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Preparations for the Russian State Duma elections in December

Greens/EFA motion for a resolution

The European Parliament:

– having regard to its previous on Russia with regard, in particular, to the one of 17 February 2011 on the Rule of Law in Russia, the one of 9 June 2011 on the EU/Russia Summit in Nizhny Novgorod,

– having regard to the Partnership and Cooperation Agreement between the European Union and the Russian Federation, which entered into force in 1997 and has been extended pending its replacement by a new agreement,

– having regard to the ongoing negotiations initiated in 2008 for a new agreement providing a new comprehensive framework for EU-Russia relations, as well as to the "Partnership for Modernization" initiated in 2010,

– having regard to the EU-Russia Consultations on Human Rights and in particular to the latest meeting held on 4 May 2011,

– having regard to the statement of the spokesperson of High Representative Catherine Ashton on party registration in Russia of 22 June 2011,

– having regard to the statement by the High Representative of the Union for Foreign Affairs and Security Policy of 24 May 2011, on the Mikhail Khodorkovsky and Platon Lebedev case,

– having regard to Rule 110(4) of its Rules of Procedure,

A. whereas in spite of the growing trade and economic interdependence the relations between the EU and Russia are making limited progress due to misunderstanding and mistrust on fundamental political and economic issues that have prevented the parties from building a genuine strategic partnership,

B. whereas the new agreement replacing the Partnership and Cooperation Agreement of 1997 could provide the comprehensive framework for deeper and strengthened relations as long as negotiations are carried on in good faith and all the commitments are fully respected by both sides,

C. whereas in spite of a more positive approach by the Russian authorities freedoms of expression, association and assembly in Russian Federation are still threatened and the initiatives and activities of human rights defenders, independent civil society organizations, political opponents, independent media and ordinary citizens are often restricted or hindered,

D. whereas several trials and judicial proceedings over the last years, including recently the cases of Mikhail Khodorkovsky and Platon Lebedev, called into question the independence and the impartiality of the judicial institutions of the Russian Federation; whereas political interference, procedural shortcomings, corruption, closeness, unfairness and threats towards the witnesses remain a severe impediment for delivery of justice in Russia,

E. whereas on 22 June 2011 the Russian Ministry of Justice ruled that the application for official registration of the People's Freedom Party (PARNAS) failed to meet some of the legal requirements of the Russian law and rejected it thus preventing the party from taking part in the December State Duma elections, and, probably, also in the Russian Presidential elections scheduled for March 2012,

F. whereas on 12 April 2011 the European Court of Human Rights expressed its criticism over the cumbersome registration procedures for political parties in Russia,

G. whereas the forthcoming elections in Russia will be the indicator for the international community of the compliance of the Russian electoral law with international and European norms and standards as well as on the progress of democratic developments and the state of play of the rule of law in Russia,

H. whereas the European Court of Human Rights has condemned the Russian Federation for serious human rights violations in many cases and judgments; whereas the implementation of the judgments remains drastically insufficient; whereas responsibility for the failure to implement the judgments rests in considerable part with the judicial institutions and authorities,

I. whereas as a member of the Organisation for Security and Cooperation in Europe and the Council of Europe, the Russian Federation is committed to respecting and upholding democratic principles, the rule of law and human rights,

L. whereas in many occasions Russian President Medvedev has pledged to reinforce the rule of law stating that his task is to create absolutely independent modern courts that comply with the country's economic development level,

1. Urges the Russian authorities to do everything within their power to ensure that all candidates and parties are treated fairly and equally in the run-up to the December 2011 Parliamentary elections in accordance with the standards assumed as Council of Europe's and OSCE's member;

2. Calls, in this respect, as a crucial step, to decrease the hurdles for the registration of new parties, to assure equal conditions for all candidates and parties during the election campaign and to guarantee access to broadcast media for all parties and candidates; reiterates its call on the Russian authorities to allow international election observation missions at the earliest stage;

3. Deeply regrets the denial to register the People's Freedom Party, which seriously undermines the principle of political pluralism and freedom of association, which are indispensible elements of

genuine democracy and strongly condemns the pressure from the authorities at local level aimed at intimidating PARNAS supporters;

