

## **Recommendations for EU – Russia Relations**

Regarding the deterioration of human rights and fundamental freedoms in the Russian Federation

*Guided by* the Universal Declaration of Human Rights and the European Convention on Human Rights;

*Recalling* the general principles of respect for democracy, international law, and human rights within the EU – Russia Partnership and Cooperation Agreement;

*Reiterating* the focus on rule of law and civil society development projects in EU-Russian relations, including within the EU-Russian Partnership for Modernisation (P4M);

*Recognizing* that the EU and the Russian Federation have conducted regular human rights consultations, the effectiveness of which should be strongly questioned if they ignore or cannot prevent mounting human rights abuses, the systematic elimination of civil society organisations, the oppression of the independent media, and the overall decline of political rights and civil liberties in Russia;

We are *gravely concerned* about the deterioration of human rights and fundamental freedoms in the Russian Federation;

and *call upon* the EU to actively, unwaveringly, and consistently stand by civil society in Russia; as well as to commit political will to facilitate and support the work of Russian NGOs, free of government pressure and legal inhibitions;

Therefore we *strongly encourage* EU institutions and member states to urgently address the following key outstanding issues:

### **1. Civil Society**

#### **1.1. Oppressive legislation**

A series of legislative initiatives on NGO funding, freedom of assembly, libel and treason were introduced in the Russian Federation, which are humiliating in nature and are forcing civil society organisations to close down, emigrate, or operate underground.

Therefore we *recommend* that the EU immediately insist that the Russian Federation postpones the implementation of the legislation listed below and that it conducts an international joint audit of this legislation according to universal standards of human rights and with the participation of Russian and international human rights defenders:

- legislation on “Foreign Agents”;
- legislation on libel;
- legislation on Mass Events;
- the "Anti-Magnitsky law" (Federal Law № 272);
- amendments to the Criminal Code on state treason;
- the Bill on Requiring Registration of Physical Presence;
- the Bill on so-called propaganda of homosexuality.

## 1.2. Persecution of NGOs

The intimidation, harassment and persecution of all NGOs must stop. This includes those which have already been charged with non-compliance with the so-called “Foreign Agents” law (the “Golos” Association, ADC Memorial, the Kostroma Centre for Public Initiatives Support, the “Side by Side” LGBT film festival), and also those which have received notices of violations and were requested to register themselves as foreign agents (including Baikal Environmental Aid, the Human Rights centre “Memorial”, Agora, the Public Verdict Foundation, JURIX, Perm Civil Chamber and others<sup>1</sup>.)

Promotion of the common values in the above-mentioned Partnership and Cooperation Agreement, as well as promotion of human rights, the rule of law, and pluralistic democracy, which are recognized as the key pillars of the Council of Europe, cannot be considered to be “political activity”. Therefore we strongly *encourage* the EU member states to urge the Russian Federation to cease the above-mentioned practices. We also *invite* the EU and member states to support and encourage OSCE ODIHR and Venice Commission’s efforts to draft Guidelines on the freedom of association.

## **2. Independent Media**

### 2.1. Oppressive legislation

With growing pressure on independent journalists and owners of media outlets, media freedom in Russia is an increasing concern. Legislation on internet filtering and libel should be amended to fully comply with the Russian Federation’s international obligations. Review of this legislation should include the participation of independent Russian and international media experts.

### 2.2. Limitations on the media

Unequal treatment of the media seriously impedes progress towards media pluralism. The current trend is moving away from media pluralism as businesses are forced to withdraw commercials from independent TV, radio, and print outlets, depriving them of vital advertising revenue. Meanwhile, state owned channels receive large formal and informal government support and have the luxury of dispatching journalists all over the world, not only in the Russian Federation.

## **3. Corruption**

The case of Sergey Magnitsky – a cynical and brutal response to those who investigate and expose corruption among Russian authorities – has become internationally known. This is but one of many cases where the Russian authorities are either ignoring compelling evidence of corruption or are retaliating against those who uncover corruption. The Magnitsky case, the trial of Alexey Navalny and other instances of corruption and retaliation do not receive adequate response from the international community and EU member states.

We *underline* the necessity of using all available WTO mechanisms, as well as Russian

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<sup>1</sup> An extensive and updated list is available on [http://yhrm.org/eng/ugent\\_yhrm/list\\_of\\_russian\\_ngos\\_named\\_foreign\\_agents\\_updated](http://yhrm.org/eng/ugent_yhrm/list_of_russian_ngos_named_foreign_agents_updated)

aspirations to become a member of the OECD, to address the issues of corruption and non-transparent governance and business in the Russian Federation. In addition, EU investment in Russia should be linked to the implementation of anti-corruption practises, such as the anti-corruption project planned under the P4M funding.

