

112TH CONGRESS
2D SESSION

H. RES. 730

Urging the Government of Ukraine to ensure free and fair parliamentary elections on October 28, 2012, by adhering to democratic standards, establishing a transparent electoral process and releasing opposition leaders sentenced on politically motivated grounds.

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2012

Mr. SMITH of New Jersey submitted the following resolution; which was referred to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

RESOLUTION

Urging the Government of Ukraine to ensure free and fair parliamentary elections on October 28, 2012, by adhering to democratic standards, establishing a transparent electoral process and releasing opposition leaders sentenced on politically motivated grounds.

Whereas Ukraine's independence and future democratic evolution is of vital importance to the Euro-Atlantic community;

Whereas, since the restoration of Ukraine's independence 21 years ago, the United States and Ukraine have maintained a strong relationship, as evidenced by the United States-Ukraine Charter on Strategic Partnership and

Ukraine has played a vital, active, and constructive role in enhancing global security;

Whereas Ukraine stands at a critical juncture in its development to a more fully democratic country, and the parliamentary elections on October 28, 2012, will play a highly significant role in demonstrating the seriousness of the Ukrainian authorities' commitment to democracy and respect for human rights and the rule of law;

Whereas, since Viktor Yanukovych became President of Ukraine in February 2010, Ukraine has seen serious setbacks to its democratic development, including the concentration of power in the hands of the president and his Party of Regions;

Whereas the Yanukovych administration has engaged in the abusive practice of selective justice, targeting leading opposition political figures for prosecution;

Whereas the most stark manifestation of Ukraine's democratic backsliding has been the politically motivated prosecution and imprisonment of former Prime Minister and opposition leader Yulia Tymoshenko, former Interior Minister and opposition leader Yuri Lutsenko, and former acting Defense Minister Valery Ivashchenko;

Whereas Ms. Tymoshenko and other imprisoned senior former government officials have been denied access to proper medical care;

Whereas, since Ms. Tymoshenko's imprisonment, the Prosecutor General has reopened additional highly questionable, politically motivated cases against her, some of which were previously closed and reported to be sealed under a 10-year statute of limitations;

Whereas the continued imprisonment and prohibition from participation in the October parliamentary elections of Ms. Tymoshenko and Mr. Lutsenko makes it impossible for the international community to assess these elections as having fully met international democratic standards;

Whereas according to the Department of State's 2011 Country Report on Human Rights Practices, serious and salient human rights problems in Ukraine include the Government of Ukraine's measures to limit freedom of peaceful assembly, increased government pressure on independent media outlets and nongovernmental organizations (NGOs), and pervasive corruption in all branches of government, all of which could have a detrimental impact on the upcoming election process;

Whereas the Freedom in the World Indexes for 2011 and 2012 prepared by Freedom House have downgraded Ukraine's rating from "Free" to a "Partly Free" country under conditions created by the current government;

Whereas Ukraine's past 4 national elections, 2 presidential and 2 parliamentary, received positive assessments from the Organization for Security and Cooperation in Europe (OSCE)-led international observation missions;

Whereas the October 2010 nationwide local elections, in contrast, fell short of democratic standards, according to credible domestic and international observers;

Whereas the Government of Ukraine can restore some measure of credibility by impartially administering the elections, allowing the campaign environment in which candidates, campaign activists, and observers can operate free from harassment and intimidation, ensuring the transparent and equitable formation of territorial and

precinct election commissions, and respecting and adhering to the legal framework for the election;

Whereas Ukraine will assume the leadership of the OSCE as the Chair-in-Office for 2013 and can expect closer scrutiny of its OSCE commitments; and

Whereas the Government of Ukraine can demonstrate its commitment to democracy by conducting a free, fair, and transparent parliamentary election process, as the quality of this process will determine the course of the future relations between the United States and Ukraine: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) demands that President Yanukovich and
3 the Government of Ukraine cease selective prosecutions,
4 free Mrs. Tymoshenko and the other senior officials of the
5 previous government currently in detention, and restore their
6 full political and civil rights;

7 (2) urges the Government of Ukraine to ensure
8 full respect of the legal and human rights of all prisoners
9 sentenced on politically motivated grounds, including the
10 right to medical care, in line with international standards;
11 national standards;

12 (3) calls for denying United States visas to
13 Ukrainian officials involved in serious human rights abuses,
14 anti-democratic actions, or corruption that undermines or
15 injures democratic institutions in
16 Ukraine, including officials responsible for and par-

1 participating in the selective prosecution and persecu-
2 tion of political opponents;

3 (4) urges the Government of Ukraine to meet
4 its commitments on free and fair elections, as delin-
5 eated in the 1990 Copenhagen Document of the Or-
6 ganization for Security and Cooperation in Europe
7 (OSCE), with respect to the entire campaign proc-
8 ess, including formation of election commissions,
9 nomination of candidates, campaign, voting, count,
10 tabulation, and processing of election challenges and
11 complaints;

12 (5) urges the Ukrainian authorities to ensure—

13 (A) the full transparency of election proce-
14 dures before, during, and after the 2012 par-
15 liamentary elections;

16 (B) free access for domestic and inter-
17 national election observers;

18 (C) balanced and fair representation on all
19 election commissions;

20 (D) unimpeded access by all parties and
21 candidates to print, radio, television, and Inter-
22 net media on a non-discriminatory basis; and

23 (E) the freedom of candidates, members of
24 opposition parties, and independent media orga-

1 nizations from intimidation or harassment by
2 government officials at all levels;

3 (6) urges that the courts of Ukraine address all
4 election-related complaints objectively and in timely
5 fashion;

6 (7) encourages the Government of Ukraine to
7 take immediate measures to reverse the current anti-
8 democratic course and display exemplary conduct as
9 the incoming 2013 OSCE Chair-in-Office by adher-
10 ing to its OSCE commitments, especially in the
11 areas of human rights and fundamental freedoms,
12 democracy, and the rule of law;

13 (8) expresses its continuing strong support for
14 the efforts of Ukrainian citizens to establish democ-
15 racy based on the rule of law and respect for human
16 rights; and

17 (9) reaffirms its ongoing support for Ukraine's
18 independence, sovereignty, and territorial integrity,
19 and assumption of Ukraine's rightful place as a full
20 member of the international community of democ-
21 racies.

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