



Plenary sitting

B9-0012/2019

16.7.2019

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 Russia, notably the situation of environmental activists and Ukrainian political prisoners
(2019/2734(RSP))

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on behalf of the Verts/ALE Group

European Parliament resolution on Russia, notably the situation of environmental activists and Ukrainian political prisoners (2019/2734(RSP))

The European Parliament,

- having regard to its previous resolutions on Russia, in particular the one on Russia, the case of Oyub Titiev and the Human Rights Center Memorial of 8 February 2018, the one of 14 June 2018 on Russia, notably the case of Ukrainian political prisoner Oleg Sentsov, and the one of 14 February 2019 on the situation in Chechnya and the case of Oyub Titiev,
 - having regard to its report of 12 March 2019 on the state of EU-Russia political relations,
 - having regard to the Statement by the Spokesperson on the sentencing of Pavlo Hryb of 22 March 2019,
 - having regard to Declaration by the High Representative Federica Mogherini on behalf of the EU on the Autonomous Republic of Crimea and the city of Sevastopol of 17 March 2019,
 - having regard to the Statement by the Spokesperson for Foreign Affairs of the EEAS on the cases of illegally detained Ukrainian citizens of 10 January 2019,
 - having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms,
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to the European Convention of Human Rights and the Protocols thereto,
 - having regard to the Constitution of the Russian Federation, in particular Chapter 2 on the Rights and Freedoms of Man and Citizen,
 - having regard to the European Union Guidelines on Human Rights Defenders, on Torture and Ill-Treatment, and on Human Rights Defenders,
 - having regard to Rules 135(5) of its Rules of Procedure,
- A. whereas the Russian Federation, as a full member of the Council of Europe and the Organisation for Security and Cooperation in Europe, has committed itself to the principles of democracy, the rule of law and respect for human rights,
- B. whereas the human rights situation in Russia has been deteriorating over the last years and the Russian authorities have adopted a series of laws containing ambiguous provisions and which are used to place further restrictions on opposition and civil-

society actors, and hinder the freedoms of expression and assembly,

- C. whereas, there is no progress in the case of Ukrainian film-maker and writer Oleg Sentsov, arrested in Crimea and sentenced to 20 years' imprisonment by a Russian court on fabricated charges of plotting terrorism acts; whereas in December 2018 Oleg Sentsov was awarded the Sakharov Prize by the European Parliament,
- D. whereas following the occupation of Crimea in 2014 freedom of expression at the peninsula has dramatically worsened; whereas in order to attack independent and critical voices occupying authorities make use of different tools including anti-extremists and antiterrorists Russian legislation, accusations in separatism, administrative and criminal persecution, physical attacks, threats, ban of alternative sources of information; whereas starting from 2014 Ukrainian human rights NGOs have collected more than 300 cases of attacks on journalists and bloggers,
- E. whereas due to these attacks a number of local journalists, who openly opposed the occupation and covered the armed invasion of Russia, had to flee the territory of Crimea in March 2014 because of the threat to their life; whereas Crimean media outlets together with its staff moved to the mainland of Ukraine; whereas, frequencies, which broadcasted Ukrainian FM radio stations, were seized and shifted to broadcasting of Russian FM radio stations; whereas as of the end of May 2019, more than 30 Ukrainian web-sites were blocked totally or partly in the territory of the peninsula,
- F. whereas, Russian legislation has been changing over these years in order to make repression of independent voices easier and legitimate; whereas in particular, in 2014 amendments were adopted to the Criminal Code of Russian Federation, allowing to prosecute the inhabitants of Crimea, who put into question the occupation of Crimea; whereas at the beginning of 2019 Russian parliament adopted a new legislation on "spreading fake news" and "disrespect of the authorities", which allows to impose heavy fines and imprison anyone, who criticizes the government and distributes the information, which Russian authorities may consider as "fake news"; whereas such repression also takes the form of disqualifying opposition candidates from elections, as currently in the case of the municipal candidates, Ilya Yashin, Lyubov Sobol and Ivan Zhdanov, for the Moscow elections;
- G. whereas Russian authorities use anti-extremists and antiterrorists legislation to intimidate journalists and bloggers who denounce the human rights abuses in Crimea; whereas, moreover, blurred wordings turn legislation into a political instrument of repression,
- H. whereas since March 2019 civic initiative "Crimean Solidarity Group" has been facing large-scale arrests of its activists in the course of three security operations involving the Russian Federal Security Services (FSB), the Special Forces (OMON), the Russian National Guard (Rosgvardia), police and traffic police, whereas the operations consisted of coordinated dawn raids on Crimean Tatar households across the Crimean Peninsula; whereas the show of force was clearly aimed at intimidating the Crimean Tatar community,
- I. whereas, on 10 June 2019, during a search operation eight people were arrested;

whereas three of them, namely Lenur Khalilov, Enver Omerov, Ayder Dzhapparov are members of the Crimean Solidarity group, whereas, on 14 February 2019 during another search operation three Crimean Tatars were arrested, one of them, Rustem Emiruseinov, an activist associated with the activities of the Crimean Solidarity,

