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Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Honouring of obligations and commitments by Ukraine

Information note by the co-rapporteurs on their fact-finding visit to Kyiv and Odessa (7 to 11 July 2014)

Co-rapporteurs: Ms Mailis Reps (Estonia, Alliance of Liberals and Democrats for Europe), and Ms Marietta de Pourbaix-Lundin (Sweden, Group of the European People's Party)

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I. Introduction

1. The main purpose of this visit was to be updated on the latest developments in Ukraine, especially with regard to the crucial reform agenda initiated by the government of President Poroshenko, but also with regard to the ongoing conflict in the east of the country. In addition, during this mission we visited Odessa where we discussed the relations between the different ethnic groups in this region, as well as the investigations into the tragic incident on 2 May 2014, that resulted in 46 deaths¹. Due to her advanced pregnancy, Ms Reps did not take place in the visit itself.

2. During our visit we held meetings with, inter alia, the leadership in the Verkhovna Rada of the Batkivschyna, UDAR, the Parliamentary Group Economic Development, Svoboda, the Communist Party of Ukraine, and the Parliamentary Group Sovereign European Ukraine; the Chairman of the Security Service of Ukraine; the Presidential Commissioner for the peaceful settlement of the situation in the Donetsk and Luhansk regions; the Chairman of the Legal Affairs Committee of the Verkhovna Rada; Mr Rinat Ahmetov; the Heads or their representatives of the EU delegation in Kyiv, the OSCE Special Monitoring Mission in Ukraine, the UNHCR, the UN Human Rights Monitoring Mission; the representative of the OSCE Chairmanship in Kyiv; constitutional experts; representatives of civil society; ethnic and religious organisations in Kyiv and in Odessa; the Civil Investigation Committee for the events on 2 May 2014, and the Deputy Governor and Head of the Regional Council of Odessa. The programme of the visit is attached, as is the statement issued at the end of the visit.

3. We would like to thank the Verkhovna Rada as well as the Head of the Council of Europe office in Kyiv and his staff for the programme and kind assistance given to our delegation.

II. Reform agenda and elections

4. On 27 June 2014, the day following his speech to the Parliamentary Assembly in Strasbourg, President Poroshenko signed the Association Agreement, including a Deep and Comprehensive Free Trade Agreement (DCFTA) with the European Union, the postponement of which by former President Yanukovich had sparked the Euromaidan protests. As mentioned in his speech to the Assembly, the implementation of the Association Agreement is considered to be the main motor and guiding principle for the implementation of the reform agenda of President Poroshenko and his administration.

5. In Resolution 1988 (2014), adopted on 9 April 2014, the Assembly emphasised the priority of the implementation of a comprehensive constitutional reform with a view to establishing a better balance of powers between the President and the legislature, to address shortcomings in the current Constitution and to bring the constitutional framework fully in line with European standards. In addition, the Assembly called for the prompt adoption of a unified Election Code, on which basis new parliamentary elections should be promptly organised when technically and politically feasible.

6. Highlighting that constitutional and electoral reform should be the immediate priorities for the Ukrainian authorities, the Assembly also called for urgent consideration of far-reaching judicial reforms and the decentralisation of government, including the strengthening of regional and local authorities.

7. The Council of Europe developed, in close co-operation with the authorities in Kyiv, a special action plan for Ukraine, with the objective of assisting the authorities with the implementation of the reforms and the development of the relevant legislative drafts.

8. Following the changes in February, the Verkhovna Rada agreed unanimously to reform the Constitution. A special working group was set up to draft the constitutional amendments. This working group, composed of representatives of all factions in the Verkhovna Rada, organised consultations with academics and experts but reportedly did not consult widely with civil society groups and organisations. It was originally foreseen that this group finalise its work in time to adopt the constitutional amendments before the presidential election, or at the latest before the summer recess of the Verkhovna Rada, which would have allowed the adoption of the constitutional amendments by the end of 2014 or beginning 2015.

