



Resolution 1262 (2001)¹

Final version

Honouring of obligations and commitments by Ukraine

Parliamentary Assembly

1. The Parliamentary Assembly refers to its Resolutions [1179 \(1999\)](#), [1194 \(1999\)](#), [1239 \(2001\)](#) and in particular to [Resolution 1244 \(2001\)](#) on the honouring of obligations and commitments by Ukraine, adopted by the Assembly on 26 April 2001.
2. In respect of Resolution 1244 (2001), the Assembly recalls the firm commitment of the Ukrainian delegation and the leaders of the parties and factions of the Rada to fulfil Ukraine's obligations and commitments, including in particular:
 - i. a framework act on the legal policy for the protection of human rights;
 - ii. a framework act on legal and judicial reform;
 - iii. a new criminal code and a code of criminal procedure;
 - iv. a new civil code and a new code of civil procedure;
 - v. transformation of the role and functions of the General Prosecutor's office;
 - vi. the completion of the interrupted ratification process of the European Charter for Regional or Minority Languages, and adequate protection for all minority groups in Ukraine.
3. With regard to these obligations and commitments, the Assembly is pleased to note that:
 - i. a new criminal code was adopted by the Rada on 5 April 2001, and signed by the President on 17 May 2001; it entered into force on 1 September 2001;
 - ii. a final draft of a new code of criminal procedure was submitted to the Rada on 23 June 2001;
 - iii. four out of six chapters of a new civil code were adopted by the Rada, while a law on amendments to the existing Code of Civil Procedure was adopted by the Rada on 21 June 2001;
 - iv. a new law on political parties was adopted by the Rada on 5 April 2001, signed by the President on 28 April 2001;
 - v. a package of ten laws ("small judicial reform") was adopted by the Rada on 21 June 2001 that stipulate amendments to existing laws – aiming to ensure the work of the judiciary and law-enforcement bodies after the termination of the so-called "transitional provisions" on 28 June 2001;
 - vi. a new draft law on the ratification of the European Charter for Regional or Minority Languages was submitted by President Leonid Kuchma to the Rada on 30 August 2001.

1. Assembly debate on 27 September 2001 (30th and 31st Sitings) (see [Doc. 9226](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, co-rapporteurs: Mrs Severinsen and Mrs Wohlwend). Text adopted by the Assembly on 27 September 2001 (31st Sitting).



4. With regard to the remaining commitments in the fields of domestic legislation and implementation of reforms, the Assembly urges the Ukrainian authorities to continue their efforts, but also to strengthen co-operation with the Council of Europe in order to ensure full compatibility of Ukrainian legislation and practice with the Organisation's principles and standards, especially with standards guaranteed by the European Convention on Human Rights and the Strasbourg Court's case-law.
5. In this respect the Assembly urges the Ukrainian authorities to fully implement the reform of the General Prosecutor's office, in accordance with Council of Europe principles and standards, with a view to abolishing the prosecutor's supervisory functions which are incompatible with the Constitution of Ukraine and risk undermining the independence of a rather weak judiciary.
6. The Assembly encourages Ukraine to demonstrate democratic progress by ensuring a democratic and transparent preparation for fair and free parliamentary elections next year.
7. The Assembly resolves to send a special mission to Ukraine to follow the preparations for the next parliamentary elections which are to be held in March 2002, and declares its intention to observe their conduct.
8. The Assembly notes the recent moves by Ukraine designed to protect journalists, specifically the harsher punishments against those convicted of harassing and/or persecuting journalists in the new Criminal Code. None the less, the Assembly condemns the aggression against, intimidation and even murder of journalists, members of parliament and opposition politicians in Ukraine. It calls on the Ukrainian authorities to ensure the rule of law, to conduct their media policy in a way which will convincingly demonstrate respect for the freedom of expression in the country and to improve the legal framework for the media as well as the safety and working conditions of journalists. In particular, the Assembly urges the authorities concerned to take the measures outlined in paragraph 5 of Resolution 1244. In addition, it urges them:
 - i. to accelerate and complete the investigations of the disappearance and murder of Mr Heorhiy Gongadze, or initiate – if necessary – a new independent investigation in this matter, with the help of international experts;
 - ii. to conduct a full, transparent and impartial investigation of the murder of Mr Ihor Alexandrov and of other cases of journalists who have died in dubious circumstances;
 - iii. to initiate a special investigation in the case of Mr Yeliashkevich, Deputy Chairman of the Financial Committee of the Rada.
9. The Assembly welcomes the Presidential Decree of 30 August 2001 on local and regional democracy, but regrets undue dismissal and pressure put on a number of mayors and elected local representatives, and urges the Ukrainian authorities to implement fully the European Charter of Local Self-Government which was ratified on 11 September 1997 and entered into force on 1 January 1998.
10. The Assembly urges the Ukrainian authorities to create appropriate conditions for national minorities, so that they can maintain and develop their culture and identity.
11. The Assembly invites the Ukrainian authorities:
 - i. to subordinate the State Department for the Execution of Punishments to the Ministry of Justice, and to complete the transfer of different pre-trial detention centres, still under the authority of the Ministry of the Interior or the security services, also to the Ministry of Justice;
 - ii. to improve the conditions of detention in the country and to implement the recommendations in the reports which the European Committee for the Prevention of Torture has drawn up following its visits in 1998, 1999 and 2000.
12. In the light of the above, the Assembly concludes that substantial progress has, indeed, been made by Ukraine since the adoption of Assembly [Resolution 1244 \(2001\)](#) in April of this year, particularly with respect to significant new legislation recently enacted in Ukraine. The Assembly calls upon the Ukrainian authorities to firmly apply the new Criminal Code and the ratified conventions in the field of human rights in order to further advance on the road towards pluralist democracy. Hence, the Assembly further resolves that in the event that Ukraine should ultimately honour its few remaining commitments before the Council as per [Opinion No. 190 \(1995\)](#) by the January 2002 part-session, it will consider terminating the formal monitoring procedure regarding Ukraine, while continuing the ongoing dialogue with the Ukrainian authorities within a broader monitoring framework regarding measures that may be taken in order to address some of the problem areas that were identified in the process of the monitoring procedure.