

P7_TA-PROV(2013)0284

Rule of law in Russia

European Parliament resolution of 13 June 2013 on the rule of law in Russia (2013/2667(RSP))

The European Parliament,

- having regard to its previous resolutions on Russia, in particular those of 17 February 2011 on the rule of law in Russia¹, of 13 September 2012 on the political use of justice in Russia² and of 13 December 2012 containing Parliament's recommendations to the Council, the Commission and the European External Action Service on the negotiations of the new EU-Russia Agreement³,
- having regard to the existing Agreement on partnership and cooperation establishing a partnership between the European Communities and their Member States, of one part, and the Russian Federation, of the other part (PCA) and to the ongoing negotiations for a new EU-Russia agreement,
- having regard to the 'Partnership for Modernisation' initiated in 2010 in Rostov-on-Don and to the commitment made by the Russian leadership to the rule of law as a fundamental basis for the modernisation of Russia,
- having regard to the Constitution of Russia, in particular Article 118 thereof, which states that justice in the Russian Federation shall be administered by courts alone, and Article 120 thereof, which provides that judges are independent and are subordinate only to the Russian Constitution and the federal law,
- having regard to the EU Annual Report on Human Rights and Democracy in the World,
- having regard to the results of the EU-Russia Summit of 3-4 June 2013 and the human rights consultations of 19 May 2013,
- having regard to the statements made by the High Representative of the Union for Foreign Affairs and Security Policy on the GOLOS association, on the situation of NGOs in the Russian Federation and on the Magnitsky case,
- having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms, the UN Declaration on Human Rights Defenders and the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms,
- having regard to its award of the 2009 Sakharov Prize for the Freedom of Thought to Memorial, a Russian non-governmental organisation campaigning, inter alia, for the rights of political prisoners in Russia, and having regard to the growing support in the European Parliament for 'Memorial' as a candidate for the Nobel Peace Prize,

¹ OJ C 188 E, 28.6.2012, p. 37.

² Texts adopted, P7_TA(2012)0352.

³ Texts adopted, P7_TA(2012)0505.

- having regard to the opinions of the Venice Commission on Russian Federal Law No 65 of 8 June 2012 on assemblies, meetings, demonstrations, marches and picketing and the code of administrative offences, on the Russian Federal Law on combating extremist activities and on the Russian Federal Law on the Federal Security Service (FSB),
 - having regard to Rules 122(5) and 110(4) of its Rules of Procedures,
- A. whereas the European Union remains committed to further deepening and developing relations between the EU and Russia in accordance with the principles enshrined in the Partnership for Modernisation, based on a deep mutual commitment to democratic principles, respect for fundamental and human rights, the rule of law, freedom of speech, freedom of expression, freedom of assembly, respect for human dignity and equality;
 - B. whereas, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe (OSCE) and a signatory to the UN declarations, Russia has committed itself to the protection and promotion of human rights, fundamental freedoms and the rule of law;
 - C. whereas there remains serious concern about developments in the Russian Federation with regard to respect for and the protection of human rights and respect for commonly agreed democratic principles, rules and procedures;
 - D. whereas freedom of the press and media, both online and offline, is a crucial aspect of a democratic and open society, as well as being fundamental in countering corruption and safeguarding human rights and the rule of law; whereas the independent press, as a collective manifestation of free expression, is one of the key actors in the media landscape, acting as a watchdog of democracy;
 - E. whereas several trials and judicial proceedings over the last few years, such as the Magnitsky, Khodorkovsky and Politkovskaya cases, have cast doubt on the independence and impartiality of the judicial institutions of the Russian Federation; whereas the high profile cases cited above are merely just the most well-known cases outside Russia of what amounts to a systematic failure of the Russian state to uphold the rule of law and to deliver justice to its citizens;
 - F. whereas a prominent lawyer, anti-corruption campaigner and social activist, Alexei Navalny, is currently on trial in Russia on charges which, he claims, represent a politically motivated attempt to punish him as one of the most prominent opponents of the government; whereas Navalny has consistently exposed massive corruption within the highest levels of the Russian state apparatus;
 - G. whereas prosecutors continue to pursue opposition activists who participated in the ‘March of Millions’ on 6 May 2012, the day before President Putin’s inauguration; whereas, according to reliable independent reports, the demonstration was forcibly disrupted at Bolotnaya Square by riot police, who subjected participants to disproportionate force and arbitrary violence; whereas reports by the Presidential Human Rights Council, the Human Rights Ombudsman and an independent investigative commission comprising senior public figures blamed both the Russian authorities and police for the violence;
 - H. whereas the adoption of laws over the last few months on the registration of political parties, NGO financing, the right of assembly, extremism, defamation and internet filtering