- J. whereas, on 27 March 2019 the simultaneous search of 30 Crimean Tatar households across the Crimean Peninsula lead to the arrest of 19 members or affiliates of the Crimean Solidarity; whereas three more members of the Crimean Solidarity were arrested in Aksay, Rostov region of the Russian Federation; whereas almost immediately they were dispersed to various pre-trial detention facilities in Rostov Oblast' – some 650km away from their homes, families and legal representatives,
- K. whereas, all of the activists were charged with organizing or participating in the activities of Hizb ut-Tahrir – an international pan-Islamic party designated as a terrorist organization by Russia, but not by Ukraine or the majority of European nations; whereas, Russian authorities are yet to present credible evidence linking Hizb ut-Tahrir to any past or planned terrorist activities, or linking any of the detainees to Hizb ut-Tahrir,
- L. whereas as of beginning of June 2018 at least 71 Ukrainian citizens have been detained for political reasons in different regions of the Russian Federation and in occupied Crimea;. whereas most of these arrests took place in Crimea, but all of them, no matter where they took place, should be considered as happening in the context of the international armed conflict in the territory of Ukraine starting from 2014,
- M. whereas on 26 May the UN International Tribunal for the Law of the Sea ruled that Russia must release the 24 Ukrainian sailors captured in the Kerch Strait on 25 November 2018 immediately and urged both nations to not escalate the conflict,
- N. Whereas environmental rights are intrinsically linked with core human rights and that environmental defenders play a crucial role in protecting land, ecosystems, and indigenous rights, and should enjoy states protection from risk associated with their work, including intimidation, harassment and violence by state and non-state actions;
- O. Whereas governments are ultimately responsible for the protection of environmental defenders;
- P. Whereas Russian environmental defender Yevgeniy Vitishko was detained by Russian authorities ahead of Sochi Olympic Games in 2014, served almost three years in prison in connection with his peaceful environmental activism; and to date was not never exonerated or compensated;
- Q. Whereas the perpetrators and authors of the brutal attack on environmental defender Andrey Rudomakha in December 2017 continue to enjoy impunity;
- R. Whereas Moscow's municipal authorities plans to open a new waste dumping site in Arkhangelsk region, construction of incineration plants in Moscow region and Tatarstan, and increased environmental impact of existing waste-dumping sites in

Moscow region, have sparked a wave of protests in Russia since 2017 through the present;

- S. Whereas pursuit of accountability in episodes of violent interaction of private security guards with environmental defenders appears to be one-sided, with the police detaining and prosecuting only environmental defenders, but repeatedly failing to hold private security guards accountable for violence inflicted on environmental protesters, including where unlawful use of force is documented on video;
- T. Whereas in recent months at least two criminal cases were opened against environmental defenders for repeated violations of law on public assemblies in connection with environmental protests in Arkhangelsk and Moscow regions (against Andrey Borovikov and Vyacheslav Yegorov);
- U. Whereas many activists continue to be routinely detained and subjected to fines and detention in connection with peaceful environmental protests across the country;
- V. Whereas dozens of organization working on environmental issues were forcibly put on the foreign agents list since 2014, despite the ruling of Russia's Constitutional Court explicitly excluding environmental groups from the scope of that law, and many of the affected groups had to close down to avoid labelling of a foreign agents or unable to pay the fines;
- W. whereas on May 30, 2019, the Russian Federal Court Bailiff Service filed five criminal complaints against Alexandra Koroleva. head of the environmental rights NGO Ekozaschita! based in Kaliningrad, for failing to pay fines resulting from the application of Russia's 2012 Foreign Agent Law which targets non-profit organisations receiving foreign financial assistance or carrying out activities deemed to be "political"; whereas if found guilty, she could face up to two years in prison,
- X. whereas in June 2019 Alexandra Koroleva decided to leave the country and seek political asylum in Germany to avoid arrest,
- Y. whereas in March 2019 in Shiyes during the demonstrations by the local population against the building an enormous landfill designed for shipments of garbage from Moscow the authorities have clamped down on the protests by using traditional repressive methods, including beating, arresting and filing charges against demonstrators over violations of Russia's law on protests, and even for online criticism; whereas officials have already issued more than 70 fines totalling around 1.5 million rubles (\$24,000) against protesters, as well as two criminal charges; whereas clashes with security guards and police have left many activists with serious injuries such as broken ribs and concussions,
- Z. whereas according to Memorial, that in 2009 was awarded by the European Parliament the Sakharov Prize for the Freedom of Thought, in Russian jails there are currently more than 50 people that can be considered political prisoners (with the exception of those persecuted in connection with the realization of their right to freedom of religion) that means individuals who are serving a prison sentence, as well

