



Plenary sitting

B9-0347/2021

8.6.2021

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 the listing of German NGOs as ‘undesirable organisations’ by Russia and the detention of Andrei Pivovarov
(2021/2749(RSP))

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on behalf of the Verts/ALE Group

B9-0347/2021

European Parliament resolution on the listing of German NGOs as ‘undesirable organisations’ by Russia and the detention of Andrei Pivovarov (2021/2749(RSP))

The European Parliament,

- having regard to its previous resolutions on Russia;
 - having regard to the Constitution of the Russian Federation and to the international human rights obligations to which Russia has committed itself as Member of the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and the United Nations (UN),
 - having regard to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms;
 - having regard to the EEAS statements on the detention of Andrei Pivovarov of 1 June 2021 and on the listing of German NGOs as “undesirable organisations” of 27 May 2021,
 - having regard to the European Convention on Human Rights and the Protocols thereto, in particular Article 10 on the right to freedom of expression and Article 11 on the right to freedom of assembly and association;
 - having regard to the Opinion of the Venice Commission of the Council of Europe on Federal Law No. 129-Fz on amending certain legislative acts (Federal Law on undesirable activities of foreign and international non-governmental organisations) of 13 June 2016,
 - having regard to Rule 144 of its Rules of Procedure;
- A. whereas fundamental human rights, including freedom of association and freedom of expression, are enshrined in the constitution of the Russian Federation, as well as in numerous international legal instruments, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the European Convention on Human Rights, to which Russia has committed itself; whereas the primacy of international law constitutes an obligation for Russia, which cannot be modified or derogated by the recent constitutional changes;
- B. whereas non-governmental organisations (NGOs) play a crucial role in modern democratic societies, allowing citizens to cooperate in order to promote various legitimate goals, as a form of necessary public engagement complementing, preparing and monitoring formal political decision-making; whereas NGOs therefore have an important political role and, while abiding by law, must keep their independence from any undue interference of public authorities;
- C. whereas on 19 May 2015, the State Duma of the Russian Federation adopted the Federal

Law No. 129-FZ on amending certain legislative acts (Federal Law on undesirable activities of foreign and international non-governmental organisations) which entered into force on 3 June 2015; whereas this Federal Law allows to deem activities of foreign and international non-governmental organisations undesirable on the territory of the Russian Federation;

- D. whereas organisations declared undesirable by Russian authorities face restrictions to their freedom of association by prohibiting their activities and by introducing administrative and criminal sanctions linked to these activities; whereas this law has been used by Russian authorities to facilitate the crackdown on independent civil society active in Russia;
- E. whereas on 18 May 2021, the State Duma adopted two bills in first reading that aim to broaden the scope of the law on “undesirable” organisations by introducing a prohibition on participation in their activities abroad, assigning the status of “undesirable” to organisations who are believed to be intermediaries in financial transactions with those already banned, and toughening criminal sanctions;
- F. whereas on 26 May 2021, the Russian Prosecutor General decided to list three German NGOs as “undesirable organisations”: Forum Russischsprachiger Europäer e.V., Zentrum für die Liberale Moderne GmbH, and Deutsch-Russischer Austausch e.V.; whereas this decision constitutes another attempt to isolate Russian civil society from any support and exchange from outside of Russia;
- G. whereas this decision is the most recent example of the Russian authorities’ disregard for a vibrant civil society and ultimately harms the interests of Russian people and possibilities for open and free dialogue; whereas the crackdown against domestic civil society and confrontational foreign policy are closely interconnected; whereas any cooperation with the Russian government must not happen at the expense of accepting or ignoring human rights violations in the country;
- H. whereas on 27 May 2021, the Russian organisation “Open Russia” announced that it would cease its activities to protect its staff and members from criminal prosecution under the Russian legislation on “undesirable organisations”;
- I. whereas on 31 May 2021, Andrei Pivovarov, a former Executive Director of “Open Russia”, was removed from a plane in Saint Petersburg and detained for alleged violations of the law on so-called “undesirable organisations”; whereas on June 2, a court in Krasnodar ordered the pre-trial detention of Pivovarov for two months;
- J. whereas Russia continuously breaches international law and commitments; whereas legislative restrictions and targeted prosecutions under the law have taken increasingly totalitarian forms in recent months, with the result of severely limiting the freedoms for media and civil society and the space for independent and dissident voices in Russia, in particular ahead of the parliamentary elections in September 2021;
- 1. Calls on the Russian authorities to immediately and unconditionally release Andrei Pivovarov, and all other persons arbitrarily detained, and to repeal the decision to list the three German NGOs as “undesirable organisations”;

2. Urges Russian authorities to cease the practice of listing undesirable organisations or assigning foreign agent status to organisations, media outlets or individuals, stop creating special legislation or abusing other conventional criminal or administrative laws with the aim of targeting dissident voices in the country or abroad, and bring its legislation and the relationship between state authorities and civil society in line with the commitments Russia has freely assumed under European and international human rights law and its own Constitution;
3. Underlines the crucial role of civil society play in promoting dialogue, mutual understanding, peace and prosperity; reiterates that the free and independent work of civil society organisations and the media is a cornerstone of a democratic society based on the rule of law; emphasizes that dialogue, exchange and free cooperation with European NGOs should be a fundamental right of free civil society in Russia;
4. Calls on the Commission, the EEAS and the Member States to increase support for civil society, independent NGOs, human rights defenders, and independent media active in Russia, including through capacity-building and financial means, as well as to promote people-to-people contacts; emphasises that this cooperation with civil society must be a pillar of the forthcoming new EU strategic approach towards Russia; urges the Member States to consider welcoming threatened or banned NGOs from Russia and to allow them to operate from EU territory if needed;
5. Expresses its support with all individuals and organisations who are targets of repression; urges the Russian authorities to stop harassment, intimidations and attacks on civil society, media, human rights organisations and activists; condemns the Russian authorities' failure to protect these actors against attacks, harassment and intimidation by third persons and to impartially investigate such attacks against them;
6. Calls on the Russian authorities to stop politically motivated criminal prosecutions, as well as their crackdown on fundamental freedoms and human rights;
7. Asks the Council, the EEAS, and the Commission to mainstream human rights and civil society consultation across any dialogues and areas of engagement between the EU, its member states and Russia, as well as live up to their commitment to gender mainstreaming; asks the Commission to assess which institutions, organisations and media outlets with close links to the Russian government should be monitored in their activities in the EU;
8. Reiterates its call on the EU Delegation and national diplomatic representations in Russia to closely monitor the situation and trials of individual political prisoners on the ground, to offer them any support that they may need and to work together to secure their swift release;
9. Calls on the EU delegation and Member States' representations in Russia to increase their support for human rights defenders' work, and, where appropriate, to facilitate the issuance of emergency visas, and provide temporary shelter in EU Member States;
10. Urges the HR/VP and the Member States to take coordinated action with like-minded countries to raise awareness and push back against the restrictions of fundamental freedoms and human rights by the Russian authorities, including through high-level and

public interventions, coordinated demarches, sustained scrutiny at international and regional human rights fora, as well as regular human rights impact assessments to ensure that engagement with Russia does not undermine human rights objectives and do not directly or indirectly contribute to human rights violations;

11. 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 OSCE, and to the President, Government and the Parliament of the Russian Federation.