

http://assembly.coe.i



**DECLASSIFIED<sup>1</sup> AS/Mon (2016) 05** 29 February 2016 amondoc05\_2016 or. Engl.

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 (1 to 3 February 2016)

Co-rapporteurs: Mr Jordi XUCLA (Spain, Alliance of Liberals and Democrats for Europe), and Mr Axel FISCHER (Germany, Group of the European People's Party)

#### 1. Introduction

1. This visit took place in the background of increasing tension in the ruling coalition in Ukraine and the discussions about the adoption by the Verkhovna Rada of amendments to the Constitution with regard to decentralisation and the judiciary. The constitutional reform process, the emerging political environment and the developments with regard to the fight against corruption were therefore the main points of focus during our visit.

2. During our visit we held meetings with, inter alia the Deputy Speaker of the Verkhovna Rada; the Deputy Prime Minister for Regional Development, Construction, Housing, and Utilities; the Deputy Minister of Foreign Affairs; the Deputy Minister of Justice; the Prosecutor General; the Chairpersons of the Verkhovna Rada Committee on Corruption Prevention and Counteraction, and the Verkhovna Rada Committee on State Building, Regional Policy and Local Self-Government; representatives of all political factions in the Verkhovna Rada, the Chairman and members of the Ukrainian delegation to the Assembly as well as representatives of civil society and the international community in Kyiv. The programme of the visit is appended.

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

#### 2. Political environment

4. Relations within the governing coalition have become increasingly more tense and contentious, and there is considerable public disagreement among the coalition partners over the direction of some of the key policy areas, such as the reform of the judiciary, the fight against corruption and the decentralisation of government. This is compounded by the falling approval rates of some of the main coalition partners, as well as the general discontent among the Ukrainian public in the Minsk agreements and their implementation.

5. Following the last parliamentary elections, a ruling coalition was formed that encompassed most of the parliament with the exception of the MP's of the so-called Opposition Bloc.<sup>2</sup> The members of the ruling coalition at the time of its formation were: Bloc Petro Poroshenko, Peoples Front of Prime Minister Yatsenyuk, the Radical Party of Oleh Lyashko; Self Reliance or "Samopomich" and Fatherland or "Batkivshchyna" of Yulia Timoshenko.

6. As said, the ruling coalition is very heterogeneous and the partners differ in opinion on many policy issues including on the constitutional amendments and over efforts to fight corruption. On 1 September 2015, the Radical Party of Oleh Lyashko left the ruling coalition as it opposed the support of the government for the

<sup>&</sup>lt;sup>1</sup> Document declassified by the Monitoring Committee at its meeting on 9 March 2016.

<sup>&</sup>lt;sup>2</sup> The Opposition Bloc consists mostly of former members of Mr Yanukovich's Party of Regions.

decentralisation chapter of the constitutional reform. Both Samopomich and Batkivshchyna also strongly oppose the constitutional amendments regarding decentralisation and, to a lesser extent, the constitutional amendments regarding the judiciary. Key members of Samopomich, including the Chairperson of the Foreign Affairs Committee of the Verkhovna Rada, Hana Hopko, were forced to leave the party after they voted in support of the constitutional amendments on decentralisation. Batkivshchyna has indicated that that Article 18 of the transitional provisions of the constitutional reform (see below) is a red line for them that they will not cross. Also a number of the People's Front MPs oppose the adoption of the constitutional amendments on decentralisation. This underscores the fact that beyond the party factions also internal and cross-party factions and groups exist, often based on a single issue or other interests, including economic and oligarchic interests. Party affiliation is therefore not a guarantee of support for a given issue or policy in Ukraine's present political environment.

Another issue of political tension has been the position of Prime Minister Yatsenyuk, who is widely 7. unpopular among the Ukrainian public, who see him as ineffective in implementing reforms and fighting the rampant corruption in Ukraine. While his party holds 80 seats in the current parliament, opinion polls indicate that support for his party is so low that, if elections were to take place today, it would not be able to pass the threshold to enter parliament. On 16 February 2016, President Poroshenko asked Prime Minister Yatsenyuk to resign. However, on the same day the government of Mr Yatsenyuk survived a vote of no-confidence in the Verkhovna Rada, reportedly with the help of a number of MPs of the Poroshenko Bloc who are seen as close to several economic interests. In protest, on 17 February 2016, Ms Timoshenko announced that Batkivshchyna was leaving the ruling coalition. On 18 February 2016, Samopomich also announced that it was leaving the ruling coalition. With those two parties leaving the governing coalition, the government has lost its ruling majority. It has 30 days after it lost its majority to form a new majority in the Verkhovna Rada, otherwise early elections will be called. Talks are underway with the Radical Party of Oleh Lyashko to re-join the ruling coalition. From our talks in Kyiv it would seem that the resignation of the Prime Minister could resolve the current stand-off as the majority of parties acknowledge that early elections would create considerable political tension at a crucial moment in the country's democratic development that most would prefer to avoid.

