



## Resolution 1974 (2014)<sup>1</sup>

Provisional version

# The functioning of democratic institutions in Ukraine

## Parliamentary Assembly

1. The Parliamentary Assembly expresses its deep concern about the political crisis that has ensued in Ukraine following the surprise decision of the Ukrainian authorities to suspend the procedure for the signing of an association agreement, including a Deep and Comprehensive Free Trade Area agreement, with the European Union. It strongly condemns the escalating violence at the Euromaidan protests, which has already resulted in at least five fatalities.

2. As a sovereign nation, it is for the Ukrainian people – and only them – to decide, free from foreign interference, about the geopolitical orientation of the country and which international agreements and communities Ukraine should join. The question of whether or not to sign an association agreement with the European Union is for the Ukrainian people alone to answer. At the same time, the Assembly considers that such important decisions as the geopolitical direction of a country should be made on the basis of an as wide a political consensus as possible between the different political forces in the country and on the basis of extensive consultation with the population.

3. The Assembly recalls that, until 21 November 2013, the authorities, by both word and action, strongly supported the signing of the association agreement with the European Union at the Vilnius Summit in November 2013. It therefore regrets that the sudden change of policy was made without the required consultation of society and without any attempt to seek a nationwide consensus. This undermines the democratic legitimacy in the eyes of the Ukrainian public of the decision to suspend the signing of the agreements, which is also evident from the outbreak of nationwide mass protests that followed. The Assembly therefore urges the authorities to enter into open, honest and effective negotiations with the opposition and to promptly seek a wide consensus on the geopolitical alignment and further democratic development, as well as the constitutional order of the country.

4. The Assembly takes note of public statements by the Ukrainian leadership that the decision not to sign the association agreement was heavily influenced by pressure from the Russian Federation, and especially the threat by Russia to close its borders to goods coming from Ukraine if the association agreement was signed. The threat of economic or political sanctions in order to influence political decisions in another country is in contradiction to generally accepted diplomatic and democratic norms and is inadmissible. In this respect, the Assembly wishes to remind the Russian Federation of its accession commitment “to denounce as wrong the concept of two different categories of foreign countries, whereby some are treated as zone of special influence called ‘the near abroad’ and refrain from promoting the geographical doctrine of zones of ‘privileged interest’”.

5. The Ukrainian authorities have asserted that foreign criticism of their handling of the Euromaidan protests amounts to foreign interference in their internal affairs. In this respect, the Assembly wishes to underscore that, as a member of the Council of Europe, Ukraine is obliged to maintain the highest standards with regard to democracy, the protection of human rights and the rule of law. In addition, Ukraine is signatory to, *inter alia*, the Universal Declaration of Human Rights and the International Covenant on Civil and Political

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1. *Assembly debate* on 30 January 2014 (7th Sitting) (see [Doc. 13405](#) and [Addendum](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Ms Mailis Reps and Ms Marietta de Pourbaix-Lundin). *Text adopted by the Assembly* on 30 January 2014 (7th Sitting).

See also [Recommendation 2035 \(2014\)](#).

Rights. Any violations of human rights and any developments that could undermine the proper functioning of democratic institutions can therefore not be considered domestic affairs *stricto sensu* and are legitimate areas for concern or criticism from other countries, especially from other Council of Europe member States.

6. The Assembly regrets, and is concerned about, the excessive and disproportionate use of violence by the police against protesters. In the view of the Assembly, the attempts by the authorities to forcefully break up the Euromaidan protests have only escalated the political crisis and galvanised the protesters. The Assembly is equally concerned about violent confrontations and provocations instigated by extreme right-wing protesters. The right to freedom of manifestation and assembly should be fully respected, but actions of protesters should not contradict generally accepted democratic norms. The Assembly therefore calls on the authorities to refrain from any attempts to forcefully break up the protest rallies and camps. At the same time, it calls on police and protesters to refrain from any violence or actions that are clearly aimed at provoking a violent reaction from the other side.

