



Plenary sitting

B8-0180/2019

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 ALDE 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, including 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 Chapter 2 of Title V of the Treaty on European Union (TEU) on the adoption of sanctions under the Common Foreign and Security Policy (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 the statement on the occasion of the State of the Union Address by President Jean-Claude Juncker on 12 September 2018 proposing that Member States make use of existing EU rules to move from unanimity to 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 the statement of 10 December 2018 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy following the EU Foreign Affairs Council,
- having regard to the resolution of 22 January 2019 by the Parliamentary Assembly of the Council of Europe on Sergei Magnitsky and beyond – fighting impunity by targeted sanctions,
- having regard to the study entitled ‘Targeted sanctions against individuals on grounds of grave human rights violations – impact, trends and prospects at EU level’ published by its Directorate-General for External Policies on 26 April 2018²,
- having regard to the proposal of 14 November 2018 for a European Human Rights Entry Ban Commission,
- having regard to the meeting of 20 November 2018 in the Netherlands on the EU Global Human Rights Sanction Regime,

¹ OJ C 408, 30.11.2017, p. 43.

² Study – ‘Targeted sanctions against individuals on grounds of grave human rights violations – impact, trends and prospects at EU level’, European Parliament, Directorate-General for External Policies, Policy Department for External Relations, 26 April 2018.

- having regard to Rule 123(2) of its Rules of Procedure,
- A. whereas EU sanctions (also known as restrictive measures) 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 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;
- C. whereas existing EU sanctions target both state and non-state actors, such as terrorists and terrorist groups;
- D. whereas over the past couple of months, there have been numerous instances in which European companies or even EU Member States have violated EU sanctions; whereas these violations include the visit of sanctioned Syrian security official Ali Mamlouk to Italy, Belgium companies shipping components for poison gas to Syria, Dutch companies assisting in the building of the contested Kerch bridge, German-made propellers ending up on Russian military drones and the Dutch company Damen supplying patrol boats to the Libyan coastguard;
- E. whereas these examples illustrate the need to further clarify the scope and reach of the sanctions currently in force, as well as for a clarification of the degree to which countries and companies are responsible for ensuring that the end use or destination of their goods and services are not encompassed by sanctions;
- F. whereas the relevant authorities of EU Member States are responsible for enforcing sanctions while such measures are decided on at European level; whereas increased cooperation and information sharing between these authorities, as well as a European enforcement mechanism, are essential to ensure the uniform enforcement and interpretation of the EU restrictive measures in force and that European companies can operate on a level playing field;
- G. whereas Parliament has repeatedly called for the establishment of an EU global human rights sanctions regime which would ensure the consistency and efficacy of individual asset freezes, visa bans and other sanctions imposed on individuals and entities by Member States and on EU level;
- H. whereas whenever a sanctions regime is introduced, a transparent process of listing, review and delisting of those sanctioned must be respected;
- I. whereas Magnitsky-type legislation based on human rights-specific sanctions regimes have been adopted in a few countries, including the USA, Canada, Estonia, Lithuania and the UK;
- J. whereas a number of civil society activists have actively contributed to the introduction of such regimes, notably US-born businessman William Browder, in the wake of the

death of his lawyer Sergei Magnitsky while in detention in Russia;

