, on behalf of the European Union on the verdict in the case of Yulia Tymoshenko,
  - having regard to the Joint Declaration of the Eastern Partnership summit held in Warsaw on 29/30 September 2011,
  - having regard to the Partnership and Cooperation Agreement (PCA) between the European Union and Ukraine, which entered into force on 1 March 1998, and to the ongoing negotiations on the Association Agreement, including a Deep and Comprehensive Free Trade Area, which is intended to replace the PCA,
  - having regard to the National Indicative Programme 2011-2013 for Ukraine,
  - having regard to Rule 110(4) of its Rules of Procedure,
- A. whereas the EU favours a stable and democratic Ukraine which respects the principles of the social market economy, the rule of law and human rights, protects minorities and guarantees fundamental rights; whereas Ukraine's domestic political stability, including a focus on internal reform and respect for the rule of law involving the establishment of fair, impartial and independent legal processes, is a prerequisite for the further development of relations between the EU and Ukraine;
- B. whereas one of the European Parliament's main foreign policy objectives is to enhance and foster relations with Ukraine and strengthen the ENP, which seeks to encourage political, economic and cultural relations between the countries concerned and the EU and its Member States;
- C. whereas the decision taken by the Pechersk District Court in Ukraine on 11 October 2011 to sentence former Prime Minister Yulia Tymoshenko to seven years' imprisonment, three years' prohibition of political activity, a fine of USD200 million and the confiscation of all her property is widely seen as either an act of revenge or as part of an attempt to convict and imprison opposition members in order to prevent them from standing and campaigning in next year's parliamentary election and the 2015 presidential election;

- D. whereas on 12 October 2011 the Ukraine Security Service launched a new criminal case against Yulia Tymoshenko and former Prime Minister Pavlo Lazarenko, who are accused of conspiring, while being the president and real owner of United Energy Systems of Ukraine, to misuse Ukrainian public funds on a massive scale;
  - E. whereas a growing number of officials are being held criminally accountable for their actions, including former government ministers, but mostly (deputy) heads of state departments and inspectorates, heads of sub-units of law-enforcement agencies, district court judges and heads of local authorities;
  - F. whereas the Ukraine Government has committed itself to a range of legal reforms that would bring the country's private and public law into line with European and international standards;
  - G. whereas the EU continues to emphasise the need to respect the rule of law, including by establishing fair, impartial and independent legal processes, thereby avoiding any danger of creating the perception that judicial measures are being used selectively; whereas the EU regards these principles as especially important in a country which aspires to enter into deeper contractual relationships and build on its political association with the Union;
1. Takes the view that a deepening of relations between the EU and Ukraine and the fact of offering Ukraine a European perspective are of great significance and in the interests of both parties; recognises Ukraine's aspirations pursuant to Article 49 of the Treaty on European Union, provided that all criteria, including respect for the principles of democracy, human rights, fundamental freedoms and the rule of law, are met;
  2. Deplores the sentencing of former Prime Minister Yulia Tymoshenko as a violation of human rights and an abuse of the judiciary for the purpose of the political suppression of Ukraine's leading opposition politician; emphasises that the law selectively applied against Tymoshenko dates back to Soviet times and makes provision for criminal prosecution for political decisions; whereas Articles 364 and 365 of that law, which are currently under review by the Verhovna Rada, do not conform to European and UN standards;
  3. Urges the Ukrainian authorities to ensure a fair, transparent and impartial legal process should Yulia Tymoshenko appeal against her conviction, and in the other trials against members of the former government; insists that Yulia Tymoshenko should be allowed to exercise her right to participate fully in the political process both as of now and in the forthcoming elections in Ukraine;
  4. Is concerned that the Tymoshenko trial is at odds with the Ukraine Government's proclaimed commitment to democracy and European values;
  5. Expresses genuine concern at the continued detention of the former Minister of the Interior, Yuri Lutsenko, against whom no sentence has yet been pronounced in his trial, and at other similar cases;
  6. Insists that all judicial proceedings against former and current senior government officials should be conducted in accordance with European standards of fairness, impartiality, transparency and independence;
  7. Takes the view that a failure to review Yulia Tymoshenko's conviction will jeopardise the

conclusion of the Association Agreement and its ratification, while pushing the country further away from the realisation of its European perspective; expresses concern at some signs of decline in democratic freedoms and at the possible instrumentalisation of state institutions for partisan purposes and to exact political revenge;

8. Stresses that the strengthening of the rule of law and internal reform, including a credible fight against corruption, are essential not only for the conclusion and ratification of the Association Agreement and the deepening of EU-Ukraine relations, but also for the consolidation of democracy in Ukraine;
9. Welcomes the agreement that has been reached on a Deep and Comprehensive Free Trade Area ; regards this agreement as a solid basis for the possible finalisation of the negotiations on an Association Agreement between the European Union and Ukraine;
10. Expresses alarm at reports concerning the deterioration of media freedom and pluralism in Ukraine; calls on the authorities to take all necessary measures to protect these essential aspects of a democratic society and to refrain from any attempt to control, directly or indirectly, the content of national media reporting;
11. Strongly supports the recommendations put forward in the joint opinion of the Venice Commission and the OSCE/ODIHR on the draft parliamentary election law; considers it essential that these recommendations should be adopted and implemented in an expedient, inclusive and comprehensive fashion, involving both the opposition and civil society;
12. Urges all political forces in Ukraine to conduct a fair and transparent debate about the political decision-making process; insists that investigations into possible failures in that process should be carried out by a parliamentary committee of inquiry;
13. Considers that the recently postponed meeting with President Yanukovych would have offered an excellent opportunity to tackle serious concerns which have been addressed to the Ukraine Government and re-establish a constructive dialogue that could lead to the initialling of the Association Agreement, provided that significant progress is made on the remaining technical and key political obstacles; calls on the Council and Commission to reschedule the meeting with President Yanukovych so that it takes place ahead of the planned EU-Ukraine Summit in December 2011;
14. Calls on the Commission to support judicial reform in Ukraine by making better use of the EU's capacity-building programme and to consider setting up a High-Level EU Advisory Group to assist Ukraine in its efforts to fall into line with EU legislation, including in the judicial sphere;
15. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Government and Parliament of Ukraine and the Parliamentary Assemblies of the Council of Europe and the OSCE.