7. The Assembly is especially concerned about credible reports of torture and maltreatment of protesters by the police and security forces. Such behaviour, which has been transmitted on several television channels, is unacceptable and the perpetrators need to be punished to the full extent for the law. There cannot be any impunity for such actions. The Assembly is equally concerned about reports that journalists are specifically targeted by the security forces, in contradiction of the principle of freedom of the media. In addition, it is concerned about reports that three policemen have been stabbed, one of them fatally, by protesters. It considers that such acts of violence against servicemen are unacceptable in a democratic society and should be fully investigated.

8. The outbreaks of violence in December 2013 and January 2014, the excessive and disproportionate use of force by the police, and other alleged violations of human rights need to be fully and impartially investigated, addressed and remedied and the perpetrators brought to justice. The Assembly welcomes the initiative of the Secretary General of the Council of Europe to establish an independent advisory panel to investigate the violent incidents during the Euromaidan protests, and regrets that both the authorities and opposition have failed to nominate their representatives on this panel. In the view of the Assembly, a full, transparent and impartial investigation into the outbreaks of violence and the violations of human rights, is essential for a negotiated peaceful solution to the political crisis. It therefore urges both the authorities and opposition to nominate their representatives on the panel without further delay and to provide the panel with all the assistance and co-operation it requires for its work.

9. The Assembly regrets the adoption, in chaotic circumstances that undermine their legitimacy, of the so-called "anti-protest laws" package by the Verkhovna Rada on 16 January 2014 and their subsequent enactment by President Yanukovich on 18 January 2014, despite the many calls not to sign these laws into force. These laws violate the principles of freedom of expression, freedom of assembly and manifestation, as well as the freedom of the media and freedom of information, and infringe on the right to a fair trial. Cumulatively, these laws are undemocratic and repressive and run counter to Ukraine's obligations under the European Convention on Human Rights (ETS No. 5) and as a member of the Council of Europe. The Assembly therefore welcomes the decision by the Verkhovna Rada, on 28 January 2014, to repeal the anti-protest laws.

10. The violence and human rights violations should be brought to an immediate halt and open and effective negotiations should be started to reach an agreement on a solution to the rapidly escalating crisis. In the view of the Assembly, such an agreement should be based on pledges by both sides not to use violence and the immediate start of an open, serious and effective dialogue between those in power and the political and civil forces united in the Euromaidan protests about the future democratic direction and geopolitical alignment of the country.

11. The repeal of the anti-protest laws and the resignation of the government are a first step towards a peaceful solution of the political crisis. These actions, as well as indications that both authorities and opposition have stepped up their efforts to find a negotiated solution for the stand-off, are welcomed by the Assembly. They offer an important window of opportunity that should now be followed up by both sides with further concrete steps to resolve the crisis peacefully and democratically.

12. The Ukrainian authorities had previously announced several far-reaching reform packages, including constitutional reform, to meet its obligations and remaining accession commitments to the Council of Europe. The Assembly expects that the authorities and the opposition will maintain their political will and commitment to implement these reforms, which would also address several underlying causes of the Euromaidan protests. It asks the authorities to provide its Monitoring Committee with an updated timetable for these reforms.

13. In the light of escalating violence and violations of European democratic and human rights standards, it cannot be “business as usual” as regards Ukraine. The Assembly regrets that it was the Verkhovna Rada that contributed to the violent escalation of the crisis when it adopted the controversial anti-protest laws. The Verkhovna Rada should take full responsibility for its role and use all the instruments at its disposal to help reach a peaceful negotiated solution to the crisis. The Assembly therefore sees the repeal of the anti-protest laws as a clear indication that the Verkhovna Rada intends to play such a role. It therefore does not wish to consider the possibility of suspending the voting rights of the Ukrainian delegation to the Assembly at this moment. However, it could consider such sanctions at its April 2014 part-session if grave human rights violations continue or if the Maidan protest were to be broken up by force.

14. The Assembly will continue to follow closely the situation in Ukraine on the basis of information provided by its Monitoring Committee, which it invites to suggest further action if the political developments so warrant.