restrictions has significantly contributed to a deterioration in the climate as regards the development of a genuine civil society in Russia;

- I. whereas the Russian Parliament adopted a bill in July 2012 granting the ‘foreign agent’ status to Russian non-commercial organisations engaged in political activities and financed from abroad; whereas in the last year the laws on NGOs and on the right to freedom of assembly have been used to suppress civil society, stifle opposing political views and harass NGOs, the democratic opposition and the media;
 - J. whereas the federal authorities have done nothing to stop discriminatory legislation banning ‘homosexual propaganda’ from coming into effect in nine regions of Russia; whereas the Duma recently adopted a similar law at national level;
 - K. whereas members of the Presidential Human Rights Council have complained of harassment, intimidation, interrogations, searches of their offices and property and other measures carried out by Russian law enforcement agents;
 - L. whereas the further development of EU-Russia relations continues to be held back by Russia’s failure to fully embrace democratic values and strengthen the rule of law;
1. Reminds Russia of the importance of full compliance with its international legal obligations, as a member of the Council of Europe, and with the fundamental human rights and the rule of law enshrined in the European Convention on Human Rights and the International Covenant on Civil and Political Rights (ICCPR);
 2. Expresses its serious concerns about the recent repressive laws and their arbitrary enforcement by the Russian authorities, often leading to harassment of NGOs, civil society activists, human rights defenders and minorities;
 3. Is deeply worried by Russia’s failure to observe its international legal obligations to protect freedom of association, expression and assembly, which is posing a threat to both the viability of Russia’s vibrant civil society and its cooperation with the EU;
 4. Reaffirms its disappointment with the bill granting ‘foreign agent’ status to Russian non-commercial organisations engaged in political activities and financed from abroad; urges the Russian authorities to stop registering NGOs as ‘foreign agents’ on the basis of a law which extended state control over NGOs, using the vague definition of political activities included in this law, stigmatising NGOs and creating an atmosphere that is hostile to civil society;
 5. Considers that the widespread, targeted and intrusive inspections, confiscation of property and administrative fines imposed on Russian NGOs and their activists allegedly receiving foreign funding are inadmissible and interfere with the right to freedom of association; criticises furthermore the raid and pressure applied upon international political foundations; considers it deeply regrettable that a few NGOs are already facing trial, like Memorial, in St Petersburg, or have already been sentenced, like GOLOS and the Levada Centre; is concerned by the investigations launched against international non-governmental organisations seeking to build democracy in Russia, including international institutes;
 6. Urges the Russian authorities to address these concerns by bringing the above-mentioned laws into line with international standards and Russia’s international and constitutional

human rights commitments, including its own Constitution, in particular by removing undue legal, administrative and other restrictions on the operation of NGOs;

