Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2132 (2016)[1]

Political consequences of the Russian aggression in Ukraine

Parliamentary Assembly

1. More than two years after the outbreak of the Russian aggression in Ukraine, the Parliamentary Assembly is deeply concerned about its political consequences both for Ukraine itself and for the overall stability and security in Europe.

2. For Ukraine, the conflict has resulted in the violation of its sovereignty and territorial integrity. This started, in the aftermath of the Euromaidan, with the illegal annexation of Crimea by the Russian Federation and has continued with Russia's support for separatists in eastern Ukraine and its growing role in the ongoing conflict. Since mid-April 2014, more than 9 300 people have been killed, more than 21 500 people have been injured and almost one-and-a-half million people have left their homes as a result of the conflict. Hundreds are being held captive or are reported missing.

3. The Assembly reaffirms its commitment to the principle of peaceful settlement of disputes and to the independence, sovereignty and territorial integrity of Ukraine, within its internationally recognised borders.

4. As regards Crimea, the Assembly reiterates its condemnation of the illegal annexation of the peninsula and its continuing integration into the Russian Federation, in breach of international law and the Statute of the Council of Europe (ETS No. 1). It regrets that, despite the continuing refusal of the international community to recognise Crimea's annexation by the Russian Federation and the application of various types of sanctions against the Russian Federation and Russian citizens, not only has the annexation not been reversed, but the human rights situation in the peninsula continues to deteriorate. In particular, the Assembly:

4.1. condemns the illegal Duma elections held on 18 September in occupied Crimea and considers their results null and void. The incorporation of Ukrainian sovereign territory into Russian federal constituencies and the creation of four single-member constituencies are blunt violations of international law and effectively compromise the legitimacy of the Russian Parliament;

4.2. is deeply concerned about actions against critical media outlets, acts of intimidation and harassment against opponents, cases of disappearances and threats of abduction and the repression of persons belonging to minorities, in particular the Crimean Tatars, in the application of the law on extremism;

4.3. considers the banning of the Mejlis of the Crimean Tatar People, declared to be "an extremist organisation", to be a harsh repressive measure targeting the whole Crimean Tatar community and calls for this measure to be reversed;

4.4. calls for full and unrestricted access to the Crimean Peninsula for all human rights bodies of the Council of Europe in order for them to carry out their monitoring activities unimpeded and in accordance with their mandates;

4.5. calls on the Russian authorities to reverse the illegal annexation of Crimea and allow Ukraine to regain control of the peninsula.

1. *Assembly debate* on 12 October 2016 (33rd Sitting) (see Doc. 14130, report of the Committee on Political Affairs and Democracy, rapporteur: Ms Kristýna Zelienková). *Text adopted by the Assembly* on 12 October 2016 (33rd Sitting).

5. As regards the ongoing conflict in eastern Ukraine, the Assembly is deeply concerned about the continuing violations of the ceasefire, in breach of the Minsk Agreements and the Package of Measures for their Implementation of February 2015. The escalation of violence along the contact line in Donbas has resulted in the movement of positions of the two sides closer to the contact line and in an increase in the number of civilian casualties caused by shelling. The Assembly also regrets increasing violations of weapon withdrawal commitments and restrictions on the freedom of movement of the Special Monitoring Mission of the Organization for Security and Co-operation in Europe (OSCE).

6. The Assembly reiterates its support for a peaceful solution to the conflict and for the Minsk process. It calls once again for:

6.1. the Russian Federation to withdraw its troops from the territory of Ukraine and stop providing the separatists with military supplies

6.2. all sides to implement, responsibly and in good faith, the commitments undertaken under the Minsk Agreements and the Package of Measures for their Implementation, starting with full respect for the ceasefire.

7. The Assembly regrets that, against a security situation that has deteriorated and in the absence of a sustainable ceasefire, there has been no progress in the implementation of the political aspects of the Package of Measures for the Implementation of the Minsk Agreements.

8. As regards, in particular, the issue of local elections to be organised in Donbas, the Assembly underlines that for such elections to be in line with Ukrainian legislation and international standards on free and fair elections there is a need to ensure: an improved security environment, with full access for the OSCE Special Monitoring Mission throughout the entire territory of Donbas, with the border sealed and controlled by the Special Monitoring Mission following the complete withdrawal of Russian troops, mercenaries and weapons, and safe storage of weapons under international supervision; that all Ukrainian parties have the opportunity to participate in the elections and for Ukrainian media to broadcast in Donbas during the campaign; respect for the right of people from Donbas who are internally displaced in Ukraine or have sought asylum in the Russian Federation to take part in the vote.