- K. 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; calls on the Council to swiftly establish an autonomous, flexible and reactive EU-wide sanctions regime that would allow the targeting of any individual, state and non-state actors, and other entities responsible for or involved in grave human rights violations and acts of systemic corruption; firmly believes that such a regime is an essential part of 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 to human rights defenders worldwide;
 2. Takes note of the Global Magnitsky Act passed by the US congress in 2016 following on from the Sergei Magnitsky Rule of Law Accountability Act of 2012 which intended to sanction the individuals responsible for the death of anti-corruption advocate and lawyer Sergei Magnitsky during pre-trial detention in a Russian prison after enduring inhumane conditions, deliberate neglect and torture;
 3. Stresses that an EU human rights violations sanctions regime should further build on Parliament's Magnitsky resolution of 2 April 2014 which called on the Council to establish a common EU list of officials responsible for the death of Sergei Magnitsky, and for the subsequent judicial cover-up and harassment of his family; emphasises the need for an EU human rights sanctions regime to allow for the sanctioning of individuals implicated in human rights abuses anywhere in the world, and for it to explicitly and symbolically carry Sergei Magnitsky's name; welcomes the fact that similar legislation targeting human rights abusers worldwide has been enacted across the Atlantic; emphasises the need for transatlantic cooperation to hold human rights violators to account; encourages other democracies to develop similar instruments;
 4. Stresses that this regime should allow the imposition of restrictive measures, notably asset freezes and EU entry bans, against any individual or entity responsible for, involved in or which has assisted, financed or contributed to the planning, directing or committing of gross human rights violations, abuses and acts of systemic corruption; emphasises the need to clearly define the scope of violations that could include involvement in acts of torture, enforced disappearance, trafficking in human beings, political imprisonment and acts of corruption among other things, as well as to set up appropriate legal avenues through which a listing can be challenged;
 5. Is convinced of the effect this new regime will have on the behaviour of the individuals and entities concerned, as well as of its deterrent effect; to this end, stresses the need for all EU Member States to interpret, explain and enforce the application of sanctions in the same consistent manner; urges the Member States and the Commission to step up their cooperation and information sharing, and to devise a European oversight and enforcement mechanism in the form of an independent body, such as a sanctions court or tribunal, as a remedy to the current situation in which sanctions continue to be violated, thereby undermining the EU's foreign policy credibility;

6. Welcomes the proposal made by President of the Commission to move beyond unanimity in Council decision making in CFSP areas, and urges the Council to adopt this new sanctions instrument in such a way that the imposition of human rights sanctions can be adopted by qualified majority regime in the Council;
7. Supports the preliminary discussions at Council level on the establishment of such a sanctions instrument; urges the High Representative and her services to take a constructive and proactive approach in bringing these discussions to a successful conclusion and expects her to report back to Parliament; underlines the importance of Parliament's scrutiny role over this future regime, notably regarding the scope and definition of the listing criteria, as well as the possibilities for judicial redress;
8. Calls on all Member States to ensure that both their authorities and the companies registered in their territories are in full compliance with the 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; expresses concern at recent reports of violations of these decisions and reminds Member States of their obligation under international law to ensure the arrest and detention of those suspected of having committed crimes involving atrocities present on their territory;
9. Calls for more consistent use of sanctions within the EU's external relations, including greater transparency within the Council and the Commission in the process leading up to the adoption of sanctions to ensure greater credibility of the sanctions imposed;
10. Insists on the importance of the future EU human rights sanctions regime being consistent with and complementary to existing EU policies and existing country-specific and horizontal restrictive measures; insists, in this regard, that the new regime should not replace the human rights scope of current country-specific measures; considers, furthermore, that any future regime needs to be fully complementary to and consistent with the existing international framework on sanctions, notably in relation to the United Nations Security Council;
11. Warns that the political legitimacy of this regime will largely depend on the capacity of the Council to adopt listings strictly on a rights-based determination;
12. Underscores the need for the regime to be legally sound and in full compliance with the highest possible standards in terms of the protection and observance of due process rights of the individuals or entities concerned; in this regard, insists that decisions to list and delist individuals or entities should be based on clear and distinct criteria and directly linked with the crime committed in order to guarantee a thorough judicial review;
13. 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 undertaken by the EU and its Member States to combat impunity; reiterates the principle of universal jurisdiction in this regard; calls on the Council to include cross-border violations within the scope of this regime;
14. 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;

15. Pays tribute to the tireless efforts of civil society activists in support of the introduction of sanctions targeting individual perpetrators; recommends the setting up of an EU-level advisory committee, comprising experts and civil society representatives, that would contribute to the ongoing Council discussions on a future human rights sanctions regime;
16. 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.