as those being held in custody or under house arrest as a form of pre-trial detention, and are being persecuted in connection with the realization of their legitimate rights as well as those who are being unlawfully or disproportionately persecuted by the authorities for political reasons,

AA. whereas as the Russian law on “foreign agents,” requires NGOs that receive foreign funding and are engaged in “political activity” to apply for inclusion in a special government list of foreign agents, being thereof subjected to additional and close scrutiny by the government and required to state in all their publications, press-releases, and reports that these have been produced by a foreign agent,

BB. whereas the implementation of such law has involved severe actions such as prosecutor office's raids, confiscation of property, administrative fines and other measures aimed at preventing and dissuading civil society organisations from carrying out their work,

CC. whereas the Russian authorities are expanding their mass surveillance programmes; whereas these programmes, combined with laws restricting the freedom of NGOs, provide the Russian authorities with a very powerful tool to monitor and repress opposition voices,

DD. whereas following Russia’s annexation of the Crimean peninsula and Moscow military support for the separatists in Eastern Ukraine in 2014 the EU adopted a series of sanctions on individuals and entities as well as on energy, defence and financial sectors of the Russian Federation,

1. Calls on the Russian authorities to immediately release Oleg Sentsov and all Ukrainian citizens illegally detained in the non-government controlled areas in the Eastern Ukraine and those held for political reasons in occupied Crimea and in Russia, with special attention to the urgent cases in which there is a threat to life and health;
2. Calls on the Russian Federation to abide by the ruling of the UN International Tribunal for the Law of the Sea and immediately release the 24 Ukrainian sailors of the vessels captured by Russia on 25 November 2019 in the Kerch Strait and the Sea of Azov;
3. Insists that the treatment of all prisoners must meet international standards, and that all detainees must be given access to legal counsel, their families, and medical treatment;
4. Urges the HR/VP to address the President of the Russian Federation with the need to start a negotiation process over Ukrainian citizens detained for political reasons by Russia in occupied Crimea and in Russia;
5. Calls on the EEAS and the Commission to make pressure on Russia in order to establish a constant negotiation platform which would focus at the humanitarian issues related to those arrested by both sides in connection with international armed conflict in the territory of Ukraine, namely those held in occupied Crimea and in Russia;
6. Urges the Council to create a legal frame in the EU which would allow to impose personal sanctions against those responsible for grave human rights violations including torture or otherwise involved in such practices aimed against Ukrainian

citizens persecuted by the Kremlin in connection with the armed conflict in Ukraine for political reasons;

7. Condemns Russia's violations of the right to free assembly and the right to free association, and in particular its enforcement of the foreign agents law and its harassment of numerous environmental defenders;
8. Urges the Russian authorities at all levels to recognise the crucial role of environmental defenders in protecting the environment and in ensuring respect for environmental rights and to publicly condemn all attacks, intimidation, harassment and criminalization of environmental defenders;
9. Calls on the Russian authorities to immediately and unconditionally end any act of harassment, including at the judicial level, against Ms. Alexandra Koroleva and Ekozaschita!, as well as against all human rights defenders and environmental activists in the country and allow them to carry out their legitimate work without any interference;
10. Deplores the Russian authorities' failure to hold accountable those responsible for the attack on Russia's prominent environmental defender, Andrey Rudomakha, in December 2017; urges the Russian authorities to ensure effective investigation and accountability on this and other cases of attacks against environmental defenders;
11. Calls on the Russian authorities to ensure that the use of force by private security personnel is explicitly regulated in law and practice and to hold accountable private security personnel who inflict unlawful and disproportionate violence on protesters;
12. Urges the Russian authorities to ensure that its national legislation and administrative regulations include unambiguous requirements that adequate environmental impact assessments, public hearings and licensing precede any stage of development of projects with potential impact on environment, including any preparatory works;
13. Calls on the Russian authorities to accede to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters;
14. Calls on the Russian authorities to ensure full cooperation with UN Special Procedures, including by extending invitation for a country visit to the Special Representative on human rights and the environment, the Special Representative on the situation of human rights defenders and the Special Representative on the rights to freedom of peaceful assembly and of association to report on the situation of environmental human rights defenders;
15. Calls on the European Union's Special Representative for Human Rights, the Delegation of the European Union to Russia and the embassies of EU Member States