8. The local elections on 25 October 2015, confirmed a change in the support for the different political factions. The People's Front did not participate in the local elections as its public support had sunk below 2%. Poroshenko's bloc stayed more or less the same as a result of a number of coalitions it entered into at the local level with several other parties and groups. The big winner within the governing coalition was Batkivshchyna and to a lesser extent Samopomich. Two new parties, Vidrodzhennia (of Kharkiv Mayor, Gennady Kernes) and UKROP entered these elections and established themselves as political forces with a national dimension. Both parties are reportedly close to former Dnipropetrovs'k Governor Ihor Kolomoiskiy. While Mr Poroshenko's party did relatively well percentagewise, 6 of the 7 main regional capitals were won by members of other parties.

Oligarchic interests continue to be an important political factor in Ukraine and have not diminished 9. since the Euromaidan events. In this context, the breakup in relations between President Poroshenko and Ihor Kolomoiskiy has had a direct impact on the national political environment. Mr Kolomoiskiy is one of Ukraine's richest men and was appointed by President Poroshenko as Governor of Dnipropetrovs'k. He is widely credited as having used his influence to avoid the insurgency that was instigated in Luhansk and Donetsk from spreading to Dnipropetrovs'k and Kharkiv. In addition, he has been financing a number of the voluntary battalions that have been fighting in eastern Ukraine alongside the Ukrainian army, when the army's capacities were stressed to their limits. Following a standoff over the leadership of Ukraine's main energy company, President Poroshenko fired Mr Kolomoiskiy as Governor of Dnipropetrovs'k. As mentioned above, two parties that are considered close toy Mr Kolomoiskiy have established themselves as political forces with a nationwide outreach during the last local elections. The arrest of a close associate of Mr Kolomoiskiy, Mr Korban who is a former Deputy Governor of Dnipropetrovs'k and one of the leaders of UKROP, has been controversial. The supporters of Mr Korban have denounced his arrest as politically motivated. In this context, the Ombudsperson, without expressing herself on the merits of the case against Mr Korban, has indeed indicated that some of the procedures followed raise questions from a legal point of view.

10. On 17 December 2015, the Kyiv District Court disbanded the Communist Party of Ukraine on the basis of law on the condemnation of Communist and Nazi regimes and symbols. This decision has raised a number of questions with regard to freedom of expression and association in Ukraine. On request of the Monitoring Committee, the Venice Commission adopted an opinion on the law on condemnation of Communist and Nazi regimes and symbols in December 2015.<sup>3</sup> In this opinion, the Venice Commission concluded that it "recognize[s] the right of Ukraine to ban or even criminalise the use of certain symbols of

<sup>&</sup>lt;sup>3</sup> CDL-AD(2015) 041

#### AS/Mon(2016)05

and propaganda for totalitarian regimes. While States are free to enact legislation that bans or even criminalises the use of symbols and propaganda of certain totalitarian regimes, such laws must comply with the requirements set by the ECHR and other regional or international human rights instruments.." and that "While Law no. 317-VIII may be considered as pursuing legitimate aims, it is not precise enough to enable individuals to regulate their conduct according to the law and to prevent arbitrary interference by public authorities"<sup>4</sup> With regard to the banning of parties the opinion concluded that that "the Law should clarify that banning any association is a measure of last resort in exceptional cases, proportionate to the offence. This is particularly the case for political parties in the light of their important function in a democratic society".<sup>5</sup> The political reasons for the banning of the Communist Party of Ukraine are hard to understand given that it has become politically irrelevant following its overt public support for the illegal annexation of Crimea by the Russian Federation. As a result of this support it has all but disappeared and has no MPs in the Verkhovna Rada. We wish to reiterate that, in our view, it is up to the voters to condemn the party to irrelevancy over its policies, and not to the courts.

