



Plenary sitting

B8-0178/2019

11.3.2019

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 123(2) of the Rules of Procedure

on a European human rights violations sanctions regime
(2019/2580(RSP))

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on behalf of the PPE Group

**European Parliament resolution on a European human rights violations sanctions regime
(2019/2580(RSP))**

The European Parliament,

- having regard to its previous resolutions calling for an EU-wide mechanism for imposing targeted sanctions against individuals involved in grave human rights violations, in particular its recommendation to the Council of 2 April 2014 on establishing common visa restrictions for Russian officials involved in the Sergei Magnitsky case¹,
- having regard to its resolution of 14 February 2019 on the situation in Chechnya and the case of Oyub Titiev²,
- having regard to its resolution of 12 March 2019 on the state of EU-Russia political relations³,
- having regard to its resolution of 12 December 2018 on the annual report on human rights and democracy in the world 2017 and the European Union’s policy on the matter⁴,
- having regard to its resolution of 13 September 2017 on corruption and human rights in third countries⁵,
- having regard to its resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so called ISIS/ Daesh⁶,
- having regard to the report of 30 October 2018 of the Committee on Legal Affairs and Human Rights of the Council of Europe Parliamentary Assembly, entitled ‘Sergei Magnitsky and beyond – fighting impunity by targeted sanctions’,
- having regard to the Guidelines on the implementation and evaluation of restrictive measures adopted by the Council in 2003 and reviewed and updated in 2005, 2009, 2012 and 2017,
- having regard to the declaration of 10 December 2018 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy on behalf of the EU on Human Rights Day,
- having regard to the statement made by Commission President Jean-Claude Juncker

¹ OJ C 408, 30.11.2017, p. 43.

² Texts adopted, P8_TA(2019)0115.

³ Texts adopted, P8_TA(2019)0157.

⁴ Texts adopted, P8_TA(2018)0515.

⁵ OJ C 337, 20.9.2018, p. 82.

⁶ OJ C 35, 31.1.2018, p. 77.

- during his State of the Union Address on 12 September 2018, proposing that Member States make use of qualified majority voting in certain areas of the EU's CFSP, such as responding collectively to violations of human rights and applying effective sanctions,
- having regard to its study of April 2018 entitled 'Targeted sanctions against individuals on grounds of grave human rights violations – impact, trends and prospects at EU level',
 - having regard to the proposal of 14 November 2018 for a European Human Rights Entry Ban Commission,
 - having regard to the proposal of the Dutch Government for a human rights sanctions regime at the European level,
 - having regard to Title V, Chapter 2 of the Treaty on European Union (TEU), regarding the adoption of sanctions under CFSP,
 - having regard to Article 215 of the Treaty on the Functioning of the European Union (TFEU) on the adoption of sanctions against both third countries and individuals, groups and non-state entities,
 - having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas sanctions are an essential tool of the CFSP; whereas sanctions have over the past two decades become an integral part of the EU's external relations toolbox, with over 40 different restrictive measures currently in place against 34 countries; whereas an estimated two thirds of EU country-specific sanctions have been imposed in support of human rights and democracy objectives;
 - B. whereas sanctions seek to bring changes in policy or the conduct of those targeted, with a view to promoting the objectives of the CFSP; whereas one of the main objectives of the CFSP is to develop and consolidate democracy, the rule of law, respect for human rights and fundamental freedoms;
 - C. whereas sanctions are designed to minimise adverse consequences for those not responsible for the policies or actions that led to their adoption, in particular on local civilian populations and on legitimate activities in or with the country concerned;
 - D. whereas all sanctions adopted by the EU are fully compliant with obligations under international law, including those pertaining to human rights and fundamental freedoms; whereas sanctions should be regularly reviewed in order to ensure they are contributing towards their stated objectives;
 - E. whereas in addition to country-specific sanctions that aim at bringing about changes in states' behaviour, the EU has recently introduced restrictive measures against the proliferation and use of chemical weapons and cyberattacks, as well as specific measures to combat terrorism;
 - F. whereas Estonia, Latvia, Lithuania, the United Kingdom, Canada and the United States have adopted 'Magnitsky laws' enabling their governments to impose targeted sanctions

such as visa bans and asset freezes on the perpetrators and beneficiaries of serious human rights violations; whereas the European Parliament has repeatedly called for the establishment of an EU Magnitsky human rights sanctions regime;

