



Doc. 12329

06 July 2010

Rule of law, human rights and fighting corruption in Ukraine

Motion for a resolution

tabled by Mr Göran LINDBLAD and other members of the Assembly

This motion has not been discussed in the Assembly and commits only those who have signed it

According to the Transparency International Global Corruption Report 2009, the index of corruption in the judicial system of Ukraine is the highest in Europe. Unfortunately, the change of political power in Ukraine does not entail improvement in this key area ; rather the opposite trends can be observed.

Ordinary citizens and private companies remain helpless against arbitrariness of law enforcement officials, security agencies and fiscal bodies, such as police, tax police, security service, customs office.

Numerous cases of ill-treatment, unlawful searches and seizures, groundless criminal persecution of business people, whereas legitimacy of their transactions was previously confirmed by final courts' judgments, are reported; as well as collection of bribes which later go to the top officials instead of taxes.

The judicial system, in its present condition, seems to be incapable to protect rights and freedoms of citizens. The decisions of domestic courts against the state bodies remain non-enforced. Initiatives launched by the authorities so far have not led to any concrete results.

Furthermore, domestic courts remain reluctant to use the standards of the European Convention of Human Rights. Despite the fact that the Law No.3477-IV clearly provides that "while adjudicating cases, courts shall apply the Convention and the case-law of the Court as a source of law", too little was done to increase awareness of Ukrainian judges about the Court's case-law and their motivation to use it and to strengthen implementation of Convention rights at the national level.

Therefore, we, the undersigned, given the highest priority of the issues mentioned above for the prevalence of human rights and rule of law in Ukraine, urge to investigate these issues in a separate report, in parallel with the work undertaken by the Parliamentary Assembly's Monitoring Committee.

Signed (see overleaf)



*Signed*¹:

LINDBLAD Göran, Sweden, EPP/CD
AGRAMUNT Pedro, Spain, EPP/CD
CILEVIČS Boriss, Latvia, SOC
CIRCENE Ingrida, Latvia, EPP/CD
CONDE Agustín, Spain, EPP/CD
DENDIAS Nikolaos, Greece, EPP/CD
DÍAZ TEJERA Arcadio, Spain, SOC
GHILETCHI Valeriu, Republic of Moldova, EPP/CD
HAIBACH Holger, Germany, EPP/CD
HERKEL Andres, Estonia, EPP/CD
JANTUAN Stella, Republic of Moldova, SOC
LAAKSO Jaakko, Finland, UEL
LOTMAN Aleksei, Estonia, UEL
MEIKAR Silver, Estonia, ALDE
OMTZIGT Pieter, Netherlands
POURGOURIDES Christos, Cyprus, EPP/CD
RIGONI Andrea, Italy, ALDE
TOSHEV Latchezar, Bulgaria, EPP/CD
VAREIKIS Egidijus, Lithuania, EPP/CD
ZERNOVSKI Andrej, "The former Yugoslav Republic of Macedonia", ALDE
ZINGERIS Emanuelis, Lithuania, EPP/CD

1. ALDE: Alliance of Liberals and Democrats for Europe
EPP/CD: Group of the European People's Party
SOC: Socialist Group
UEL: Group of the Unified European Left