#### 3. Constitutional reform

#### 3.1. Decentralisation chapter

11. The constitutional reform with regard to decentralisation concerns two separate but interlinked issues:

a. the constitutional provisions needed to allow the decentralisation of the powers and establishing the principles of local and regional self-government;

b. the constitutional provisions that would allow for the establishment of a special status for certain areas of the Donetsk and Luhansk oblasts.

12. The constitutional provisions on decentralisation were developed in close co-operation with the Venice Commission and with the Congress of Local and Regional Authorities. In its original opinion on the decentralisation chapter, the Venice Commission concluded that these chapters formed a good basis for the reforms which are *"largely compatible with the European Charter of Local Self Government*"<sup>6</sup> It made a number of recommendations to bring this chapter fully into line with the Charter. In a memorandum prepared by the Secretariat,<sup>7</sup> the Venice Commission subsequently welcomed that most of its recommendations - including all substantial ones– had been introduced by the authorities in the constitutional amendments that were adopted in first reading by the Verkhovna Rada.

13. The decentralisation chapter foresees the establishment of "prefects", or representatives of the President, at the regional level. Their main function is the supervision and coordination of services provided by the central government. However, a number of parties in the governing coalition have expressed concern that the prefects have extensive powers that would allow the President to impose his political preferences and policies on local self-governments and to bloc decisions of local governments that he deems undesirable from a political point of view.<sup>8</sup>

14. The constitutional provision that allows for the establishment of a special status for certain areas of the Donetsk and Luhansk oblasts is the most controversial and contentious.

15. In order to adhere with its obligations under the Package of Measures to Implement the Minsk Agreements<sup>9</sup>, the Verkhovna Rada adopted in first reading Article 18 of the transitional provisions which reads: "*Specific arrangements for self-government of some parts of Donetsk and Luhansk oblasts shall be set forth in a separate law*". The fact that this article was included in the transitional provisions raised some questions about its temporal validity. In its opinion<sup>10</sup> on this issue, prepared at the request of the Normandy Format countries, the Venice Commission concluded that, as Article 18 had been adopted according to the same procedure and with the same majority as the rest of the Constitution, it carries the same weight and has the same effect as the rest of the Constitution and therefore can by no means be considered to be of a

<sup>&</sup>lt;sup>4</sup> CDL-AD(2015) 041 § 116 -120.

<sup>&</sup>lt;sup>5</sup> CDL-AD(2015) 041 § 118-e.

<sup>&</sup>lt;sup>6</sup><sub>7</sub> CDL-AD(2015)028.

<sup>&</sup>lt;sup>7</sup> DDL-AD(2015)029.

<sup>&</sup>lt;sup>8</sup> It should be noted here that, following a recommendation by the Venice commission, any order by the President to suspend an act of a local self-government body, or to suspend the body itself, should be confirmed by the Constitutional Court without delay.

<sup>&</sup>lt;sup>9</sup> See also AS/Mon(2015)13 and AS/Mon(2015)21.

<sup>&</sup>lt;sup>10</sup> CDL-AD(2015)030.

temporary character. As is the case for the rest of the Constitution, this article remains valid until it is repealed by the Verkhovna Rada.

16. In line with the Minsk agreements, the Ukrainian parliament had already adopted the law on the special status of the Donbas on 17 March 2015. During the drafting of the constitutional chapter and the special law it refers to, the separatist forces, indicated that they wished to maintain full control over the judiciary, prosecution and police forces, which was rejected by the authorities in Kyiv as this would be contrary to the principle of a unitary nation. In that respect, it is to be regretted that, in an interview, Russian Foreign Minister Lavrov stated that the Donbas special status should be permanent and that this status should include "the right to speak the Russian language on the territory of Donbas, the right for special economic ties with Russia, the right to take part in appointing prosecutors, judges, have their own law enforcement agencies, including people's militia, and many more things", <sup>11</sup> which is not what was agreed in the package of measures to implement the Minsk agreements or the Minsk agreements themselves.

17. The decentralisation paragraph was adopted in first reading. According to the Ukrainian Constitution the amendments are then sent to the Constitutional Court for an opinion, after which they need to be adopted in final reading in a following session with a two-thirds majority (a simple majority is sufficient for adoption in first reading). Until now the authorities have not been able to gather enough votes to adopt the constitutional amendments in final reading and negotiations are continuing. One of the main factors that is preventing their adoption is the general feeling that only Ukraine is implementing the Minsk agreements, while the Russian Federation and its proxies in Luhansk and Donetsk have not honoured their obligations under the Minsk agreements. President Poroshenko has stated that adoption of the decentralisation paragraph will most likely take place after Russia has withdrawn its military forces from eastern Ukraine; has ended the supply of weapons and volunteers to eastern Ukraine; and when Ukraine's external border with Russia has been brought under the control of the authorities in Kyiv, or at least under the supervision of independent international monitors.

