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Reply to Recommendations 1395 (1999), 1416 (1999) and 1451 (2000) on Ukraine

Reply to Recommendation¹: Recommendation 1395 (1999)
Committee of Ministers

The Committee of Ministers studied with attention [Recommendations 1395](#) and [1416 \(1999\)](#) on the honouring of obligations and commitments by Ukraine and [Recommendation 1451 \(2000\)](#) on reform of the institutions in Ukraine.

Where the Assembly's invitation, addressed to the Chairman of the Committee of Ministers and the Secretary General, (in [Recommendation 1416](#), paragraph 6) "to visit Ukraine with a view towards assisting the country in the transition to an open and democratic society" is concerned, the Committee of Ministers recalls that a visit took place from 18 to 19 October 1999 (by the then Chairman, Mr Halldór Asgrímsson, Minister for Foreign Affairs of Iceland, and the Secretary General), the report on which (Document SG/Inf (99)16 revised) was presented at the meeting of the Joint Committee on 4 November 1999.

In its conclusions, the high-level delegation declared that it had:

"explained to the Ukrainian authorities that, in line with [Recommendation 1416 \(1999\)](#) of the Parliamentary Assembly, this visit, as well as the whole monitoring process, should be understood as an integral part of international assistance and towards a full integration into the community of European states of shared values.

Ukraine's success in transition to an open and democratic society could be instrumental in overcoming the economic problems of the country. In the Pan-European context of a continent without dividing-lines, Ukrainian success could help inspire progress in other countries of concern (...).

The delegation took note of firm pledges by the Minister for Foreign Affairs, the Minister of Justice, the Deputy Prime Minister and Parliamentarians to cooperate more effectively with the Council of Europe. In this connection, the delegation reiterated the Council of Europe's readiness to help Ukraine overcome its problems."

Subsequently the co-operation and assistance programmes (ADACS and the Joint Programme between the Council of Europe and the European Commission) were adapted and reinforced, as called for in [Recommendation 1416](#), paragraph 5, in particular by modifications to and extension of the Joint Programme for legal system reform and promotion of human rights, local government reform and the transformation of the law enforcement system agreed to at the Steering Committee meeting for the programme, held in Strasbourg on 13 April 1999.

Where the death penalty is concerned, referred to in the above-mentioned [Recommendation 1395](#) and [Recommendation 1416](#), Protocol No. 6 to the European Convention on Human Rights was ratified on 4 April 2000, a fact also welcomed by the Parliamentary Assembly in [Recommendation 1451](#) on the reform of the institutions in Ukraine.

1. Joint reply to [Recommendation 1395 \(1999\)](#), [Recommendation 1416 \(1999\)](#) and [Recommendation 1451 \(2000\)](#), adopted by the Committee of Ministers on 21 September 2000 at the 722nd meeting of the Ministers' Deputies.



Also, in the first week in April of this year, the then Chairman of the Committee of Ministers (Mr Brian Cowen, Minister for Foreign Affairs of Ireland) issued a press statement in which he welcomed as important steps the decision of the Ukrainian Constitutional Court on the constitutionality of the decree of the President of Ukraine related to the organisation of an All-Ukrainian referendum, as well as the subsequent action taken by the President of Ukraine to comply with the court's ruling.

These steps, he said, confirmed the continued transition of Ukraine towards an open and democratic society, respectful of the rule of law. He stressed his expectation that other authorities and institutions of the state would similarly conform to Council of Europe standards.

The Minister also stressed the readiness of the Organisation to continue to provide assistance and constitutional expertise, including through the Venice Commission for Democracy through Law. At the request of the Monitoring Committee of the Parliamentary Assembly, the Venice Commission is currently considering, in close co-operation with the Verkhovna Rada, the President of Ukraine and the Constitutional Court, the measures to be taken for the implementation of the constitutional referendum.

On 29 June 2000, the same Constitutional Court pronounced the President's proposals, massively approved in the referendum by the Ukrainian people, to be constitutional, while still requiring to be ratified by a two-thirds majority of the Verkhovna Rada (Parliament).