- G. whereas existing ‘Magnitsky laws’ are not limited to persons from particular countries or found to be involved in particular crimes, but cover any and all perpetrators of serious human rights violations enjoying impunity;
 - H. whereas some national law-enforcement bodies have failed to hold the perpetrators of criminal offences to account; whereas in such cases, an EU Magnitsky Act, comprising targeted sanctions and administrated in a proper way, would be highly effective;
 - I. whereas the Dutch Government initiated a discussion among EU Member States in November 2018 on the political opportunity of a targeted human rights sanctions regime at EU level; whereas preliminary discussions are continuing at Council working group level;
1. Strongly condemns all breaches of human rights across the globe; urges the Commission and the European External Action Service (EEAS) to establish a legislative proposal for an EU Magnitsky Act before the end of the current legislature, which would allow for the imposition of visa bans and targeted sanctions, such as the blocking of property and interests in property within the EU’s jurisdiction on individual public officials or persons acting in an official capacity, and state and non-state actors and entities that are responsible for serious human rights violations;
 2. Expresses its view that persecution, atrocities and international crimes against religious and ethnic minorities amount to war crimes and crimes against humanity; underlines the fact that those who intentionally, for ethnic or religious reasons, conspire in, plan, incite, commit or attempt to commit, are complicit in or support such atrocities should be brought to justice;
 3. Stresses the importance of an immediate sanctions list in order to secure the effective implementation of an EU Magnitsky Act; calls on the Council to pursue its work on this matter without delay; underlines the importance of Parliament’s role in scrutinising this future regime, notably in the definition of listing criteria and the modification of these listings;
 4. Firmly believes that such a regime would be a valuable addition to the EU’s existing human rights and foreign policy toolbox, and would strengthen the EU’s role as a global human rights actor, notably in its fight against impunity and its support to victims of abuse and human rights defenders worldwide;
 5. Stresses that the regime should enable restrictive measures, notably asset freezes and EU entry bans, to be taken against individuals or entities that are responsible for or involved in, or that assist, finance or contribute to the planning, directing or commission of, grave human rights violations or abuses; urges, in this sense, the establishment of a clear definition of the scope of violations in order to remedy the current situation;
 6. Insists that decisions to list and delist individuals or entities should be based on clear and distinct evidence-based criteria and directly linked with the crime committed in

order to guarantee a thorough judicial review;

7. Stresses the need for all Member States to interpret the application of sanctions in the same consistent manner; calls on the Member States to collaborate with one another in identifying appropriate target persons, including by using the relevant Union mechanisms and by sharing information on persons included on sanctions lists and the grounds for their reasonable belief that these persons are responsible for serious human rights violations; stresses that human traffickers that profit from migratory flows should be sanctioned under such a regime;
8. Welcomes the proposal made by the President of the Commission to move beyond unanimity in Council decision-making in CFSP-specific areas including human rights issues; believes that such a decision-making process might be applied to this new sanctions regime;
9. Urges all Member States to ensure full compliance with Council decisions on restrictive measures against individuals and entities, and, in particular, the freezing of assets of individuals listed and the restrictions on admission to their respective territories as a result of violations of human rights;
10. Stresses that the criminal prosecution of the perpetrators of gross human rights violations through domestic or international jurisdictions should remain the primary objective of all efforts to combat impunity undertaken by the EU and its Member States; calls on the Council to include cross-border violations within the scope of the regime;
11. Calls on the Commission to dedicate adequate resources and expertise to enforcing and monitoring this regime once it is in place, as well as to devote particular attention to public communication about the listings, both in the EU and in the countries concerned;
12. Supports the efforts of civil society activists to establish such a regime and encourages discussion on the proposal for the setting up of a possible independent EU-level advisory committee;
13. Instructs its President to forward this resolution to the Council, the Commission, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the governments and parliaments of the Member States, the Secretary-General of the United Nations and the Secretary General of the Council of Europe.