9. The Assembly welcomes the release of one of its members, Ms Nadiia Savchenko, after repeated calls by the international community, including more recently in Assembly Resolution 2112 (2016) on the humanitarian concerns with regard to people captured during the war in Ukraine. It also welcomes the release of Mr Yuri Soloshenko, Mr Gennady Afanasyev and of other prisoners. These releases are not only important humanitarian gestures, but also offer an opportunity to build trust between the sides in the conflict and provide the Minsk process with positive momentum. The Assembly reiterates its call for the release of all captured persons in line with Resolution 2112 (2016).

10. The Assembly joins the Council of Europe Commissioner for Human Rights in his call to ensure accountability for serious human rights violations committed during the conflict as a key to the reconciliation process. Perpetrators of grave crimes, such as unlawful killings, enforced disappearances and torture on both sides of the contact line, must be brought to account.

11. Only a democratic Ukraine with stable, efficient and accountable institutions, a pluralist political environment and free media, following through at last with the promises of the Euromaidan to reform a corrupt and oligarchic system, will be a strong and prosperous Ukraine, capable of stopping external aggression and restoring peace. Therefore, the Assembly:

11.1. deeply concerned to observe the regular pressure imposed on political opposition and independent media, calls on the Ukrainian authorities to follow international democratic standards, including media pluralism and the existence of independent political opposition;

11.2. calls on the Ukrainian authorities to establish a national dialogue and to improve relations between different ethnic, linguistic and religious groups in Ukrainian society;

11.3. while welcoming the adoption of constitutional amendments on the judiciary, urges the Ukrainian authorities to effectively implement the new measures, resolutely combat all forms of corruption, including at the highest political level, ensure the effective functioning of the newly established anti-corruption institutions and further pursue reforms, including the constitutional reform on decentralisation;

11.4. calls on the Ukrainian authorities to consider positively the call of the European Commission for Democracy through Law (Venice Commission) to implement its recommendations on the lustration law and to ensure further reforms in line with European standards;

11.5. calls on the Ukrainian authorities to ensure that the investigations and proceedings related to the violent incidents during the Euromaidan demonstrations, as well as to the tragic events in Odessa in May 2014, are accelerated and carried out impartially so as to deliver justice and enhance public confidence in the criminal justice system, in line also with the recommendations by the International Advisory Panel set up by the Secretary General of the Council of Europe;

11.6. welcomes the intensified support that the Council of Europe offers to Ukraine, notably through the Council of Europe Action Plan 2015-2017, and calls on member States to consider offering further funding, including through voluntary contributions.

12. Beyond Ukraine, the Assembly regrets that the conflict and the Russian Federation's actions in this respect have undermined the overall stability and security on our continent as well as the advancement towards a strategic partnership with the Russian Federation over the last few decades. The European Union should also draw its own lessons and reflect upon strategies for the future of the region which will de-escalate the current tensions and help to rebuild confidence in its neighbourhood.

13. Concerning the economic consequences of the conflict, the Assembly notes that they are considerable not only for Ukraine itself and for the Russian Federation, but also for the European Union and several European countries which have been affected to varying but significant degrees by the sanctions against the Russian Federation and Russian counter-sanctions. The debate over sanctions divides the European Union and threatens its cohesion. However, international pressure, including sanctions, must be maintained until the Russian aggression has ceased and the sovereignty and territorial integrity of Ukraine within its internationally recognised borders has been fully restored.

14. The Assembly urges Council of Europe member States to do everything in their power to support the peace process in Ukraine so as to avoid a further escalation of violence, with dangerous consequences for civilians living in the conflict area, or the development into a "frozen" or "semi-frozen" conflict, prolonging instability and insecurity in Ukraine and the whole of Europe.

15. For its part, the Assembly could serve as a unique platform for dialogue and interparliamentary co-operation and make a positive contribution to the peaceful solution of the conflict, notably by helping to build confidence. It regrets that it has so far been unable to play its natural role of parliamentary diplomacy, mainly due to the fact that Russian parliamentarians have not participated in its activities for two consecutive years and have ceased co-operation with the Assembly's monitoring procedure. Regardless of the divergences on the origin of the crisis, the Assembly reiterates its call for the Russian authorities to implement the demands of the Assembly formulated in Resolution 1990 (2014) on the reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation, Resolution 2034 (2015) on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation, and Resolution 2063 (2015) on the consideration of the annulment of the previously ratified credentials of the delegation of the Russian Federation (follow-up to paragraph 16 of Resolution 2034 (2015)), and resolves that only significant and measurable progress towards their implementation can form the basis for the restoration of a fully fledged, mutually respectful dialogue with the Assembly.

16. The Assembly resolves to continue to follow closely the political and humanitarian consequences of the conflict in Ukraine as well the human rights and rule of law-related challenges it raises in areas under or outside Ukrainian Government control and to consider these issues at its October 2017 part-session, provided there is no emergency requiring that it be done sooner.