9. Reportedly, the working group had finalised its work, when the newly elected President Poroshenko indicated that he felt that his administration should take the lead in the constitutional reform process, given his legitimacy following the overwhelming support during the presidential elections. The parliamentary draft for the constitutional reform was subsequently taken off the agenda of the Verkhovna Rada.

¹ The exact number of fatalities is a point of contention and an item in the ongoing information war regarding the developments in Ukraine. The figure given here is based upon information given by reputable civil society organisations.

10. The presidential administration prepared a draft for constitutional reform, which was submitted to the Verkhovna Rada on 3 July 2014. Regrettably, representatives of civil society organisations, and the constitutional law experts we met, informed us that very few, if any, consultations between the presidential administration, civil society and constitutional law experts had taken place. In this context we wish to underscore that it is essential that a constitutional reform is based on broad public consultations and as wide a possible consensus in the society. The authorities have indicated that they will revise the constitutional amendments on the basis of comments received from political parties and international partners such as the Venice Commission. We urge the authorities to ensure that civil society is consulted on the revision of the amendments and that the results be subject to proper public consultation.

11. The constitutional amendments proposed by President Poroshenko only amount to a partial reform of the Constitution. Important areas, most notably the area of the judiciary and justice system, are not addressed by the proposed amendments. It should be noted that, on several occasions, the Assembly has stressed that constitutional amendments are required to reform the judiciary and justice system with a view to bringing it in line with European standards and principles.

12. In a welcome development, the proposed constitutional amendments will abolish the general oversight powers of the Prosecutor General, which has been a long-standing recommendation of, inter alia, the Assembly. If adopted, this would clear the way for the long awaited adoption of a new law on the Prosecution Service, developed with assistance of the Council of Europe, which is pending before the Verkhovna Rada. However, during the visit we were informed that the new Prosecutor General favours presenting his own draft law for the reform of the Prosecution Service, and may decide to do so. We expect that the reform of the Prosecution Service will now be adopted without any unnecessary delays, as this is a key component of the much needed reform of the justice system in Ukraine.

13. The proposed constitutional amendments maintain the mixed parliamentary-presidential political system of 2004, but would considerably strengthen the powers of the President. At the same time, a number of areas in the 2004 Constitution that gave rise to systemic conflicts within the executive, and between the executive and parliament, have been clarified, which will enhance the stability of the political system.

14. As expected, the draft constitutional amendments propose a strong move towards decentralisation of State power towards local communities and districts, which will elect their own executive bodies. The constitutional amendments abolish the position of governor as the representative of the central government in the regions, but introduce the position of presidential representatives, with mostly supervisory functions, at the level of local government. Their exact function and powers need to be further clarified to avoid that they give rise to conflicts between central and local levels of government. The clear political will of the current authorities to genuinely decentralise State powers and to strengthen local government should be commended and welcomed.

15. The draft amendments to the Constitution have been sent to the Venice Commission for opinion. The opinion is expected to be adopted by the Venice Commission during its October 2014 plenary session.

16. From our talks with the factions in the Verkhovna Rada it appears that there is only limited support for the proposed constitutional amendments in their current form. Many parties oppose parts of the proposed amendments or have announced that they are drafting alternative proposals. Similarly, civil society organisations have criticised parts of the proposal, as well as the lack of transparency during the drafting process.

17. We strongly urge the President to revise the proposed amendments on the basis of an inclusive consultation process with civil society, political factions and other stakeholders, with the aim of adopting a comprehensive proposal for constitutional reform that addresses all the areas where well-known shortcomings exist in the current Constitution. There have been some indications that the current authorities plan to reform the Constitution in multiple phases. However, from our talks, it seems that the authorities, in reality, will only have one chance to reform the Constitution properly, as the enthusiasm for multiple constitutional reform packages among the factions in the Verkhovna Rada, including among those that are likely to be strengthened in the next elections, is limited at best.

