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*Plenary sitting*

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**B9-0260/2019**

17.12.2019

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 144 of the Rules of Procedure

on The Russian « Foreign Agents » Law  
(2019/2982(RSP))

**Kati Piri, Tonino Picula**  
on behalf of the S&D Group

**B9-0260/2019**

**European Parliament resolution on The Russian « Foreign Agents » Law  
(2019/2982(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Russia, in particular that of 12 March 2019 on the state of EU-Russia political relations;
  - having regard to the recent statements by the EEAS Spokesperson of 23 November 2019 on amendments to the “foreign agents” law in the Russian Federation and of 26 November 2017 on the Russian law allowing the registration of foreign media as “foreign agents”;
  - having regard to the Universal Declaration of Human Rights and in particular to its articles 19 and 20 which provide for the freedom of opinion and expression and the freedom of peaceful assembly and association;
  - having regard to the United Nations Declaration on Human Rights Defenders, in particular its article 13 on the freedom of association;
  - having regard to the International Covenant on Civil and Political Rights, ratified by Russia in 1991, in particular to its article 22 on the right to freedom of association;
  - having regard to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;
  - having regard to the Opinion “On the Legislation of the Russian Federation on Non-Commercial Organisations in light of Council of Europe Standards” of the Commissioner for Human Rights of the Council of Europe issued on 15 July 2013 and to its updated Opinion “On Legislation and Practice in the Russian Federation on Non-Commercial Organisations in light of Council of Europe Standards: an Update” issued on 9 July 2015;
  - having regard to the Opinion of the European Commission for Democracy through Law (the Venice Commission) “On the Federal Law on non-commercial organisations (‘law on foreign agents’)” issued on 27 June 2014;
  - having regard to the European Union Guidelines on Human Rights Defenders;
  - having regard to Rule 135 of its Rules of Procedure.
- A. Whereas the exercise of freedom of opinion, expression, association and peaceful assembly are fundamental rights enshrined in the Russian constitution;

- B. whereas the Russian Federation, as a signatory to the Universal Declaration of Human Rights and the European Convention on Human Rights as well as a member of the Council of Europe and the Organisation for Security and Cooperation in Europe, has committed itself to the principles of democracy, rule of law and respect for fundamental freedoms and human rights;
- C. whereas the European Union expects the Russian Federation, a permanent member of the United Nations Security Council, to abide fully by the international commitments it has made;
- D. whereas the European Court of Human Rights, in several of its judgments, has underlined that the public watchdog role exercised by NGOs is essential to a democratic society and of similar importance to that of the media;
- E. whereas the Russian parliament in July 2012 adopted a Law on “Foreign Agents” compelling Russian NGOs to register with the Ministry of Justice of the Russian Federation as “organizations performing the functions of foreign agents” if they receive foreign funding and engage in activities vaguely described as “political activities”; whereas in June 2014 the law was amended to allow the Ministry of Justice to register NGOs as “foreign agents” on its own initiative; whereas in November 2017 the scope of the law was extended to impose the use of the “foreign agents” label against any foreign media receiving, directly or indirectly, foreign funding;
- F. whereas the Russian parliament on 21 November 2019 further extended the scope of the law to allow for the designation of individuals who publish, contribute to, or distribute foreign media, or who publish any sort of material while receiving foreign funds, as “foreign agents”, irrespective of whether these individuals hold Russian citizenship;
- G. whereas the Law on “Foreign Agents”, apart from registration, imposes specific requirements for accounting, labelling of publications and makes non-compliance with the legislation a criminal offence, including the possibility of sanctions with heavy administrative fines or imprisonment of up to two years;
- H. whereas the above mentioned law has been used to harass and penalize Russian NGOs, civil society activists, bloggers and the media, has therefore contributed to dissuading civil society organisations and activists from carrying out their work or even forced them to shut down their activities and has restricted funding opportunities for Russian NGOs;
- I. whereas the law on “Foreign Agents” and its amendments have had the consequence of restricting the space for independent and dissident voices in Russia;
- J. whereas the law is part of a broader campaign to stifle dissent, opposition, and civil society across Russia; whereas the shrinking space for Russia’s independent civil society allows for the enhanced presence of non-independent Government-Organised Non-Governmental Organisations (GONGOs); whereas the Russian government utilises GONGOs to promote its own policies while maintaining the semblance of an independent civil society;
- K. whereas the legitimate aim of ensuring transparency of NGOs receiving foreign funding cannot justify measures which restrict the activities of NGOs operating in the field of democracy, human rights and rule of law;

