



Plenary sitting

**B8-0177/2019 }
B8-0178/2019 }
B8-0179/2019 }
B8-0180/2019 }
B8-0181/2019 } RC1**

13.3.2019

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 123(2) and (4) of the Rules of Procedure

replacing the following motions:

B8-0177/2019 (Verts/ALE)

B8-0178/2019 (PPE)

B8-0179/2019 (ECR)

B8-0180/2019 (ALDE)

B8-0181/2019 (S&D)

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

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Jaromír Štětina, Fernando Ruas**

on behalf of the PPE Group

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Pier Antonio Panzeri, Ana Gomes**

on behalf of the S&D Group

Charles Tannock, Ryszard Czarnecki, Anna Elżbieta Fotyga

on behalf of the ECR Group

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PE635.437v01-00 }
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PE635.441v01-00 } RC1

**Izaskun Bilbao Barandica, Gérard Deprez, Marian Harkin, Ivan Jakovčić,
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on behalf of the ALDE Group
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on behalf of the Verts/ALE 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 resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union’s policy on the matter¹ and its resolution of 11 March 2014 on the eradication of torture in the world²,
- having regard to its previous resolutions under Rule 135 of its Rules of Procedure calling for the imposition of targeted sanctions against individuals involved in grave human rights violations, including those of 19 January 2017 on the situation in Burundi³, of 5 July 2018 on Burundi⁴, of 18 May 2017 on South Sudan⁵, of 14 June 2017 on the situation in the Democratic Republic of the Congo⁶, of 18 January 2018 on the Democratic Republic of the Congo⁷, of 14 September 2017 on Gabon: repression of the opposition⁸, of 5 October 2017 on the situation in the Maldives⁹, of 5 October 2017 on the cases of Crimean Tatar leaders Akhtem Chygoz, Ilmi Umerov and the journalist Mykola Semena¹⁰, of 30 November 2017¹¹ and of 4 October 2018¹² on the situation in Yemen, of 14 December 2014 on Cambodia: notably the dissolution of CNRP Party¹³, of 14 December 2017 on the situation of the Rohingya people¹⁴, of 15 March 2018 on the situation in Syria¹⁵, of 25 October 2018 on the situation in Venezuela¹⁶, of 13 September 2018 on Myanmar, notably the case of journalists Wa Lone and Kyaw Soe Oo¹⁷, of 25 October 2018 on the situation in the Sea of Azov¹⁸, of 25 October 2018 on the killing of journalist Jamal Khashoggi in the Saudi consulate in Istanbul¹⁹ and of 14 February 2019 on the situation in Chechnya and the case of Oyub Titiev²⁰,
- having regard to its recommendation to the Council of 2 April 2014 on establishing

¹ OJ C 169E, 15.6.2012, p. 81.

² OJ C 378, 9.11.2017, p. 52.

³ OJ C 242, 10.7.2018, p. 10.

⁴ Texts adopted, P8_TA(2018)0305.

⁵ OJ C 307, 30.8.2018, p. 92.

⁶ OJ C 331, 18.9.2018, p. 97.

⁷ Texts adopted, P8_TA(2018)0015.

⁸ OJ C 337, 20.9.2018, p. 102.

⁹ OJ C 346, 27.9.2018, p. 90.

¹⁰ OJ C 346, 27.9.2018, p. 86.

¹¹ OJ C 356, 4.10.2018, p. 104.

¹² Texts adopted, P8_TA(2018)0383.

¹³ OJ C 369, 11.10.2018, p. 76.

¹⁴ OJ C 369, 11.10.2018, p. 91.

¹⁵ Texts adopted, P8_TA(2018)0090.

¹⁶ Texts adopted, P8_TA(2018)0436.

¹⁷ Texts adopted, P8_TA(2018)0345.

¹⁸ Texts adopted, P8_TA(2018)0435.

¹⁹ Texts adopted, P8_TA(2018)0434.

²⁰ Texts adopted, P8_TA(2019)0115.

- common visa restrictions for Russian officials involved in the Sergei Magnitsky case²¹,
- 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 matter²²,
 - having regard to its resolution of 13 September 2017 on corruption and human rights in third countries²³,
 - having regard to its resolution of 12 March 2019 on the state of EU-Russia political relations²⁴,
 - having regard to its resolution of 4 February 2016 on the systematic mass murder of religious minorities by the so called ISIS/Daesh²⁵,
 - having regard to Title V, Chapter 2 of the Treaty on European Union (TEU), regarding 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 Declaration 25 of the Lisbon Treaty on the need to ensure due process rights of individuals or entities concerned by EU restrictive measures or EU measures in combating terrorism,
 - having regard to the European Convention on Human Rights and the protocols thereto,
 - having regard to the EU Strategic Framework and Action Plan on Human Rights and Democracy (2015-2019),
 - 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 declaration of 10 December 2018 by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy (VP/HR) following the Foreign Affairs Council of December 2018,
 - having regard to the resolution of the Parliamentary Assembly of the Council of Europe of 22 January 2019 entitled ‘Sergei Magnitsky and beyond – fighting impunity by

²¹ OJ C 408, 30.11.2017, p. 43.