18. There is some controversy with regard to the timeframe in which the constitutional amendments need to be adopted in second reading. Until now the prevailing opinion was that the amendments needed to be adopted in the Verkhovna Rada session immediately following their adoption in first reading. However, according to a number of constitutional experts, the amendments do not necessarily need to be adopted at "the" next session, but at "a" next session. While we have some questions regarding the latter interpretation we do realise that this will give the authorities some badly needed extra time to negotiate the adoption of the amendments in final reading. If they fail to be adopted in final reading the amendments could only be introduced – anew – after a one year waiting period. That would seriously undermine the much needed reform process in Ukraine.

19. If the constitutional chapter is adopted, the next step will be the organisation "under Ukrainian law" of local elections in the areas of Luhansk and Donetsk that are not under the control of the central government in Kyiv. The government has made a number of proposals that have until now not been met with great enthusiasm in Donetsk, Luhansk and Moscow. Ulterior factors also play a role here. If elections take place under Ukrainian law, with the participation of Ukrainian parties and in line with international standards, the outcome might not be in the interests of the separatist leadership, who would, in all likelihood see its support drastically reduced.

#### 3.2. Judicial reform chapter

20. The lack of independence of the judiciary and systemic deficiencies in the justice system are longstanding concerns of the Assembly. As mentioned in several resolutions adopted by the Assembly, the adoption of constitutional amendments ensuring the independence of the judiciary is a crucial pre-condition for the reform, in line with European standards, of the justice system as a whole. The inclusion of a chapter on the judiciary in the first phase of the constitutional reforms is therefore an important and welcome development.

21. The constitutional amendments with regard to the justice system were drafted in close consultation with the Venice Commission. In its final opinion<sup>12</sup> on the draft amendments, the Venice Commission welcomed that many of its recommendations – given in a preliminary opinion – had been taken up by the authorities.

22. The draft amendments remove the role of the Verkhovna Rada and President in the appointment of judges and abolish the right of the President to dismiss judges, which were the main threats to independence

<sup>&</sup>lt;sup>11</sup> http://tass.ru/en/world/849055.

<sup>&</sup>lt;sup>12</sup> CDL-AD(2015)027.

#### AS/Mon(2016)05

of the judiciary. The President now appoints judges on the basis of a binding proposal by the High Council of Justice, which is the sole organisation that can dismiss judges. The Venice Commission recommended that the Constitution should also state that the promotion and transfer of judges is the prerogative of the High Council of Justice alone, although it would be admissible in the current situation in Ukraine that the President maintain these powers during a clearly delimited transitional period. In addition, according to these amendments, the composition of the High Council of Justice will now be changed in order to ensure that the majority of its members are judges and to remove the possibility for the President and Verkhovna Rada to dominate and unduly influence its work and decisions.

23. However, according to the transitional provisions, the President remains involved in the appointment and dismissal of judges and maintain his right to establish courts for a period of two years after the adoption of the amendments. These transitional provisions have been criticised by a number of political forces in the ruling coalition, who feel that they unduly strengthen the powers of the President, but now without the oversight of the Verkhovna Rada. In addition, they question the wisdom of judicial self-governance, given the endemic and systemic corruption among the judiciary. They assert that if under those circumstances, judicial self-government would only serve to perpetuate the chronic corruption in the judiciary system.

24. In a very positive development, the amendments remove the oversight function from the Prosecutor General, which was contrary to European standards and the abolition of which is an accession commitment of Ukraine to the Council of Europe.

25. An important, but controversial, question is the manner in which it can be ensured that sitting judges have both the required professional capacity and integrity for their work. A large number of political forces in Ukraine favour the dismissal of all sitting judges and their re-applying for their positions. The Venice Commission strongly opposed this idea as it would violate European standards with regard to the independence of the judiciary and rule of law. A compromise was found whereby the Constitution allows for the re-assessment of all judges that were appointed before the new constitutional amendments were adopted but where they would not be automatically dismissed from their positions. This only partially addresses the concerns of the Venice Commission, and such a procedure should be limited in time and take place under extremely stringent safeguards. We were informed that the authorities intend to establish new courts for which sitting judges would have to apply in a separate selection procedure. Eventually, these new courts would replace the old court system, thus allowing, in practice, for the replacement of all judges that are deemed not to have the required professional capacity and integrity to be a judge.