18. President Poroshenko has indicated that he will call for early parliamentary elections, most likely in October 2014². In our last report to the Assembly we called for early parliamentary elections as soon as

² On 25 August President Poroshenko disbanded the parliament and called for parliamentary elections on 26 October 2014.

politically and technically feasible in order to ensure the fullest possible representativity of the Verkhovna Rada, which is needed for the unity and stability of the country. This position was supported by the Assembly in Resolution 1988 (2014). However, we wish to caution against holding early parliamentary elections when the armed insurgency in the east of the country is still going on. Whatever the shortcomings of the current parliament, it was elected by citizens in both the east and west of the country. Calling early elections under the current circumstances could, in practice, disfranchise a large part of the population in the east of the country, which would not be beneficial for the internal political stability of the country. If called, clear measures, such as the establishment of multiple regional constituencies (see below), should be taken to ensure that the new Verkhovna Rada will be fully representative of all citizens in Ukraine.

19. The Assembly has called upon the authorities to ensure that a new unified election code - that could count on an as wide as possible a consensus among the political forces in the country - would be adopted before next parliamentary elections. During the visit it became clear that neither comprehensive electoral reform nor the adoption of a Unified Election Code are currently planned by the authorities and the Verkhovna Rada. The only reform foreseen before the next parliamentary elections is the adoption of a fully proportional election system, based on open party lists. We strongly urge that this system be based on multiple regional constituencies (and thus candidate lists) and not on one single national constituency. The latter could lead to a composition of the Verkhovna Rada that is, or would be perceived as, dominated by the central party structures in Kyiv, and not seen as being genuinely representative of the interests of all Ukrainian citizens in all parts of the country. This will be compounded by the already mentioned difficulties, in the current context, of organising elections in the east of the country.

20. In our report to the Assembly in April 2014, we stated that there was currently a unique window of opportunity for constitutional and electoral reforms. However, it is clear that this window is rapidly closing, with little achieved. The President needs to give a new impetus to his reform agenda to use this rare opportunity that has been given to him to genuinely reform the Ukrainian society.

III. Communist Party

21. Refereeing to the alleged support of the Communist Party of Ukraine for the annexation of the Crimea by the Russian Federation, and for the armed uprising in the Donetsk and Luhansk Oblasts – which the party denies - the Ministry of Justice started an official investigation into the possibility of requesting the courts to ban the Communist Party. On 7 July 2014, the request to ban the party was formally filed by the Ministry of Justice with the Kyiv Court. At every possible occasion during our visit, we stated that we oppose a formal ban of the Communist Party of Ukraine. In our view, it is up to the Ukrainian voters to decide, in democratic elections, if there is still a relevant place and role for the Communist Party in the Ukrainian political environment. Many of our interlocutors in the Verkhovna Rada supported our position, but indicated that a number of factions are divided on this issue, which is a very sensitive and emotional one in the current context. At the moment of writing, the Court has not taken any position and the Communist Party continues to be a legally recognised and functioning party.

22. Following the change of power in Kyiv, 9 members of parliament for the Communist Party left the Communist Party faction, reducing its size from 32 to 23 members. According to the rules of the Verkhovna Rada the minim size for a faction is 15 members. On 22 July 2014, the Verkhovna Rada adopted with 232 votes an amendment to the rules of procedure that allows the Chairman of the Parliament to dissolve a political faction that has lost part of its members in comparison to the number it had when formed. On that basis the faction of the Communist Party was dissolved by Speaker Turchynov on 24 July 2014. It is important to note that the Communist Party MPs continue to be sitting members of parliament and continue to enjoy the privileges that are accorded to MPs in Ukraine. The party itself is not banned. However, as a parliamentary group they have lost the privileges and resources that are accorded by the Verkhovna Rada to parliamentary factions. We have not yet received the exact text of the changes to the rules of procedure of the Verkhovna Rada, but pending their receipt and analysis, it seems that, in spirit at least, the dissolution of the Communist Party faction is at odds with generally accepted democratic principles.

IV. Developments regarding the armed insurgency in eastern Ukraine

23. The situation regarding the armed insurgency in the eastern part of Ukraine is changing daily and outside the scope of this note. However, five short general remarks regarding the evolving conflict should be made.