²² Texts adopted, P8_TA(2018)0515.

²³ OJ C 337, 20.9.2018, p. 82.

²⁴ Texts adopted, P8_TA-PROV(2019)0157.

²⁵ OJ C 35, 31.1.2018, p. 77.

- targeted 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 meeting of 20 November 2018 in the Netherlands on the EU Global Human Rights Sanction Regime,
 - having regard to Rule 123(2) and (4) of its Rules of Procedure,
- A. whereas Article 21 of the TEU stipulates that the actions of the Union shall be guided by democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law;
- B. whereas the EU is committed to the systematic implementation of sanctions decided on by the UN Security Council under Chapter VII of the UN Charter, and at the same time imposes autonomous sanctions in the absence of a UN Security Council mandate in cases where the UN Security Council is not empowered to take action or is prevented from doing so by a lack of agreement among its members;
- C. 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;
- D. whereas personally targeted 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; whereas they directly affect the persons responsible for violations, serving as a deterrent;
- E. 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 that they are contributing towards their stated objectives;
- F. 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;
- G. whereas existing EU sanctions target both state and non-state actors, such as terrorists

and terrorist groups;

- H. 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 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 is not covered by sanctions;
 - I. whereas the relevant authorities of EU Member States are responsible for enforcing sanctions while such measures are decided on at European level;
 - J. whereas the US Congress passed the Global Magnitsky Act 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 Sergei Magnitsky during pre-trial detention in a Russian prison, after enduring inhumane conditions, deliberate neglect and torture;
 - K. whereas Estonia, Latvia, Lithuania, the United Kingdom, Canada and the United States have adopted human rights sanctions regime laws, namely Magnitsky-type laws; whereas Parliament has repeatedly called for the establishment of a similar 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 at EU level;
 - L. 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 violations 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 for the targeting of any individual, state and non-state actors, and other entities responsible for or involved in grave human rights violations;
 2. Stresses that an EU human rights violations sanctions regime should further build on the proposals of previous resolutions that called for an EU-wide mechanism for imposing targeted sanctions; is of the view that an EU human rights sanctions regime to target individuals implicated in human rights abuses anywhere in the world should explicitly and symbolically carry Sergei Magnitsky's name; welcomes the fact that similar legislation targeting human rights abusers worldwide has been enacted in a number of countries; emphasises the need for transatlantic cooperation to hold human rights violators to account; encourages other states to develop similar instruments;
 3. 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;

4. Stresses that this regime should allow for 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 related to grave human rights violations; emphasises the need to clearly define the scope of violations as well as to set up appropriate legal avenues through which a listing can be challenged;
5. Is convinced of the positive effect this new regime will have on the behaviour of the individuals and entities concerned, as well as of its deterrent effect; stresses, to this end, 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 increase their cooperation and information sharing and to come up with a European oversight and enforcement mechanism;
6. Welcomes the proposal made by the 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 might be adopted by qualified majority in the Council;
7. Supports the preliminary discussions at Council level on the establishment of such a sanctions instrument; urges the VP/HR and her services to take a constructive and proactive approach in bringing these discussions to a successful conclusion before the end of this legislature 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 their authorities, companies and other actors 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 prosecution of those suspected of having committed crimes involving atrocities present on their territory;
9. Underlines that 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;
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. Underscores that the credibility and legitimacy of this regime are conditioned by its full compliance with the highest possible standards in terms of the protection and observance of the due process rights of individuals or entities concerned; insists, in this regard, that decisions to list and delist individuals or entities should be based on clear, transparent and distinct criteria and directly linked with the crime committed in order to guarantee a thorough judicial review and redress rights; calls for the systematic inclusion of clear and specific benchmarks and a methodology for the lifting of sanctions and for de-listing;
12. Stresses that the criminal prosecution of the perpetrators of gross human rights violations and atrocity crimes 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; stresses the need for coordinated multilateral cooperation so as to prevent sanctions evasion;
13. 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;
14. Pays tribute to the tireless efforts of civil society activists in support of such a regime; encourages the setting up of an EU-level advisory committee;
15. 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.