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

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1194 (1999)[1]

Honouring of obligations and commitments by Ukraine

Parliamentary Assembly

1. The Assembly recalls its Resolution 1179 on the honouring of obligations and commitments by Ukraine adopted on 27 January 1999, in which it: "considers that the Ukrainian authorities, including the Verkhovna Rada, are responsible to a great extent for the failure to respect the commitments Ukraine entered into when becoming a member of the Council of Europe, in particular those aiming at adopting within a year of accession:

a framework act on the legal policy of Ukraine for the protection of human rights;

a framework act on legal and judicial reforms;

a new criminal code and code of criminal procedure;

a new civil code and code of civil procedure;

a new law on political parties, while a new law on elections has already been adopted.

Moreover, Ukraine committed itself to ratify within three years from the time of accession (9 November 1995) Protocol No. 6 of the European Convention on Human Rights on the abolition of the death penalty; the deadline is now over and the protocol has not been ratified. Furthermore, Ukraine has not honoured its commitment to ratify, within one year of accession, the European Charter for Regional or Minority Languages. This is the reason why the Assembly decides that, should substantial progress in honouring these commitments not be made by the opening of its June 1999 part-session, it shall:

1.1. proceed to the annulment of the credentials of the Ukrainian parliamentary delegation in accordance with Rule 6 of its Rules of Procedure, until these commitments have been fully complied with;

1.2. recommend that the Committee of Ministers proceed to suspend Ukraine from its right of representation, in conformity with Article 8 of the Statute of the Council of Europe."

2. It concludes from the report submitted by its Monitoring Committee that no substantial progress has been achieved by 20 May 1999 in the above-mentioned areas. However, it takes note of the fact that on 14 May 1999 the President of the Verkhovna Rada of Ukraine addressed instructions to the relevant parliamentary committees regarding steps to be taken towards the honouring of certain obligations and commitments of Ukraine.

3. Moreover, it appears from the aide-mémoire submitted by the Ukrainian delegation on 22 June 1999, that the following developments took place recently:

in April 1999, the Verkhovna Rada adopted on its first reading the draft law on the judiciary;

on 14 June 1999, the Constitutional Court began to examine a motion forwarded by parliamentarians on the initiative of the Ukrainian delegation to the Council of Europe regarding the unconstitutionality of the death penalty;

1. Assembly debate on 24 June 1999 (22nd and 23rd Sittings) (see Doc. 8424, 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 24 June 1999 (23rd Sitting).

on 17 June 1999, the Verkhovna Rada adopted a framework act concerning Ukraine's legal policy on human rights.

Some other commitments are close to being honoured:

on 7 May 1999 Ukraine signed the European Social Charter (revised);

in accordance with a Presidential decree of 13 March 1999, the Department of Ukraine for the Execution of Punishments has been withdrawn from the jurisdiction of the Ministry of Internal Affairs;

the Ukrainian Parliament approved in principle the European Charter for Regional and Minority Languages, with the subsequent legislative clarification of the mechanisms of executing the Charter to be specified by the Parliament prior to the summer recess;

the Ukrainian Parliament accepted on its third reading the Law on Political Parties, with final adoption to take place prior to the summer recess.

While the Assembly recognises that these steps are an indication that some progress has been made towards the honouring of Ukraine's commitments, much still remains to be done, both in terms of bringing Ukrainian legislation into conformity with European standards and in ensuring that the Ukrainian authorities observe these principles in their practical work, as well as in ensuring the rule of law which is necessitated by the existing facts of non-implementation of court decisions.

4. This is the reason why the Assembly decides that it would be appropriate to start at the first part of the 2000 Ordinary Session, in accordance with Rule 6 of its Rules of Procedure, the procedure aiming at suspending the rights of the members of the Ukrainian delegation to table official documents in the sense of Rule 23 of the Rules of Procedure, take on duties and vote in the Assembly and its bodies, while maintaining those members' rights to attend and to speak at Assembly part-sessions and meetings of its bodies, unless further developments regarded as substantial progress in the sense of Resolution 1179 of January 1999 have taken place.

5. The Assembly decides to transmit this resolution to the European Parliament, the European Commission, the OSCE, the European Bank for Reconstruction and Development, the World Bank, the International Monetary Fund, the Congress of Local and Regional Authorities of Europe and the Social Development Fund (as regards the social and economic re-integration of the Crimean Tatars) and invites them to take its provisions into account in their co-operation with Ukraine, in order to help the country overcome the above-mentioned problems.