24. The nature of the conflict has dramatically changed since the influx of advanced heavy weaponry such as artillery, tanks and surface to air missiles, which have been supplied by the Russian Federation to the separatist forces. The influx of this type of weaponry into the conflict, which has been responded to in

kind by the Ukrainian armed forces, has exponentially increased the lethality of the conflict and scope for collateral damage among civilians. The lamentable downing of Malaysia Airlines flight MH17, a week after our visit took place, by an anti-aircraft missile which, by all accounts, was fired from rebel held territory, is a case in point in this respect.

25. During our meeting with the Chairman of the Security Service of Ukraine (SBU), we were provided with information documenting the widespread involvement of Russian army specialist and volunteers, as well as the supply of increasingly advanced and heavy armoury by Russia, to the separatist forces. Many Western governments have referred to similar information, as proof of Russia's continuing involvement in the conflict. Of special concern to the SBU was the fact that they had noted, and foiled, an increasing number of attempts to create clashes and instigate separatist unrest in other parts of south-east Ukraine, in particular in Odessa. According to the SBU, fairly regular arrest have been made of small groups of individuals, reportedly many of them Russian citizens, armed with weapons and explosives, outside the area where the armed insurgency is taking place. These reported attempts to spread the insurgency beyond the Donetsk-Luhansk regions, and especially to Odessa, given its proximity to the Transnistrian region of Moldova, is of serious concern to us.

26. International human rights organisations, in particular Amnesty International, have documented the increasing number of grave human rights violations by separatist forces, such as extortion, disappearances and extra-judicial executions. Recently, we have also received an increasing number of reports of extortions, illegal arrests and other human rights abuses committed by volunteer self-defence battalions, which fight alongside the regular Ukrainian army. These human rights violations, irrespective of who committed them, should be condemned in the strongest possible terms.

27. The manner in which the combat is conducted in civilian residential areas, also as a result of the above-mentioned influx of advanced heavy weaponry, is raising questions in respect of international humanitarian and human rights law. Both sides reportedly use indiscriminate heavy weapons, such as Grad rockets, against targets in civilian areas. Rebels have reportedly set up military installations and encampments in and around schools, kindergartens and hospitals, which would be a gross violation of international law. Many of these actions, as well as the human rights abuses we referred to in the previous point, could amount to war crimes. In that case it is important to note that the Dutch Government has indicated that it intends to prosecute the downing of flight MH17 as a war crime.

28. The scale of the humanitarian consequences of the insurgency, as well as the number of IDPs, is increasing every day. However, the UNHCR informed us that, until then, very limited international funding, if at all, had been made available to the Ukrainian authorities, the UNHCR, or other international humanitarian organisations, to adequately deal with this situation.

V. Odessa

29. Odessa has considerable strategic value, it being a Black Sea harbour town and a gateway to the border with Transnistria, which is under *de facto* Russian control. Ethnic Russians are a minority in Odessa of approximately 30% of the population. The percentage of ethnic Russians in the Odessa Oblast is considerably lower. Due to its proximity to Romania and the Republic of Moldova, Odessa Oblast has a sizable ethnic Romanian minority. Despite initial unrest, Odessa has been calm and firmly in support of the unity of the Ukrainian State. On 2 May 2014, protests in Odessa turned violent, resulting into a tragedy in which at least 42 persons died. Of these, 37 were pro-Russia demonstrators who died in a fire in the Trade Union House in Odessa, which was given very prominent attention on the Russian media and social networks.

30. In April, tensions were rising in Odessa which led to the fear that the armed insurgency would spread to that city. A permanent tent camp of pro-Russia protesters was set up in one Odessa's main squares close to the Trade Union House. At the same time, pro-unity demonstrations were organised regularly to show support for the new authorities in Kyiv. The possibilities for violent incidents were clearly in place.

31. On 2 May 2014, a demonstration for national unity was planned before the football match was to take place between FC Chornomorets Odessa and FC Metalist Kharkiv. A small contingent of Right Sector activists also participated in this demonstration, but, reportedly, the majority of demonstrators were ordinary citizens. This demonstration, estimated at 1500 persons, was met by a group of around 300 pro-Russia supporters who were armed with batons and shields. Reportedly, the police did not intervene when this group attacked the pro-unity demonstrators. The clashes escalated and shots were fired, reportedly killing at

least five³ pro-unity supporters. Following the attack on the pro-unity demonstration, pro-unity supporters moved to Kulikovo Field with the intention of clearing the pro-Russia camp that had been set up there. Overwhelmed by the pro-unity supporters, the pro-Russia supporters fled into the Trade Union Building that is situated on Kulikovo Field.

