



TEXTS ADOPTED

P9_TA(2021)0291

The listing of German NGOs as 'undesirable organisations' by Russia and the detention of Andrei Pivovarov

European Parliament resolution of 10 June 2021 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, among others its resolution of 29 April 2021 on Russia, the case of Alexei Navalny, the military build-up on Ukraine's border and Russia's attacks in the Czech Republic¹, and its resolution of 12 May 2016 on the Crimean Tatars²,
- having regard to the Universal Declaration of Human Rights,
- having regard to the European Convention on Human Rights and the Protocols thereto, in particular Article 10 thereof on the right to freedom of expression and Article 11 thereof on the right to freedom of assembly and association,
- having regard to the International Covenant on Civil and Political Rights,
- 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 Co-operation in Europe (OSCE) and the United Nations (UN),
- having regard to the Opinion No 814/2015 of the Venice Commission of the Council of Europe of 13 June 2016 on Federal Law No. 129-FZ on Amending Certain Legislative Acts (Federal Law on undesirable activities of foreign and international non-governmental organisations),
- having regard to the declaration by the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the EU of 1 May 2021 on the imposition of restrictive measures against eight EU nationals,

¹ Texts adopted, P9_TA(2021)0159.

² OJ C 76, 28.2.2018, p. 27.

- having regard to the declaration by the High Representative of the Union for Foreign Affairs and Security Policy on behalf of the EU of 15 May 2021 on the publication of a list of so-called ‘unfriendly States’,
 - having regard to the statement by the Spokesperson of the European External Action Service (EEAS) of 27 May 2021 on the listing of German NGOs as ‘undesirable organisations’,
 - having regard to the statement by the Spokesperson of the EEAS of 1 June 2021 on the detention of Andrei Pivovarov,
 - having regard to the statement by the Spokesperson of the EEAS of 4 June 2021 on the law on so-called ‘extremist organisations’,
 - having regard to statement by the Chair of the Delegation to the EU-Russia Parliamentary Cooperation Committee of 3 June 2021 on the detention of Mr Andrey Pivovarov, Director of the dissolved ONG ‘Open Russia’ on board of an EU commercial airplane about to take off from St. Petersburg airport,
 - having regard to Rules 144(5) and 132(4) of its Rules of Procedure,
- A. whereas the exercise of freedom of opinion, expression, association and peaceful assembly is a fundamental right 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, all of which Russia has committed itself to; whereas the primacy of international law constitutes an obligation for Russia, which cannot be modified or derogated from by the recent constitutional changes;
 - B. whereas the Russian Federation has recently adopted repressive laws that have drastically expanded the scope of the individuals and groups that can be designated as ‘foreign agents’ and have increased the restrictions and requirements imposed on them, along with the sanctions for the violation thereof;
 - C. 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 the law, must keep their independence from any undue interference by public authorities;
 - D. whereas the Federal Law on undesirable activities of foreign and international non-governmental organisations allows the activities of foreign and international non-governmental organisations to be deemed undesirable on the territory of the Russian Federation; whereas organisations declared undesirable by the Russian authorities face restrictions on their freedom of association by having their activities prohibited and by the introduction of administrative and criminal sanctions linked to these activities; whereas this law has been used by the Russian authorities to facilitate the crackdown on independent civil society organisations active in Russia;
 - E. whereas by adopting these laws, the Russian Federation has granted the authorities near total control over independent civil society organisations and empowered Russia’s

federal media watchdog (*Roskomnadzor*) to block online resources; whereas the Russian authorities have banned rallies in public places, curbed the right to participate in single-picket protests and imposed additional restrictions on journalists covering these protests;