26. Closely related to the judicial reform is the position of the current prosecutor general. He was already a deputy prosecutor general in the previous government and is seen by many as unwilling to tackle the endemic corruption in the government and even to hinder on-going investigations. In addition, he was seen as subverting the reform of the prosecution service. However, despite the fact that many in the ruling coalition wished to see him removed, he had until recently the clear support of the President. The previous head of the SBU, who is very well respected nationally and internationally, was fired by President Poroshenko after publicly questioning why the prosecutor general had not followed-up on a number of high level corruption cases brought to his attention by the SBU. On 15 February 2015, Deputy Prosecutor General Kasko, who is a reformer with considerable support in the international community, resigned, citing *"patronising corruption, lack of reform and lack of progress on important investigations"*. The day after Mr Kasko's resignation President Poroshenko publicly asked Prosecutor General Shokin to resign. Mr Shokin has taken leave of absence but did not resign. On 22 February 2016, President Poroshenko officially submitted to the Verkhovna Rada a request for the dismissal of Prosecutor General Shokhin.

#### 4. Minsk process

27. Unfortunately, very little progress can be reported with regard to the Minsk process. After a lull in violations of the ceasefire agreement and withdrawal of heavy weapons from the exclusion zone, violations were rapidly rising especially around Donetsk airport and Luhansk. Heavy weapons have reportedly been withdrawn from the special holding areas, albeit in small numbers. However, as a result of continued efforts and pressure by the international community, including within the Normandy format, the violations reduced and the ceasefire agreement now seems to be generally holding. While the intensity of the violations has reduced substantially, violations do regrettably still occur on a nearly daily basis and the ceasefire agreement remains overall very fragile.

28. On 29 September 2015, in a welcome effort to strengthen the ceasefire agreement, Ukraine and Russia, as well as the pro-Russian separatists, agreed, in the framework of the Trilateral Working Group that was set up as part of the Minsk agreements, to extend the withdrawal of weapons from the security zone to tanks, artillery under 100mm and mortars under 120mm. Reportedly, both sides have only partially complied with this agreement, with many weapons of this type remaining within the security zone. Monitors have

reported that weapons of this type are regularly being moved in and out of the holding areas by both sides. As mentioned, monitoring of compliance is hindered by restrictions placed, by both sides on the freedom of movement of international monitors

29. Little, if any, progress has been made with regard to a political settlement of the conflict. As we described above, the question of the status of the Donbas region is highly controversial and contentious and major differences exist between Russia and Ukraine regarding this status, as well as over the modalities for the organisation of local elections in the areas of the Donbas that are not under the control of the authorities in Kyiv. It is clear that democratic elections in these regions can only take place if they are under full international scrutiny and with the border between Russia and these regions under the supervision of the Ukrainian authorities, or at least the international community.

#### 5. Fight against corruption

30. A special Anti-Corruption Prosecutor General has recently been appointed to prosecute cases of corruption in the government. This Prosecutor General is functionally independent from the General Prosecutor's Office. In addition, an Anti-Corruption Bureau has been established to investigate cases of corruption, in close co-operation with the Anti-Corruption Prosecutor General. However, this institution is not yet operational.

31. Most of the attention in the fight against corruption has been focussed on the institutional framework, in particular on the judicial reform programme. A well-functioning, independent judiciary is indeed a fundamental requirement for the fight against corruption. However, it is now also important that measurable progress is made in the investigation and prosecution of corruption. This is particularly important with regard to high-level corruption, given the persistent allegations of corruption at the highest level of the government and the presidential administration. This perception of corruption at the highest levels of the government threatens the survival of the governing coalition and the stability of the political environment as such. In this context it should be recalled that one of the main catalysts of the Euromaidan protests was the corrupt and kleptomaniac political system that had emerged under the Yanukovich administration, the fight against corruption is therefore one of the main priorities for the Ukrainian people.