32. The exact sequence of events is unclear but it is clear that both sides were pelting each other with stones and Molotov cocktails. In the course of these clashes a fire broke out on the second floor of the Trade Union House that spread rapidly to the third floor. Fire brigades reportedly arrived very late and could not reach the fire due to the large number of people present outside. At the end of the day, at least 37 persons had died as a result of the fire, most of them from asphyxiation / carbon monoxide poisoning and several who leaped to their death to escape the fire.

33. On Russian broadcast media and social networks it was alleged that the real number of deaths from this tragedy was considerably higher and many conspiracy theories were circulated, adding to the tensions around this tragic incident.

34. The authorities have started an investigation into the causes of this tragedy and exact sequence of events on that day. In addition, the investigation into this tragedy has been added to the mandate of the international advisory panel that was established by the Council of Europe. Many interlocutors, from different sides and for different reasons, have expressed their doubt that the authorities will investigate the events impartially and transparently. In that context, a noteworthy investigation has been established by civil society. This investigation, which is being conducted by a group of experts from both the Russian and Ukrainian communities in Odessa, aims to provide an independent and impartial narrative of the events of 2 May 2014, as well as of the allegations that were made in that context. While the report of this civil society investigative commission has not yet been finalised, they indicated that the many allegations and conspiracy theories that circulated were not grounded in evidence. Their research regarding the origins of this tragedy reportedly is focussing on what seems to be nearly criminal inaction of the police forces, which failed to take any adequate action against the events that were evolving that day.

35. In our meetings with representatives of ethnic organisations, all agreed that the inter-ethnic relations were in general good, even if misunderstandings could sometimes create tensions. In that respect, the events on 2 May had served as a wake-up call and authorities and ethnic organisations were now playing a far more pro-active role to avoid any tensions and to solve points of possible discontent. As a result, despite several attempts to stir up conflict and tensions by third parties⁴, relations were good and the situation overall calm. In the context of the tragic events of 2 May 2014, the current situation in Odessa, even while tensions still exist, can be seen as somewhat of a success story.

36. We intend to visit Ukraine again at the end of September or early October, and may contemplate including on that occasion a further visit to Odessa to follow up on the issues we explored during this visit.

³ While we have made all efforts to be correct, we wish to note that all numbers are contested by the different sides and cannot always be verified independently.

⁴ Confirmed by both authorities as international interlocutors.

APPENDIX 1

Programme of the fact-finding visit to Kyiv and Odessa (8 to 11 July 2014)

Co-rapporteurs: Ms Mailis Reps, Estonia, Alliance for Liberals and Democrats for Europe⁵
 Ms Marietta de Pourbaix-Lundin, Sweden, Group of the European People's Party