7. Urges the Vice-President / High Representative, the EEAS and the Commission to take into account, during the current negotiations on the next multiannual financial framework and during the programming phase, the deteriorating situation for civil society, the forced withdrawal of other international donors and the increasing requests for EU support, and to provide for a significant increase in the Union's financial support to NGOs and civil society accordingly;
8. Is deeply concerned at the negative consequences of the adoption of a federal law on 'homosexual propaganda', which could increase discrimination and violence against LGBTI individuals;
9. Calls on the Russian authorities to guarantee political pluralism, media freedom, the rule of law, the independence and impartiality of the judiciary, freedom of speech and assembly, including on the internet, effective and independent trade unions, and non-discrimination, as a necessary precondition for Russia's further development and modernisation in such a way as to recognise and protect the individual and collective rights of all its citizens; recalls that, under international law, states have an obligation to support, directly or indirectly, the funding of civil society activities, in particular by creating a favourable environment, without interfering in their independence;
10. Expresses deep concern at reports of politically motivated trials, unfair procedures and failures to investigate serious crimes such as killings, harassment and other acts of violence, as evidenced in the Magnitsky, Khodorkovsky, Politkovskaya and other cases; urges the Russian judicial and law enforcement authorities to carry out their duties in an effective, impartial and independent manner in order to bring perpetrators to justice;
11. Recalls its recommendation on common visa restrictions for Russian officials involved in the Sergei Magnitsky case and asks the Council and the Commission to implement an EU-wide visa ban and to freeze the financial assets in the EU of all officials involved in the death of Magnitsky, which is being prosecuted posthumously, and of other serious human rights violators in Russia; stresses that those individuals must not benefit from any EU-Russia visa facilitation agreement;
12. Urges the Member States to facilitate and positively assess visa requests from persecuted Russian political activists;
13. Welcomes the recent re-opening of proceedings in the case of the murder of Anna Politkovskaya, more than six years after she was shot, but shares the concern that the question of who ordered the murder is unlikely to emerge from the case;
14. Expresses its deepest concern at the case of Alexei Navalny and deplores the allegedly politically motivated nature of his prosecution; urges the Russian authorities to ensure that he is accorded his full rights and that his trial meets internationally accepted standards of due process; calls, in this connection, on the EU Delegation and Member States' Missions in Russia to monitor the trials of all human rights defenders, including that of Navalny and others, in particular at regional level;

15. Urges Russia, with regard to the ‘March of Millions’, to commission an independent inquiry into the Bolotnaya Square violence and, in particular, to investigate allegations of excessive use of force against demonstrators; expresses concern at the allegedly politically motivated nature of the prosecutions linked to the Bolotnaya Square violence;
16. Urges the Russian authorities to ensure freedom of the press and media, both online and offline, to foster a pluralist media landscape, to allow media platforms, journalists and bloggers to fulfil their key role in Russian society independently, to safeguard the free flow of information and to ensure freedom of expression; stresses the importance of freedom of information laws, which are essential for journalists and civil society to do their work as watchdogs;
17. Calls on Russia to cooperate fully with the special procedures of the United Nations Human Rights Council, including by issuing a standing invitation for country visits and responding positively to pending requests for access by the UN Special Rapporteurs on the protection of human rights defenders, on freedom of association and assembly, and on freedom of expression to Russia; calls on Russia also to accept recommendations, made in the context of the Universal Periodic Review of Russia at the Human Rights Council, to repeal or revise legislation affecting the work of NGOs and to stop obstructing human rights work;
18. Calls on the Council to adopt the EU Foreign Affairs Council’s conclusions on human rights in Russia, which would serve to provide critical support to all those in Russia working to protect human rights and also to bind the 27 EU Member States and EU institutions to a common message and approach with regards to human rights in Russia;
19. Urges Russia to take all possible measures to ensure that all members of the Presidential Human Rights Council, and more generally all those working to defend human rights in Russia, are afforded protection from harassment and intimidation;
20. Encourages the Presidents of the Council and Commission, as well as the Vice-President of the Commission / High Representative for Foreign Affairs and Security Policy, to continue to closely follow these cases, to raise these issues in different formats and meetings with Russia and to report back to Parliament on their exchanges with the Russian authorities;
21. 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 President, Government and Parliament of the Russian Federation, the Council of Europe and the Organisation for Security and Cooperation in Europe.