4. Reiterates its view that democracy, the rule of law and human rights must be an integral part of the new framework agreement with regard, in particular, to the definition and inclusion of an effective and operational human rights clause;

5. Stresses that a genuine strategic partnership can only be based and develop on shared common values and that the future development of EU-Russia relations must be linked to efforts to strengthen democracy, the rule of law and the respect for fundamental rights inside Russia;

6. Welcomes the fact that in the statement issued at the end of the last EU-Russia summit held in Nizhny Novgorod the EU underlined importance of human rights as an essential element for bilateral relations and argued for a change in the modalities of the EU-Russia Human Rights Consultations in order to make them more efficient and underlined the need to respect international commitments on human rights as well as on pluralism and free and fair elections and hoped that Russia would extend an early invitation to ODIHR for election observation; expects, in this regard, the Russian authorities to follow suit;

7. Calls on the Russian government, regardless of the deployment of an international observation mission, to allow the independent, non-partisan, domestic monitoring of the forthcoming Duma elections by Civil society organizations in order for them to obtain regular unbiased information on all relevant phases of the election campaign which is due to start from early September 2011;

8. Takes the view that the lack of independence of the judicial institutions is at the core of the impunity and unfair practices in Russia and expresses concern over reports of politically motivated trials, inequitable procedures and rulings subordinated to the interests of the authorities and failures to investigate serious crimes such as killings, harassments and other violence;

9. Recalls that that the Russian legislation on political parties is difficult to follow and easy for the bureaucracy to manipulate and interpret the way it sees fit and that this paves the way for an instrumental use of the various technicalities; points out that registration of political parties and of candidate lists have proved to be of crucial importance in previous elections and that the Russian authorities and leaders have had more than sufficient time to secure a legislative and administrative framework for the elections that would meet international and European standards, if properly implemented; expects that an eventual judicial appeal could allow opposition parties to register and take part in the election campaign;

10. Encourages the Council of Europe to consider whether this latest decision limiting the freedom of association and political expression is in line with Russia's obligations and to examine whether the legislation, and its practical implementation, comply with Council of Europe standards; recalls that the Parliamentary Assembly of the Council of Europe holds the right to withhold verification of the credentials of parliamentarians elected through elections deemed in breech with European standards;

11. Regrets that the Moscow and St Petersburg city authorities banned gay pride marches for the sixth consecutive year, contrary to its obligation as a Member of the Council of Europe to uphold the freedom of assembly, and disregarding a final ruling in April 2011 by the European Court of Human Rights obliging Russia to authorise such gatherings;

12. Welcomes the willingness of the Russian counterpart to engage in an open and constructive way on the major issues raised by the EU representatives at the Human Rights consultation meeting of 4 May; calls for the opening of this process to an effective input from the European Parliament, the State Duma as well as the participation of relevant Russian authorities including the Ministry of Justice and the Ministry of Interior Affairs, and the human rights NGOs, whether the dialogue takes place in Russia or in an EU Member State; underlines the need to maintain close contacts and support programmes for the development of civil society in Russia; expresses strong concern on the status of NGOs and human rights defenders in Russia; welcomes the decision of the Russian Ministry of Foreign Affairs to appoint an Ambassador at large for human rights dialogue;

13. Calls on the Russian authorities and judicial institutions to fully implement all the judgments of the European Court of Human Rights and to protect complainants against harassment and threats; stresses that independent and thorough investigation must be carried out in cases where the European Court of Human Rights considers prior investigations inadequate;

14. Expresses, in this regard, its deep concern at the bill now under discussion at the Duma that would enable Russian courts to ignore the rulings of the European Court of Human Rights in some areas;

15. Calls on the Polish Council President, on the President of the European Council and on the High Representative to proceed with caution in the negotiations on a new agreement with Russia during the coming months, as any major developments should wait until the Duma election process and the conduct of the March 2012 Presidential elections have been duly analysed;

16. Instructs its President to forward this resolution to the Council, the Commission, the governments and parliaments of the Member States, the Government and Parliament of the Russian Federation, the Council of Europe and the Organisation for Security and Cooperation in Europe.

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