- F. whereas on 12 January 2021, Russia's telecommunications watchdog *Roskomnadzor* drew up its first eight administrative protocols - all against Radio Free Europe/Radio Liberty - for violating the 'foreign agents' law; whereas the legislation has been expanded to include individual reporters; whereas, to date, *Roskomnadzor* has presented Radio Free Europe/Radio Liberty with 520 violations of its labelling restrictions, which are expected to result - once all are adjudicated by Russian courts - in fines of USD 2,4 million; whereas in May 2021 Russian authorities began seizing property from Radio Free Europe/Radio Liberty's Moscow bureau;
- G. whereas the most recent bill adopted by the State Duma and the Council of Federation in May 2021 drastically restricted rights and liberties in Russia by imposing harsh restrictions on individuals who criticise the government, barring them from participating in public life and running for elections at any level, including the 2021 parliamentary elections, if they have founded, led, worked for, or otherwise participated in the activities of an organisation which is designated as 'extremist' or 'terrorist' from now on by this bill;
- H. whereas this bill also provides for its retroactive application and is targeted against Aleksei Navalny's Anti-Corruption Foundation, which has already been declared a 'foreign agent' and now is in the process of being designated as an 'extremist organisation';
- I. whereas the Russian Federation has also broadened the scope of the law on 'undesirable organisations' by introducing a prohibition on participation in their activities abroad and assigning the status of 'undesirable' to organisations that are believed to be intermediaries in financial transactions with those already banned;
- J. whereas the Russian Federation has designated numerous international and foreign NGOs as 'undesirable', including US-based International Republican Institute, National Democratic Institute, National Endowment for Democracy, Atlantic Council, as well as the EU funded European Endowment for Democracy, Association of Schools of Political Studies of the Council of Europe, Ukrainian World Congress, media outlets run by Radio Free Europe/Radio Liberty and also by the decision of the Russian Prosecutor General of 26 May 2021 to list three German NGOs as 'undesirable', which include the *Forum Russischsprachiger Europäer e.V.*, *Zentrum für die Liberale Moderne GmbH* and *Deutsch-Russischer Austausch e.V.*;
- K. whereas an active civil society sphere is a crucial component of a democratic and open society, as well as for safeguarding human rights and the rule of law;
- L. whereas the State Duma, by adopting these bills which include an immediate application of criminal liability, has been targeting the Open Russia civic movement, a networked pro-democracy and human rights structure, which was thereby forced to dissolve in order to protect its activists and supporters from further prosecutions;

- M. whereas on 27 May 2021, 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’;
- N. whereas on 31 May 2021, the former leader of the Open Russia movement, Andrei Pivovarov, was taken off a taxiing Polish LOT plane in Saint Petersburg, arbitrarily detained and two days later placed in pre-trial detention for two months on charges of ‘carrying out activities of an undesirable organisation’ for which he could face up to six years in prison; whereas the activist from Nizhny Novgorod, Mikhail Iosilevich, is also among those who are currently being criminally prosecuted and detained under the same charges;
- O. whereas these actions add to the plethora of politically motivated criminal prosecutions launched by the Russian Federation against individuals who express dissenting views or have announced their ambitions to run for the parliamentary elections scheduled for September 2021 in Russia, such as the jailing of anti-corruption campaigner and opposition politician Aleksei Navalny or the suspended five-year sentence handed down to left-wing opposition blogger and politician Nikolai Platoshkin; draws equal attention to the recent cases against opposition politician Dmitry Gudkov, against media outlets such as Radio Free Europe/Radio Liberty, Meduza and VTimes, and a number of journalists, accused of being ‘foreign agents’; whereas even student magazines are being targeted by repressive measures; whereas, according to the Memorial Human Rights Centre, the Russian authorities are currently holding nearly 400 political prisoners in violation of the Russian Federation’s obligations;
- P. whereas the Russian authorities have severely clamped down on the peaceful protesters who took to the streets across the country to support Aleksei Navalny and protest against corruption and injustice; whereas according to the Russian monitoring organisation OVD-Info, over 11 000 protesters were arrested during three days of protests in January and February, including dozens of independent journalists and human rights defenders who were covering or monitoring the protests; whereas thousands of administrative prosecutions and more than 100 criminal cases have been initiated across the country, and further arrests and detentions on spurious charges are ongoing;
- Q. whereas according to numerous reports, peaceful protesters sentenced to ‘administrative detention’ have been subjected to ill-treatment, including, inter alia, being placed in severely overcrowded detention facilities, denied food and water for several hours, and being made to spend lengthy periods of time (several hours at a time, often at night time) in police vans during transfer; whereas people who participated in the protests have also reported that they were threatened with expulsion or were expelled from universities or colleges or have lost their jobs; whereas peaceful protesters, including older people and children, were also subjected to excessive use of force by the riot police;
- R. whereas it is crucial to ensure in a comprehensive EU strategy towards Russia that engagement with Russia does not compromise on the values of democracy and the protection of human rights;
- S. whereas the Kremlin regime is doing everything in its power to isolate the people of Russia from the international community and to deprive them of their hope for a

democratic future, including through resorting to various ways of prohibiting opposition candidates from participating in the 2021 parliamentary elections in Russia;

