Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1395 (1999)[1]

Honouring of obligations and commitments by Ukraine

Parliamentary Assembly

1. The Assembly recalls its Resolution 1179 (1999) on the honouring of obligations and commitments by Ukraine, in which it notes that, since its accession to the Council of Europe on 9 November 1995, Ukraine has honoured part of its obligations and commitments as a member state, as they appear in Opinion No. 190 (1995), whilst expressing its deep concern as to the slow pace at which the state is fulfilling its remaining obligations and commitments.

2. The Assembly welcomes the fact that:

2.1. Ukraine has achieved settlement of international disputes by peaceful means and has avoided large-scale social unrest or civil war and has been a factor of stability in the region;

2.2. a new Constitution was adopted within one year of accession;

2.3. Ukraine has become a signatory to nearly all major Council of Europe conventions as specified in Parliamentary Assembly Opinion No. 190 (1995), in particular the European Convention on Human Rights and its Protocols Nos. 1, 2, 4, 7 and 11, the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Framework Convention for the Protection of National Minorities and the European Charter of Local Self-Government;

2.4. the law on elections of the President of Ukraine has been adopted;

2.5. the Constitution of the Autonomous Republic of Crimea has been adopted.

3. However, in the light of the report of its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, the Assembly deplores that, in the transitional phase between a totalitarian and a democratic state, Ukraine has not achieved a clear separation between the judicial, legislative and executive powers. There is continuing control by the executive and a determination to seek and hold political power, sometimes illegally, which may unduly influence the next presidential elections which are to take place in October 1999.

4. Many steps still have to be taken by the Ukrainian authorities to ensure the rule of law, as illustrated by non-implementation of decisions of the courts, a rise in corruption and criminality and the hiring of military personnel of the Ministry of the Interior for private purposes.

5. The legislative process has been slow and only a few of the fundamental legislative texts listed in Opinion No. 190 have been adopted. New civil and criminal codes have hardly been examined by the Verkhovna Rada (Parliament) and there has been very little progress in passing legislation on reform of the judiciary and the Prosecutor's Office, which should be a matter of priority to shorten the transitional period provided in the Constitution as much as possible.

6. The transfer of responsibility for the penitentiary system to the Ministry of Justice is lagging behind.

---

1. Assembly debate on 27 January 1999 (5th Sitting) (see Doc. 8272, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Mr Kelam and Mrs Severinsen.) Text adopted by the Assembly on 27 January 1999 (5th Sitting).

7. Legislation on local self-government should be passed without further delay, in conformity with the principles of the European Charter of Local Self-Government, including a clear distinction between the state administration and elected municipal councils. A new status for Kyiv and Sebastopol should be adopted in conformity with the Constitution and the European Charter of Local Self-Government.

8. As regards capital punishment, Ukraine has clearly failed to honour its commitments (212 persons executed between 9 November 1995 and 11 March 1997, according to official sources). At the same time the Assembly notes that since 11 March 1997 a de facto moratorium on executions had been introduced in Ukraine. The Assembly insists that the moratorium be reconfirmed de jure. The Verkhovna Rada should allow ratification of Protocol No. 6 of the European Convention on Human Rights as a matter of priority.

9. Allegations of torture and ill-treatment in custody should be thoroughly investigated and police activities should be submitted to greater control by an independent or judicial body.

10. State media should develop a neutral and independent editorial line and, were any legal action launched against opposition media, it should follow strict procedures, without forcing media that are under investigation to close.

11. The election appeals process should be simplified and deadlines should be established and respected for bringing and resolving complaints.

12. The Assembly welcomes the conclusion on 4 September 1998 of the agreement between the Governments of Ukraine and the Republic of Uzbekistan on simplified formalities for Crimean Tatars to renounce their Uzbekistan citizenship. In this regard, the Assembly encourages the Ukrainian authorities to accelerate the process of granting Ukrainian citizenship to Crimean Tatars in order to enable Crimean Tatars with permanent residence in Crimea to take part in the presidential elections in October 1999.

13. The Assembly stresses once more the importance of the de facto moratorium on executions and firmly declares that, if any further executions take place, the credentials of the Ukrainian parliamentary delegation shall be annulled at the following part-session of the Assembly, in accordance with Rule 6 of its Rules of Procedure.

14. It strongly recommends to the Committee of Ministers that the Assembly's concerns be reflected in the programmes of Activities for the Development and Consolidation of Democratic Stability (ADACS) for Ukraine, to help the country overcome the problems mentioned above, in particular as regards the training of judges, and that, in due course, it draw all the necessary conclusions from the development of the situation in Ukraine, including measures under Article 8 of the Statute of the Council of Europe.