#### Appendix 1 – Programme of the fact-finding visit to Kyiv (1 – 3 February 2016)

Co-rapporteurs: Mr Jordi Xuclà (Spain, Alliance for Liberals and Democrats for Europe) and Mr Axel Fischer (Germany, Group of the European People's Party)

Secretariat: Mr Bas Klein, Deputy Head of Secretariat, Monitoring Committee

#### Sunday, 31 January 2016

Evening: arrival of the members of the Delegation

#### Monday, 1 February 2016

- 08:30 Briefing by the Head of the Council of Europe Office in Ukraine (breakfast meeting)
- 09:30 NGO roundtable on Constitutional Reform and Recent political developments (\*)
  - Volodymyr Fesenko, Head, Centre of Applied Political Studies
  - Sergiy Holovatyy, Professor at the Taras Sevchenko University, former Minister of Justice
  - Prof. Dr. Mykola Ivanovych Koziubra, Head of Department of Legal Philosophy and Constitutional Law at Kyiv-Mohyla Academy
  - Prof. Dr. Stanislav Shevchuk, Department of Legal Philosophy and Constitutional Law, Kyiv-Mohyla Academy

#### 11:00 NGO Roundtable on Judicial Reform and Fight against Corruption (\*)

- Vitaliy Shabunin, Head of Board, Anti-Corruption Action Centre
- Viktor Taran, Director, Centre of Political Studies and Analytics
- Mykola Khavroniuk, Centre of Political and Legal Reforms
- Volodymyr Sushchenko, professor at the National Kyiv Mohyla Accademy
- Mykhaylo Zhernakov, RPR
- 15:30 Meeting with Mr Zubko, Deputy Prime Minister for Regional Development, Construction, Housing, and Utilities of Ukraine
- 16:30 Meeting with Mr Petukhov, Deputy Minister of Justice of Ukraine
- 17:30-18:15 Meeting with Mr Sergiy Kyslytsya Deputy Minister for Foreign Affairs of Ukraine

#### Tuesday, 2 February 2016

- 10:00 Meeting with the Diplomatic Community (\*)
- 12:00 Meeting with representatives of Vidrodzhennia
- 13:00 Lunch
- 13:30 Meeting with representatives of UKROP
- 14:00 Meeting with Mr Parubiy, First Deputy Chairman of the Verkhovna Rada of Ukraine
- 14:50 Meeting with representatives of the faction of the Party "Block of Petro Poroshenko"
- 15:25 Meeting with representatives of the faction of the Party "People's Front"
- 16:00 Meeting with representatives of the faction of the Party "Union "Samopomich"
- 16:35 Meeting with representatives of the faction "All-Ukraine Union Batkivschyna"
- 17:10 Meeting with representatives of the faction of the Party "Opposition Block"

#### Wednesday, 3 February 2016

Early morning: Departure of Mr Xuclà to Washington

- 09:00 Meeting with Mr Sobolev, Chairman of the Verkhovna Rada Committee on Corruption Prevention and Counteraction, visit to the anti-corruption Museum
- 11:15 Meeting with Mr Shokin, Prosecutor General

afternoon departure of members of the delegation

(\*) Meetings organised by the Council of Europe Office in Kyiv

APPENDIX 2 – Statement issued after the visit by the co-rapporteurs

# Ukraine: co-rapporteurs urge parliament to press ahead on decentralisation

#### 09/02/2016

The co-rapporteurs for the monitoring of Ukraine by the Parliamentary Assembly of the Council of Europe (PACE), Jordi Xuclà (Spain, ALDE) and Axel Fischer (Germany, EPP/CD), ending a visit to the country, have urged Ukraine's parliamentarians to press ahead with constitutional changes on decentralisation.

"These constitutional amendments are often referred to in the context of the Minsk process, but they go far beyond that. They contain key provisions that should bring the government closer to the people and ensure the political stability and unity of the country, irrespective of Minsk," they said, speaking at the end of a three-day visit to Kyiv (1-3 February 2016).

"If anything, decentralisation will equip the country better to deal with the ongoing aggression in eastern Ukraine. What's more, any delay in adoption of these amendments could be misconstrued as Ukraine lagging behind on its commitments under the Minsk agreements," they said.

The co-rapporteurs also welcomed the adoption at first reading of the constitutional amendments regarding the judiciary, but cautioned that some of the transitional provisions may not be in line with recommendations of the Venice Commission, the Council of Europe's group of independent legal experts.

"Nonetheless, these changes are critical to creating a genuinely independent judiciary and prosecution service in Ukraine. We look forward to their final adoption during the next parliamentary session."

The co-rapporteurs said they intended to visit the country again in the spring.