

Emergency Resolution adopted by the EPP Congress, Marseille (France), 7th-8th December 2011

Recent political developments in Ukraine

Since its independence Ukraine has been a priority partner country for the EU within the European Neighbourhood Policy and the Eastern Partnership because it is perceived as a key regional player, which exerts considerable influence on the security, stability and prosperity of the whole continent, and which should therefore bear its respective share of political responsibility.

On its tough path towards democracy, Ukraine has made important steps with regards to its economic and political development. However, new Ukrainian authorities have started to reverse the democratic transformations of the Orange Revolution. With the sentencing on 11th October 2011 of the former Prime Minister, Yulia Tymoshenko, serious concerns have arisen with regards to political freedoms, the rule of law and the state of democracy in Ukraine. The European People's Party stands by the position that this will have serious negative consequences for Ukraine's future relationship with the European Union and for the Association Agreement (AA); it pushes the country further away from the European perspective.

Therefore, the European Peoples Party:

i) believing that the deepening of relations between the EU and Ukraine is of great significance, especially for Ukraine's aspirations pursuant to Art. 49 of TFEU, stresses that it is only possible provided that all criteria, as enshrined in Art. 2 of TFEU, including respecting the principles of democracy, human rights, fundamental freedoms and the rule of law, are fulfilled;

ii) recalls that the Ukrainian state leadership, including President Yanukovich, has repeatedly expressed its commitment to European values and the integration processes with an ambition to become an EU Member State in the long-term; highlights the personal responsibility of Mr. Yanukovich to deliver on his multiple promises given to international and European partners regarding respect of human rights and rule of law;

iii) deplors the ongoing decline of democratic freedoms, selective justice, as well as the continuing practice of the instrumentalisation of state institutions for partisan purposes and political revenge in Ukraine, which was demonstrated by sentencing the former Prime Minister Yulia Tymoshenko; stresses that strengthening the rule of law and independent judiciary, as well as commencing a credible fight against corruption, are essential not only for the deepening of EU-Ukraine relations but also for the consolidation of democracy in Ukraine.

iv) recalls that the trial of Yulia Tymoshenko was politically motivated and did not respect international standards, causing the EU to reflect on its policies towards Ukraine; therefore, urges Ukrainian authorities to ascertain a fair, transparent and impartial appeal process for Yulia Tymoshenko and other members of her government facing economic offence charges;

v) urges the Verkhovna Rada to review and amend, without hesitation, the criminal code, which was selectively applied against Yulia Tymoshenko, especially Art. 365, and which dates back to the Soviet Penal Code and makes provision for criminal prosecution for political decisions and, therefore, they do not comply with international standards;

vi) demands that Yulia Tymoshenko, Yuriy Lutsenko and Valery Ivashchenko's fundamental right to health and well-being are guaranteed by Ukrainian authorities and that they get the medical care

that they need, according to international standards, including allowing an EU medical doctors team to be allowed to examine them;

vii) calls on Ukrainian authorities to ascertain achieving a comprehensive reform of the judiciary system in line with EU standards, in order to prevent the selective use of justice and to guarantee an independent, fair, impartial and transparent legal procedure, which will ensure that legal proceedings cannot be used for political purposes and are conducted in strict accordance with the rule of law;

viii) condemns the barbarian and outrageous decision of Kiev's Shevchenkovsky court to directly conduct proceedings in the prison cell of Yulia Tymoshenko, despite her critical health conditions, and against any democratic legal standards;

ix) warns that no future elections in Ukraine could be regarded as free and fair, if leaders of the opposition, most notably Yulia Tymoshenko and Yuriy Lutsenko, are not released; therefore, demands from Ukrainian authorities the unconditional release of Yulia Tymoshenko, along with other leading members of opposition, their full political rehabilitation, including their right to participate fully in the political process, both as of now and in the forthcoming elections in Ukraine in 2012;

x) warns against the deteriorating level of press freedom and media independence in Ukraine with attempts to directly or indirectly control the content of national media reporting or bidding for digital TV frequencies; stresses that freedom of expression and media independence and pluralism are cornerstones of a solid and sustainable democracy and of common values;

xi) underlines the added value for the EU and Ukraine of the DCFTA Agreement, as a part of the Association Agreement, which under Art. 217 TFEU involves an unprecedented level of integration between the EU and the third country by accepting through the latter a large portion of the European *acquis communautaire*;

xii) is of the opinion that DCFTA will serve as a leverage tool for Ukrainian economy and democracy aiming, on the one hand, at attracting European capital and investment and increasing sustainability and modernisation of Ukrainian economy and, on the other hand, at improving the rule of law in Ukraine;

xiii) urges that the document of the already concluded negotiations concerning the Association Agreement, including DCFTA as its integral part, which is an unprecedented modernisation tool for Ukraine, should be initialled in December 2011 under the Polish Presidency; warns that if no real changes related to implementation of necessary reforms and strengthening democracy, human rights and the rule of law in Ukraine occur and if politically motivated trials against opposition continue and Yulia Tymoshenko is not released - the signature and ratification of the Association Agreement could be declined by the EU. Thus, president Yanukovich and the Ukrainian government should be made aware of what Ukraine might lose but, what is even more important, is that by showing potential progress in EU-Ukraine relations the EU will be sending a positive signal to the Ukrainian nation and its people, who have legitimate European aspirations.

xiv) stresses that if Ukrainian authorities conduct the real changes related to the rule of law and respect for human rights and fundamental freedoms, which are essential, and stop politically motivated persecutions of opposition, as expressed by the international community, the EU-

Ukraine Association Agreement should be signed during the first half of 2012; however, should any essential and fundamental principle of the Association Agreement be ignored or violated by Ukraine, the EU should develop a mechanism for a temporary suspension of the whole AA;

xv) expresses its concern that, from the very beginning, the process of adapting a new election law lacked transparency and was not inclusive; while the compromise was finally reached in the parliament, it did not include a number of important recommendations of the Venice Commission and the ruling majority refused to adopt an election code proposed by the opposition and approved by Council of Europe experts;

xvi) stresses the crucial importance of separation between politics and big business as a precondition for improving economic freedom, good governance and fight against corruption in Ukraine;

xvii) favours the reinforced double-track policy the EU has to pursue with regard to the Ukraine: it needs to be demanding and critical of the authorities, whilst it must remain open, generous and engaging with the Ukrainian civil society;

xviii) is of the opinion that, in line with the reviewed European Neighbourhood Policy, a special focus on the EU-Ukraine cooperation should be placed on twinning EU democratic actors such as trade unions, NGOs, relevant employers' organisations, farmers, women, participants in religious dialogue, consumers, youth, journalists, teachers, local government bodies, universities, students, and climate change actors;

xix) calls for the EC's support in its cooperation with Ukraine parliaments, local and regional authorities, and civil society in their efforts to play their proper role in defining cooperation strategies, holding governments to account, monitoring and assessing past performance and achieved results.