- T. whereas research carried out by the Levada Center shows that the ruling United Russia Party is polling at historic lows after backing an unpopular pension reform and pushing through the adoption of a draft of constitutional amendments, including one that could enable President Vladimir Putin to remain in office until 2036; whereas the growing repression against civil society and the political opposition by the Russian authorities reveals the authorities' fear of popular discontent with the country's poor socio-economic performance and the corruption of the ruling class;
1. Calls on the Russian authorities to:
- (a) release Andrei Pivovarov immediately and unconditionally, and drop all charges against him and all others prosecuted under the law on 'undesirable organisations', or who have been otherwise arbitrarily detained;
 - (b) end all reprisals against political opponents and other critical voices in the country; guarantee all political parties equal access and equal chances during the elections;
 - (c) end criminal prosecutions against human rights defenders and activists under the law on 'foreign agents' and the law on 'undesirable organisations', revoke this discriminatory legislation and reverse the decision of the Russian Prosecutor General to list three German NGOs as 'undesirable', as well as other foreign NGOs, altogether 34 in total;
 - (d) repeal the recently adopted legislation and stop creating new special legislation or abusing other conventional criminal or administrative laws which introduce sweeping new restrictions on independent civil society, the rights to freedom of peaceful assembly and association, and access to online information, and review and bring its legislation into line with its international obligations, international human rights law and its own Constitution;
 - (e) refrain from adopting the additional legislation currently under preparation that would ban the staff or supporters of organisations arbitrarily listed as 'undesirable' from running in elections;
 - (f) acknowledge the positive contribution of a vibrant and active civil society to the state of democracy and society, and to guarantee an enabling environment in which civil society organisations and activists can contribute freely to the promotion and protection of human rights, fundamental freedoms and societal well-being;
 - (g) review, and bring into line with international human rights law, other legislation that is being used to restrict freedom of expression, including Russia's legislation on disinformation campaigns, counter-extremism and counterterrorism;
 - (h) release all peaceful protesters and other civil society activists and politicians immediately and unconditionally, including Aleksei Navalny and those who have been arrested and detained for spurious administrative 'offences' or prosecuted on spurious criminal charges solely for peacefully exercising their rights to freedom

of expression and peaceful assembly, comprising among others journalists, lawyers, opposition activists, human rights defenders and other civil society actors, including the staff members and associates of Aleksei Navalny and his Anti-Corruption Foundation;

- (i) contribute to the promotion of people-to-people contacts for the benefit of both the Russian Federation and the European Union;
2. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the EU Delegations, the Member States and the Commission in preparation of the comprehensive EU strategy towards Russia, and in response to the erosion of the rule of law, fundamental freedoms and human rights in Russia, to focus on:
- (a) introducing a new conditionality into EU-Russia relations aimed at ending internal repression in Russia against political and civil society activists, human rights defenders and lawyers, opposition politicians, journalists, the independent media, trade unions, and NGOs, and, if this situation is not addressed, introducing new EU sanctions such as cutting off the access of the Russian oligarchs and officials responsible for human rights violations to real-estate purchases, visas, financial products, etc., in the EU;
 - (b) taking action in EU-Russia relations and in any dialogue with Russia to address human rights in order to accurately reflect the gravity of the human rights crackdown in Russia, in particular during the period since January 2021; continuing to show solidarity and unity of action, with a view to coordinating their positions on Russia in order to limit the negative impact of recently adopted restrictive laws in Russia, and considering the idea of sharing the burden of the economic sanctions against the Russian regime among the Member States in a spirit of fairness, halting the continuation of strategic projects such as Nord Stream 2, and to complement the current EU Global Human Rights Sanctions Regime with a similar regime dealing with corruption;
 - (c) taking coordinated action to push back against and limit the negative impact of recently adopted restrictive laws in Russia and to prioritise strategic engagement with democracy and human rights activists in Russia, in particular by mainstreaming human rights, including gender equality, and civil society consultation across all dialogues and areas of EU-Russia cooperation, including through cooperation on digitalisation and climate change, as well as any educational and cultural cooperation programmes, while regularly undertaking human rights impact assessments to review this cooperation;
 - (d) assessing which institutions, organisations and media outlets with close links to the Russian Government should be monitored in relation to their activities in the EU;
 - (e) increasing support to human rights defenders, independent NGOs and media, civil society and those defending political and civil freedoms in Russia, such as by showing more sustained and high-level engagement on key individual cases of concern, including the poisoning of Vladimir Kara-Murza, by taking full advantage of visits by ambassadors and other officials to the regions to raise

