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Plenary sitting

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MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 110(2) of the Rules of Procedure

on the situation in Ukraine
(2012/2889(RSP))

Johannes Cornelis van Baalen, Graham Watson, Alexander Graf Lambsdorff
on behalf of the ALDE Group

**European Parliament resolution on the situation in Ukraine
(2012/2889(RSP))**

The European Parliament,

- having regard to its previous resolutions on Ukraine,
 - having regard to the joint statement of preliminary findings and conclusions of international election observation issued by the OSCE Parliamentary Assembly, the OSCE/ODIHR, the NATO Parliamentary Assembly, the Parliamentary Assembly of the Council of Europe (PACE) and the European Parliament,
 - having regard to the joint statement by High Representative Catherine Ashton and Commissioner Štefan Füle on the parliamentary elections held in Ukraine on 3 and 12 November 2012,
 - having regard to the final election observation report of the Parliamentary Assembly of the Council of Europe (PACE), published on 29 November 2012,
 - having regard to the reports by NGOs, including OPORA, on the parliamentary elections,
 - having regard to the OSCE/ODIHR mission observation reports and its post-election interim report published on 9 November 2012,
 - having regard to the ongoing work of the monitoring mission of former Presidents Pat Cox and Aleksandr Kwasniewski, as initiated by President Martin Schulz and Prime Minister Mykola Azarov,
 - having regard to the statement made by Prime Minister Azarov on 8 November 2012 on the elaboration of the Electoral Code,
 - having regard to the continuous imprisonment of Yulia Tymoshenko and Yuri Lutsenko, prominent leaders of Ukraine's opposition,
 - having regard to the adoption and signing of the law on referendums on 27 November 2012,
 - having regard to the progress report on the implementation of the European Neighbourhood Policy in Ukraine, issued on 14 May 2012,
 - having regard to the statement of the EU-Ukraine Summit of 19 December 2011,
 - having regard to Rule 110(2) of its Rules of Procedure,
- A. whereas the parliamentary elections held in Ukraine on 28 October 2012 were observed by a large number of international monitors;

- B. whereas international election observers stressed that the Ukrainian elections of 28 October 2012 were lacking a level playing field, transparency of campaign and party financing and balanced media coverage;
- C. whereas the OSCE has noted some important improvements, in particular with regard to voter and candidate registration, while emphasising serious shortcomings in vote tabulation;
- 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 the political part of the association agreement between the EU and Ukraine was initialled on 30 March 2012 and the economic part was initialled on 19 July 2012;
- F. whereas the signing of the new agreement has been withheld, making it dependent upon political progress in Ukraine regarding the rule of law and reform of the justice system;
- G. whereas the general elections of 28 October 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;
- H. whereas opposition leaders Yulia Tymoshenko and Yuriy Lutsenko remain in prison and were not able to participate in the electoral process;
- I. whereas the Monitoring Committee of the PACE decided to request the Venice Commission's opinion on the law on referendums;
- J. whereas the law on biometric passports was adopted by the Verkhovna Rada and signed by the President on 29 November 2012;
- K. whereas a temporary investigative commission to probe election abuses in a number of single-mandate constituencies was set up in the Parliament of Ukraine on 6 November 2012;
- L. whereas a re-vote is being scheduled in five single-mandate constituencies;
- M. whereas on 3 December 2012 President Yanukovich accepted the resignation of the Azarov government,
 - 1. Notes with concern that the Ukrainian parliamentary elections of 28 October 2012 represent a step backwards for Ukrainian democracy, as concluded by number of international observer missions;
 - 2. Deplores the documented electoral violations presented in the OSCE/ODIHR assessment of the voting process and the conduct of the post-electoral process; is dismayed by the effect that reported violations have had on the result of the expression of the free will of Ukrainian citizens;

3. Reaffirms that the continuous imprisonment of Yulia Tymoshenko and Yuriy Lutsenko is an unacceptable example of the selective use of justice and the political instrumentalisation of the legal process for the benefit of the governing regime;
4. Considers that Ukraine's electoral law adopted in November 2011 has offered number of important improvements, in particular with regard to voter and candidate registration; considers, however, that it remains excessively complex and that a number of shortcomings in the fields of candidacy rights, adequate campaign finance provisions, absence of clear criteria for the delineation of single-mandate election districts and a lack of effective sanctions for serious violations of the law remain to be addressed and remedied;
5. Condemns the electoral violations recorded during the vote count and tabulation process at single-mandate districts; considers this to be a blatant effort to rig the outcome of the elections and a severe blow to the trust of Ukrainian citizens in the electoral process;
6. Notes the statement by Prime Minister Azarov on the need to elaborate the Electoral Code in Ukraine; calls on the newly constituted Verkhovna Rada to develop an Electoral Code, with consensual involvement of all parliamentary political forces in the country; 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. Welcomes the decision to establish a temporary investigative commission to probe election abuses in a number of single-mandate districts; hopes that it will allow a genuine 'across the aisle' dialogue between the government and opposition, tackling recorded violations of the electoral process, with the aim of addressing all the OSCE/ODIHR recommendations, as will be outlined in the final report;
8. Strongly supports the continuous work of the Cox-Kwasniewski monitoring mission; acknowledges Prime Minister Azarov's openness and commitment to support the monitoring mission in its work; considers that a similar format of dialogue and cooperation could be envisaged to address broader concerns relating to the worsening business climate, media freedom and the rule of law in Ukraine;
9. Expresses continued support for the European aspirations of the Ukrainian people; regrets that the recent parliamentary elections did not constitute a meaningful progress in advancing Ukraine's credentials in this regard; stresses that the EU remains committed to working with Ukraine 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 ratification of the association agreement; 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. Calls on the Council and the Commission to proceed with the signing of the association agreement with Ukraine whilst ensuring that the timing of the signature is conditional upon the ability of the Ukrainian authorities to address all of the OSCE/ODIHR and

Venice Commission recommendations, the establishment of a functioning political dialogue with the parliamentary opposition on defining the Electoral Code and tangible progress by the government on judicial reform;

12. Notes the adoption and signing of the law on referendums in Ukraine; expects the Ukrainian authorities to fully comply with the recommendations of the Venice Commission, once available, in order to address any speculation regarding possible abuse of this legislation;
13. 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 November 2013;
14. 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;
15. 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.