Tuesday, 8 July 2014

- 08:30–09:30 Working breakfast with the representatives of international organisations
- Juan Manuel Vlaplana Lopez, European Union Delegation;
 - Amb. Ertugrul Apakan, OSCE Special Monitoring Mission and Onur Ozceri, Special Adviser;
 - Franz Schneider, Chargé d'affaires a.i., Embassy of Switzerland in Ukraine, OSCE Chairmanship;
 - Oldrich Andrysek, UNHCR Regional Representative;
 - Armen Harutyunyan, UN Human Rights Monitoring Mission
- 09:30 Briefing by Vladimir Ristovski, Head of the Council of Europe Office in Kyiv
- 10:00–11:30 Roundtable with civil society organisations on Human Rights and national dialogue:
- Ms Olga Budnyk, representative of the Institute of Political Studies;
 - Ms Hanna Hopko, Civil Sector activist;
 - Ms Svetlana Zalishchuk, New Citizen;
 - Ms Oksana Romaniuk, Director of Institute of Mass Media;
 - Ms Tanya Mazur, Director Amnesty International in Ukraine;
 - Mr Arkadiy Buschenko, Helsinki HR Protection Union;
 - Mr Olexander Solontay, the People's Force;
 - Ms Oleksandra Matviychuk, Head of Board, Centre of Civil Liberties.
- 11:30–13:00 Roundtable with Democracy and Constitutional experts on the Draft Constitution and Election Code:
- Mr Oleksandr Chekmyshev, Equal Access Committee, Director;
 - Mr Oleksandr Chernenko, Head of Committee of voters of Ukraine;
 - Mr Denys Kovryzhenko, IFES, Legal adviser;
 - Mr Yuriy Kliyuchkovski, President, "Election Law institute";
 - Mr Igor Koliushko, Head of Board, Centre of Political and Legal Reforms;
 - Prof., Dr. Mykola Ivanovych Koziubra, Head of Department of Legal Philosophy and Constitutional Law, Kyiv-Mohyla Academy, Judge of Constitutional court in 1996-2003;
 - Prof., Dr. Stanislav Shevchuk, Department of Legal Philosophy and Constitutional Law, Kyiv-Mohyla Academy
- 14:00–15:00 Meeting with **Mr Forke Calisto**, representative of Jehovah Witnesses
- 17:00–18:00 Meeting with **Mr Rinat Akhmetov**

Wednesday 9 July 2014

Meetings organised by the Verkhovna Rada:

- 10:00–10:30 Meeting with **Mr Andriy Shevchenko**, representative of the Batkivschyna Party
- 11:10–11:40 Meeting with **Mr Vitaliy Kovalchuk**, Head of the UDAR Party

⁵ Ms Reps did not participate in this visit.

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11:45–12:15 Meeting with **Mr Anatoliy Kinah**, Head of the Parliamentary Group “Economic Development”

12:20–12:50 Meeting with **Mr Taras Osaulenko**, representative of the Svoboda Party

14:10–14:40 Meeting with **Mr Igor Eremeev**, **Mr Yaroslav Moskalenko** and **Mr Oleksandr Doniy**, Representatives of the Parliamentary Group Sovereign European Ukraine

14:40–15:20 Meeting with **Mr Yevhen Marmazov**, representative of the Communist Party of Ukraine

19:30 Departure for Odessa

Thursday, 10 July 2014

In Odessa

09:30–10:30 Meeting with National Minorities NGO (organized by the CoE Office in Kyiv)

- Mr Anatoliy Fetesku, All-Ukrainian Moldovan National and Cultural Society, Head;
- Mr Anton Kisse, Association of Bulgarians of Ukraine, President;
- Mr Petro Volkov, Gagauz National and Cultural Society “Birlik”, Head;
- Mr Vasyl Simvulidi, G. Marazli Regional Community of Greeks, Head;
- Ms Alla Krukovska, Regional Germany National and Cultural Society “Wiedergeburt”, Head;
- Mr Anatoliy Popesku, Regional National and Cultural Romanian Association “Bessarabia”, President;
- Mr Tadeush Zalucki, A. Mitskevych Division of the Union of Poles of Ukraine, Head;
- Mr Fedir Kovalevych, National and Cultural Union of Citizens “Bilorus”, Head
- Mr Dmytro Gutakhov, Association “Ukraine – Israel”, President;
- Ms Natalia Goriaynova-Tsurkanenko, Russian National Community “Rusich”, Head;
- Ms Anna Illinichna Rofe, Karaims Community;
- Mr Roman Markovych Shwartsman, Association of Jews, Former Prisoners of Ghetto and Concentrated Camps, President (Yiddish).