to pay continuous attention to the situation of the environmental defenders; calls on the EU and its Member States to undertake extra steps to support the Russian environmental human rights defenders, including by continued and increased engagement at the bilateral and multilateral level with the Russian authorities to express grave concern over the situation of environmental defenders, by implementing designated technical assistance and capacity building programs and earmarked programs, and by ensuring access to asylum and protection for environmental human rights defenders who face serious persecution in Russia;

16. Urges the EU to adopt standards and directives for EU companies and transnational corporations and any of their affiliates, subsidiaries and counterparts to ensure the execution of the highest standards of due diligence, throughout the chain of subcontracting, when engaging with development or technical assistance projects in the Russian Federation at all stages of project realization, including by ensuring the strict observance of environmental damage prevention, environmental impact assessment, access to information, public participation, and free, prior and informed consent standards;
17. Welcomes the Russian authorities' declared plans to improve waste management and in particular increase the waste recycling program and calls on the Russian authorities to ensure transparency, accountability and a participatory approach in realization of this reform, including through active engagement of environmental human rights defenders;
18. Calls on the Council to extend the EU sanctions on Russia as long as Moscow does not respect the Minsk accord; calls for their extension for a 12-month period instead of 6 months as it is today and for the addition of new names on the sanction list and to take into account the possibility to introduce additional sanctions, for example related to the human rights violations in Crimea;
19. Urges the Russian authorities at all levels to recognise the crucial role of human rights defenders as pillars of democracy and watchdogs of the rule of law and publicly condemn all attacks against human rights defenders;
20. Calls on all Member State to step up asylum request procedures for victims of human rights violations, journalists and human rights defenders in accordance with European and national law;
21. Reiterates its serious concerns about the "foreign agent" law and the way it is being implemented; considers that the definition of "political activity" carried out by NGO that accept foreign funding is so broad as to allow in practice government control over just about any organized activity relating to public life;
22. Recalls the importance of Russia's full compliance with its international legal obligations, as a member of the Council of Europe and the Organisation for Security and Cooperation in 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);

23. Stresses that freedom of assembly in the Russian Federation is granted under Article 31 of the Russian Constitution and under the European Convention on Human Rights, to which Russia is a signatory, obliging the Russian authorities to respect it;
24. Urges EU missions (embassies, consulates) to observe and monitor trials of Human Rights Defenders, including in regions with priority given to emblematic or precedent-setting cases like the ones under the Law on Foreign Agents and undesirable organizations law, cases where NGOs are fighting smear campaigns, and cases where HRDs/NGOs are accused of discrediting “dignity or business reputation” of public officials or organizations;
25. Calls on the Presidents of the Council and the Commission, as well as the VP/HR to continue to follow these cases closely, to raise these issues in different formats and meetings with Russia, and to report back to Parliament on the exchanges with the Russian authorities;
26. Calls on the EU and its embassies in Moscow to closely monitor the developments in the run up to the Moscow municipal elections scheduled for September 2019 and to urge Russian authorities to commit to free, fair and democratic elections and to stop unjustified removals of opposition candidates from the ballot;
27. Urges the Council to develop a unified policy towards Russia that commits the 28 EU Member States and EU institutions to a strong common message on the role of human rights in the EU-Russia relationship and the need to end the crackdown on freedom of expression, assembly and association in Russia;
28. Urges the High Representative and the EEAS to ensure that the Union seeks every opportunity, within the boundaries of Russian domestic law, to continue to engage with and support Russian civil-society organisations, including those working to promote the values of democracy, human rights and the rule of law;
29. Urges the Commission and the EEAS, with regard to the ongoing programming phase of the EU financial instruments, to increase its financial assistance to Russian civil society through the European Instrument for Democracy and Human Rights and the civil-society organisations and local authorities funds, and to include the EU-Russia Civil Society Forum in the Partnership Instrument in order to ensure sustainable and credible long-term support;
30. Reiterates its support for a European human rights violations sanctions regime, which should sanction perpetrators of serious human rights violations and calls on the Council to pursue its work on this matter without delay; stresses that perpetrators of human right abuses should not be granted EU-visas nor be allowed to keep assets in EU Member States;
31. 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 Organisation for Security and Cooperation in Europe, and the President, Government and Parliament of the Russian Federation.