- L. whereas 49 Russian NGOs have applications pending before the European Court of Human Rights arguing that the Law on “Foreign Agents” violates several human rights, including the rights of freedom of expression and association, and protesting against the quality of the law, their persecution for failing to register as foreign agents, and excessive state control; whereas the Commissioner for Human Rights of the Council of Europe has deemed the law on “foreign agents” to be incompatible with international and European human rights standards.
1. Condemns the Russian Law on “Foreign Agents” and the amendments of November 2019 which considerably widen the scope of the law and will allow to stigmatise individual persons as “foreign agents”, thereby violating their human rights, in particular their freedom of expression and association, and their rights as citizens, restricting their commitment and contributions to Russian civil society and putting at risk their personal safety through stigmatisation;
  2. Urges the Russian authorities to revoke the Law on “Foreign Agents” and to establish a framework for activities of non-commercial organisations (NGOs) that is clear, coherent and consistent and in line with European and international standards, in particular by using clear definitions, by avoiding the use of stigmatising language such as “foreign agents” or discriminatory legal provisions related to sources of funding, and by preventing criminal prosecution of NGOs, media and bloggers, or individual persons carrying out activities for NGOs;
  3. Considers that the Law on “Foreign Agents” violates Russia’s commitments as a member of the Council of Europe and the Organisation for Security and Co-operation in Europe and a signatory to the Universal Declaration of Human Rights, in particular its articles 19 and 20 which provide for the freedom of opinion, expression, peaceful assembly and association;
  4. Calls on the Russian Federation to respect its citizens’ constitutional rights to freedom of opinion, expression, peaceful assembly and association, and thus to refrain from using arbitrary interpretation of legal provisions such as in the Law on “Foreign Agents” for judicial harassment against civil society organisations and individual persons carrying out activities for such organisations;
  5. Calls on the Russian Federation to acknowledge the positive contribution of a vibrant and active civil society to the state of democracy and society; urges the Russian authorities to guarantee an enabling environment in which civil society organisations and activists can contribute freely to the promotion and protection of human rights, fundamental freedoms and societal wellbeing; expresses concern about the crowding out of independent civil society organisations by government-organised NGOs;
  6. Urges the Russian Federation to stop deliberately creating an atmosphere that is hostile to civil society and therefore condemns the use of the Law on “Foreign Agents” as a means to harass and suppress civil society organizations, which cooperate with international donors or express political opinions;
  7. Points out that civil society activists in the Russian Federation are often subject to acts of harassment, surveillance, physical attacks, threat, raids and searches on their offices and homes, slander and smear campaigns, judicial harassment, arbitrary detention, and ill-treatment, as well as violations of their rights to freedom of expression, association, and assembly; expresses its concern at the failure of Russian authorities to investigate attacks against civil society organizations and activists;
  8. Calls on the Vice-President of the Commission/ High Representative of the Union for Foreign Affairs and Security Policy, the Council and the Commission to address the

concerns with the Russian Law on “Foreign Agents” in all high-level meetings with Russian representatives;

9. Reiterates its call on the Commission, the EEAS and the Member States to continue closely monitoring the human rights situation in the Russian Federation and calls on the EU Delegation in Russia and the embassies of the Member States to continue monitoring court cases of civil society organizations and activists;
10. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments and parliaments of the Member States, the Council of Europe, the Organization for Security and Cooperation in Europe and the President, Government and Parliament of the Russian Federation.