

P6_TA(2005)0534

Human rights in Russia

European Parliament resolution on human rights in Russia and the new NGO legislation

The European Parliament,

- having regard to its previous resolutions on Russia, particularly that of 26 May 2005 on EU-Russia relations¹,
 - having regard to the objective of the EU and Russia to implement the four road maps for the creation of four Common Spaces adopted at the EU-Russia Summit in Moscow on 10 May 2005,
 - having regard to the outcome of the EU-Russia Summits, in particular the decision taken at the EU-Russia Summit in The Hague on 25 November 2004 to maintain a regular dialogue on human rights concerns,
 - having regard to the objectives of consolidating political freedoms and democracy in the Russian Federation, as set out in the EU-Russia Partnership and Cooperation Agreement², which entered into force on 1 December 1997,
 - having regard to the European Convention on Human Rights and Fundamental Freedoms and its protocols,
 - having regard to the Council of Europe's provisional opinion on amendments to federal laws of the Russian Federation regarding non-profit organisations and public associations,
 - having regard to the comments and proposals made by the Russian President Vladimir Putin and sent to the Chairman of the State Duma, Boris Gryzlov, on 9 December 2005,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas independent non-governmental organisations (NGOs) and non-profit organisations (NPOs) are the key to developing a strong and effectively functioning civil society, whereas non-governmental organisations are now present in very large numbers in Russia, ranging from children's charities to neighbourhood associations and from providers of shelters for the homeless to consumer groups,
- B. whereas freedom of association is a fundamental human right and of great importance in a democratic society,
- C. whereas, on 23 November 2005, Russia's State Duma approved by an overwhelming majority at first reading a draft law entitled 'On introducing Amendments to Certain Legislative Acts of the Russian Federation', which amends the current legislation on the registration of NGOs and in particular the laws 'On civil society organisations', 'On non-commercial organisations' and 'On closed administrative-territorial formations'; whereas

¹ *Texts adopted*, P6_TA (2005)0207.

² OJ L 327, 28.11.1997, p. 1.

the second reading of this bill is due to take place on 16 December 2005,

- D. whereas Russian human rights ombudsman Vladimir Lukin has said that this draft law violates the Russian Constitution and international law, while the Public Chamber of the Russian Federation, a newly formed authority entrusted with the coordination of interests between citizens, non-governmental organisations and public authorities, has asked the Duma to delay voting the bill until its consequences can be examined in more detail,
- E. whereas deep public concern has been expressed both in Russia and internationally over these amendments, which potentially restrict the freedom of association in the Russian Federation,
- F. whereas, at the request of the Russian Federation, the Council of Europe has prepared an opinion on the compatibility of the draft law with the European Convention on Human Rights,
- G. whereas Terry Davis, Secretary General of the Council of Europe, said in a statement made on the occasion of the presentation of that opinion that 'the proposed amendments to the Russian Federation laws regulating the freedom of assembly [pursued] legitimate objectives of combating terrorism and money laundering' but that it looked to the Council of Europe 'as if some aspects of these amendments, concerning administrative and fiscal requirements for the registration of non-governmental and non-profit organisations, participation of foreign nationals and minors, and the authorities' power of supervision over NGOs activities and over the grounds of their dissolution [were] too restrictive',
- H. having regard to the experience of the EU Member States, which allow informal groups to freely exist without demanding any notification or registration with the government, and which grant foreign citizens and persons without citizenship legally residing on their territory all substantive rights on an equal footing with their own citizens with regard to establishing and joining associations, and allow foreign organisations to open representative offices and branches in order to carry out their activities,
- I. whereas in recent years democracy has further deteriorated substantially in Russia, in particular on account of the bringing under government control of all major TV stations and most radio stations, the spread of self-censorship among the print media, the closure of independent media, restrictions on the right to organise public demonstrations, a worsening climate for NGOs, with cases of harassment of human rights activists, abolition of the direct election of regional governors and increased political control of the judiciary, as exemplified by the Yukos case and the trials of Mr Khodorkovsky and Mr Lebedev,
 - 1. Underlines the importance of non-governmental organisations to a stable and democratic civil society built not only on principles such as the rule of law and freedom of speech but also on the ability of citizens to associate freely;
 - 2. Expresses therefore its great concern about the draft law on amendments to Russian federal legislation on non-profit organisations and public associations and calls for the new legislation to be made to comply with the norms and standards of the Council of Europe;
 - 3. Welcomes the Russian Federation's request for the advice of the Council of Europe on the

proposed amendments; fully endorses the recommendations made by the Council of Europe in its provisional opinion and calls on the Russian Federation to take those recommendations fully into account;

4. Takes note of the latest proposals made by the Russian President Vladimir Putin, suggesting that the draft legislative amendments should be substantially rewritten;
5. Hopes that the Russian legislature will
 - (a) provide a clear definition of unacceptable political activities which may not be financed from foreign sources,
 - (b) establish that a decision of a judicial and not a supervisory authority is the only ground for dissolution of NGOs and NPOs,
 - (c) choose not to introduce the requirement of permanent residence for non-nationals or the age requirement,
 - (d) ensure the right of non-nationals to establish NGOs in Russia and participate in their work,
 - (e) ease the proposed powers of supervision exercised by the authorities over NGOs, particularly as regards the requirements of financial accountability for resources supplied by foreign sponsors;
6. Appeals to the Russian Duma to take the necessary time to review and improve the amendments in the light of the recommendations made in the Presidential review, the Council of Europe's provisional opinion and this Resolution;
7. Calls on the State Duma to start a broad consultation process involving all the democratic elements of Russian civil society in order to find ways to genuinely encourage, support and consolidate the setting-up of NGOs;
8. Calls on the incoming Austrian and Finnish Presidencies to raise the issues of respect for democracy and human rights at the next EU-Russia summits, to give the EU-Russia human rights dialogue a more prominent role and to further involve the European Parliament in this process;
9. Takes the view, in this respect, that the road maps for the creation of the four Common Spaces should be linked to real progress in the field of democracy and human rights;
10. Calls on the Russian authorities to cease politically motivated harassment of NGOs, especially those observing the situation in Chechnya, such as the Russian-Chechen Friendship Society;
11. Urges the Russian Federation, as a member of the Council of Europe, to become party to the European Convention on the Recognition of the Legal Personality of International NGOs (ETS 124);
12. Expresses its concern about the general detention conditions for prisoners and the difficulty of access to lawyers for some of them; points out that according to the Russian Criminal Code detainees should be imprisoned either close to their residence or close to

the place where the trial has taken place;

13. Calls on the Council and the Commission to enhance their support for civil society in Russia and to increase allocations for promoting human rights;
14. Instructs its President to forward this resolution to the Council, the Commission, the Governments and Parliaments of the Member States, the Secretary General of the Council of Europe, the OSCE Office for Democratic Institutions and Human Rights, the UN Secretary General, the Russian State Duma and the Government of the Russian Federation.