We *invite* the EU and member states to explore and utilize various legal grounds to confiscate property acquired in the EU member states of those who are proved to be corrupt as well as to initiate and apply practices of the OECD Anti-Bribery Convention and other applicable documents in the field.

#### **4. Political Prisoners and Selective Justice**

The rule of law and the independent judiciary in Russia continue to decline. In response to mass protests, politically-motivated persecution has reached an unprecedented scale in modern Russian history. We *urge* EU institutions and member states to request that Russian authorities amend legislation on anti-extremism and a number of articles of the criminal code, which contain vague wording and unclear legal definitions, allow a broad interpretation of criminal offenses, and are often selectively used against civic and political activists. Furthermore, we *strenuously urge* the EU to demand that the Russian government pursue reform of its judicial system and ensure compliance with international standards and agreements to which Russia is a signatory, in particular with Article 14 of the International Covenant on Civil and Political Rights.

We are *gravely concerned* about the growing number of political prisoners in Russia (already about 50) and about the detentions and trials of participants in the May 6 2012 demonstration in Moscow (the Bolotnaya case). Among others, the cases of political prisoners Daniil Konstantinov, Mikhail Savva, Mikhail Khodorkovsky, Platon Lebedev, Alexey Pichugin, Taisiya Osipova, Nadezhda Tolokonnikova, Maria Alekhina, and Igor Matveev should be reviewed and considered by international bodies. The criminal persecution of Alexey Navalny and Suren Ghazaryan should be independently monitored and their impartiality must be ensured.

Moreover, we *urge* the EU and EU member states to encourage the UNHCR Regional Representative in Kyiv to take all possible steps to ensure the safety of political refugees seeking asylum outside of Russia. The abduction of Leonid Razvozzhaev in Ukraine is but one example of inadequate protection of Russian asylum seekers abroad.

We also *urge* the EU and member states to push the Russian Federation to postpone and amend new regulations of the Law on Mass Events. EU institutions and member states should also demand the full implementation of and compliance with the European Convention on Human Rights as well as the judgements of the European Court of the Human Rights.

All the elements mentioned above are necessary to promote stability, modernisation, and prosperity of both Russia and Eastern Europe. Therefore we recommend the use of all available institutions and forums, such as the UN Human Rights Council, the Council of Europe, the OSCE, PACE, and the OECD, to address the key outstanding issues mentioned above. We *strongly encourage* EU institutions and member states take urgent steps within the following institutions:

- the UN: Establish a special rapporteur on Russia (following the precedent of the UN Special Rapporteur on human rights in Belarus) and promote a resolution on Russia in the Human Rights Council;

- The European Parliament: Establish a special rapporteur on Russia (following the precedent of the European Parliament rapporteur on Belarus) and promote the implementation of the EU Guidelines on Human Rights Defenders;
- PACE: Establish a special rapporteur on Russia (following the precedent of PACE Rapporteur on Belarus) and initiate an urgent debate on the human rights situation in Russia during the upcoming PACE session.

We also *recommend* that the upcoming Lithuanian Presidency initiate and organise informal ministerial (under the PSC and/or COREPER) discussions prior to the Vilnius Summit focusing on human rights, the rule of law and civil society in Russia. The goal these discussions should be the development of a joint position on human rights and the rule of law in Russia, which will serve as the basis for developing a consistent policy and strategy to be implemented in all available EU – Russia forums.

Finally, in light of the recent deterioration of human rights and rule of law in Russia, we *invite* the EU member states and the EEAS to strengthen the EU's rule of law and human rights capacity in Russia through the appointment of a high-ranking EU human rights adviser (such as a current or former high ranking human rights lawyer, ombudsperson, justice minister, judge, or prosecutor) to the EU Delegation to Russia to monitor the general rule of law and human rights situation in Russia, monitor relevant court cases, provide impartial information to the EU MS and other EU institutions, provide advice and recommendations on how to improve the situation, as well as to assist the EU and the Russian Federation to carry out a human rights dialogue more effectively. We also *encourage* the strengthening of the mandate and the office of the first EU Special Representative for Human Rights, Stavros Lambrinidis, and *underline* the urgent need for the EU to more actively and effectively pursue the human rights agenda in Russia.

21 May 2013, Vilnius