human rights concerns and meet with human rights defenders and civil society, and by strategically using social media, op-eds and press interventions to articulate support for human rights defenders, including in Russia and through independent Russian channels, as well as by supporting independent journalists in Russia with diplomatic/consular actions when they are at risk, including a flexible visa policy; while Parliament is emphasising that this cooperation with civil society must be a pillar of the forthcoming new EU strategic approach towards Russia, and is urging the Member States to consider welcoming threatened or banned NGOs from Russia and allowing them to operate from EU territory if needed, and increasing 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;

- (f) the need to continue civil society cooperation with Russia and therefore to address the increasing obstacles that the Russian authorities are putting in the way of people-to-people contacts, civil society cooperation and support to Russian civil society organisations;
- (g) condemning the new forms of underground repression aimed at sanctioning, in both the capital and elsewhere, the participation of employees, hospital doctors, teachers and social service workers in demonstrations or their support to opponents of the current regime;
- (h) the need for the EU and its Member States to urgently raise at the Council of Europe the issues of the adoption of recent authoritarian legislative acts by the Russian Federation in the light of fulfilling its international obligations to the Council of Europe;
- (i) taking coordinated action with like-minded international partners, including G7 countries, urging the Russian authorities to end domestic repression against democracy and civil society activists and human rights defenders, which should also include high-level and public interventions, coordinated initiatives and sustained scrutiny at international and regional human rights forums, such as the Council of Europe, the OSCE and the UN Human Rights Council;
- (j) undertaking regular human rights impact assessments to ensure that engagement with the Russian authorities does not undermine human rights objectives and does not contribute to human rights violations either directly or indirectly;
- (k) encouraging EU cities and towns that have active twinning projects with their counterparts in Russia to review and update these agreements to take into account the human rights dimension and to focus cooperation mainly on civil society and people to people contacts;
- (l) respecting Parliament's 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, and to offer them any support that they may need and to work together to secure their swift release;
- (m) avoiding lending legitimacy to officials who are responsible for human rights violations and repression, by ensuring, for example, that ambassadors and high-

level visitors avoid discretionary meetings with officials involved in repression, for example, with members of the State Duma involved in drafting the ‘foreign agents’ law such as Andrei Klimov; monitoring in this regard bilateral forums such as the Trianon Dialogue and the Sochi Dialogue; assessing their interruption following the example of the Petersburg Dialogue, which decided to stop convening as long as some of its members were discriminated against as ‘undesirable foreign organisations’;

3. Expresses its support for all individuals and organisations who are targets of repression, and urges the Russian authorities to stop their acts of harassment and intimidation and their attacks on civil society, the media, human rights organisations and activists; condemns the Russian authorities’ failure to protect these actors against attacks and acts of harassment and intimidation by third parties and to impartially investigate such attacks against them;
4. Reminds all EU businesses operating in Russia to exercise particular diligence and uphold their responsibility to respect human rights, in accordance with the UN Guiding Principles on Business and Human Rights: is concerned with high-ranking European politicians accepting lucrative contracts with Kremlin-owned or linked companies such as Gazprom or Rosneft;
5. 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 Organization for Security and Co-operation in Europe, and the President, Government and the State Duma of the Russian Federation.