10:30–11:30 Meeting with the Civil Investigation Committee for the events on 2 May 2014

12:00–13:30 Meeting with the Deputy Governor and Head of the Regional Council of Odessa

14:30–15:30 Meeting with the Head of the UN Human Rights Monitoring Mission in Odessa

15:30–16:30 Meeting with Mr Kivalov, Chairman of the Legal Affairs Committee of the Verkhovna Rada

Friday, 11 July 2014

08:40 Return to Kyiv

10:00–10:40 Meeting with **Mr Valentyn Nalyvaichenko**, Head of the Security Service of Ukraine

12:00 Meeting with **Ms Iryna Gerashchenko**, Presidential Commissioner for the peaceful settlement of the situation in the Donetsk and Luhansk regions

APPENDIX 2

Call for new impetus on essential reforms in Ukraine

Statement issued on 16 July 2014

Strasbourg, 16.07.2014 – A co-rapporteur of the Parliamentary Assembly of the Council of Europe (PACE) for the monitoring of Ukraine, ending a visit to the country, has called on the Ukrainian authorities, and especially President Poroshenko, to give a new impetus to the reform process in Ukraine – and strongly urged the President to revise his existing proposal for constitutional changes.

“The window of opportunity in Ukraine to pass the constitutional, electoral and judicial reforms that are so essential for the development of the country is rapidly closing, and little has been achieved so far,” said Marietta de Pourbaix-Lundin (Sweden, EPP/CD), speaking at the end of a four-day visit to Kyiv and Odessa.

“President Poroshenko’s proposal for constitutional amendments only partially addresses the changes the country urgently needs. For instance, further amendments needed for the proper reform of the judiciary and the Prosecutor General’s office are missing. From my contacts with all factions in the Verkhovna Rada, it’s clear there is only going to be one chance to amend the Constitution in the foreseeable future, and the President should seize this chance.”

“I urge him to submit a revised proposal to the parliament that is comprehensive and addresses all issues right from the start. This should be based on wide consultation, including with international partners – such as the Venice Commission – and civil society.”

“The President’s existing proposal aims to genuinely decentralise power to the local and regional level, which I welcome. This is key to strengthening the unity of the country, and its overall democratic development. However, many people I spoke to have questioned the role and powers of the Presidential regional representatives that are proposed in the existing reform package. This issue needs to be clarified and possible concerns addressed.”

Ms de Pourbaix-Lundin continued: “I also welcome the intention to hold pre-term parliamentary elections, which was also recommended by the Assembly – but only when the necessary conditions are in place, and only when all citizens can take part. To hold an early election when large numbers of people in eastern Ukraine are unable to vote would undermine the main aim of such elections, which is to strengthen the representativeness and legitimacy of the Verkhovna Rada. Besides, such an election should be held on the basis of a new election code, and a regional proportional election system that is favoured by almost all parties and stakeholders.”

Turning to her visit to Odessa, the PACE co-rapporteur stressed the need to investigate the tragedy of 2 May promptly and above all transparently. “The local population are asking many questions about these events, which need clear answers in order to avoid distrust and possible tension. I welcome the work done on this issue by a group of civil society experts and journalists, which deserves the full support of the authorities and the international community, and urge the international community to provide expertise to assist the investigations. The inquiry into the more than 100 deaths on the Maidan in Kyiv must also be vigorously pursued.”

Ms de Pourbaix-Lundin strongly condemned the human rights violations and abuses committed by armed pro-Russian insurgents, as chronicled in a recent Amnesty International report: “There can be no impunity for these crimes. I also condemn the recent rocket attack on Ukrainian troops and express my condolences to the families concerned. The Ukrainian authorities should establish full control over the border with Russia and the authorities in Moscow must immediately cease arming the pro-Russian separatists. Sustained pressure on Russia on this issue, including credible sanctions by the West, is important. I call on all stakeholders to give full support to President Poroshenko’s peace plan, which is the only viable plan for the resolution of the situation in eastern Ukraine.”

Finally, the PACE co-rapporteur urged Council of Europe member States to make funds and resources available to deal with the humanitarian consequences of the hostilities. “The basic needs of those affected by the fighting far exceed what the Ukrainian authorities and international organisations are currently providing. We need to do more to help.”

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Mrs de Pourbaix-Lundin said she and her fellow monitoring co-rapporteur, Mailis Reps (Estonia, ALDE), would continue to follow developments in the country closely and would make a follow-up visit to Ukraine in September or October.