Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 193 (1996)[1]

Russia's request for membership of the Council of Europe

Parliamentary Assembly

1. The Russian Federation applied to join the Council of Europe on 7 May 1992. By Resolution (92) 27 of 25 June 1992, the Committee of Ministers asked the Parliamentary Assembly to give an opinion, in accordance with Statutory Resolution (51) 30 A.

2. Special guest status with the Parliamentary Assembly was granted to the Russian Parliament on 14 January 1992.

3. Procedure for an opinion on Russia's request for membership was interrupted on 2 February 1995 because of the conflict in Chechnya. On 27 September 1995, with the adoption of Resolution 1065, procedure was resumed on the grounds that Russia was henceforth committed to finding a political solution and that alleged and documented human rights violations were being investigated.

4. The Assembly has followed the events of December 1995 in Gudermes and the recent events in Pervomayskoye with deep concern. It firmly condemns the taking of hostages as an act of terrorism and a flagrant violation of human rights, which no cause can justify. At the same time, it considers that the Russian authorities did not show sufficient concern for the safety of the hostages. The apparently indiscriminate use of force cost the lives of many innocent people and violated international humanitarian law. The Chechen conflict cannot be resolved by the use of force. There will be no peace in the region, nor an end to terrorist attacks, without a political solution based on negotiation and on European democratic values.

5. The Assembly notes that political, legal and economic reforms have been sustained. The legal system continues to show shortcomings, as noted by Council of Europe legal experts (7 October 1994). Nonetheless, there is progress towards a general awareness of - and respect for - the rule of law.

6. Assurances of continued progress were given to the Council of Europe by the President of the Federation, the Prime Minister, the President of the Duma and the President of the Council of the Federation in their letter of 18 January 1995.

7. On the basis of these assurances and of the following considerations and commitments, the Assembly believes that Russia - in the sense of Article 4 of the Statute - is clearly willing and will be able in the near future to fulfil the provisions for membership of the Council of Europe as set forth in Article 3 ("Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council ..."):

7.1. Russia has been taking part in various activities of the Council of Europe since 1992 - through its participation in intergovernmental "co-operation and assistance" programmes (notably in the fields of legal reform and human rights), and through the participation of its special guest delegation in the work of the Parliamentary Assembly and its committees;

7.2. "political dialogue" between Russia and the Committee of Ministers has been established since 7 May 1992;

---

1. *Assembly debate* on 25 January 1996 (6th and 7th Sittings) (see Doc. 7443, report of the Political Affairs Committee, rapporteur: Mr Muehlemann; and Doc. 7463, opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Bindig). *Text adopted by the Assembly* on 25 January 1996 (7th Sitting).

7.3. Russia has acceded to several Council of Europe conventions, including the European Cultural Convention;

7.4. the following legislation is being prepared as a matter of priority, with international consultation, on the basis of Council of Europe principles and standards: a new criminal code and a code of criminal procedure; a new civil code and a code of civil procedure; a law on the functioning and administration of the penitentiary system;

7.5. new laws in line with Council of Europe standards will be introduced: on the role, functioning and administration of the Procurator's Office and of the Office of the Commissioner for Human Rights; for the protection of national minorities; on freedom of assembly and on freedom of religion;

7.6. the status of the legal profession will be protected by law: a professional bar association will be established;

7.7. those found responsible for human rights violations will be brought to justice - notably in relation to events in Chechnya;

7.8. effective exercise will be guaranteed of the rights enshrined in Article 27 of the constitution and in the law on freedom of movement and choice of place of residence;

7.9. conditions of detention will be improved in line with Recommendation R (87) 3 on European prison rules: in particular, the practically inhuman conditions in many pre-trial detention centres will be ameliorated without delay;

7.10. responsibility for the prison administration and the execution of judgments will be transferred to the Ministry of Justice as soon as possible;

7.11. the state and progress of legislative reform will permit the signature and ratification, within the indicated timetable, of the European conventions listed hereunder in paragraph 10;

7.12. the Russian Federation will assist persons formerly deported from the occupied Baltic states or the descendants of deportees to return home according to special repatriation and compensation programmes which must be worked out.

8. With a view to the fulfilment of these assurances and respect for these commitments, the Assembly resolves to establish - with the close co-operation of Russia's national parliamentary delegation - its own parliamentary "advisory and control" programme under the authority of the committees responsible for the implementation of Order No. 508 (1995) on the honouring of obligations and commitments by member states of the Council of Europe. This programme will complement, and not prejudice, the monitoring procedure under Order No. 508 (1995).

9. As a contribution to long-term assistance and co-operation, the Assembly welcomes the European Union/Council of Europe joint programme for the strengthening of the federal structure and of human rights protection mechanisms and for legal system reform: particular attention should also be paid to support for, and the strengthening of, non-governmental organisations in the field of human rights and to the establishment of a civil society.

10. The Parliamentary Assembly notes that the Russian Federation shares fully its understanding and interpretation of commitments entered into as spelt out in paragraph 7, and intends:

10.1. to sign the European Convention on Human Rights at the moment of accession; to ratify the Convention and Protocols Nos. 1, 2, 4, 7 and 11 within a year; to recognise, pending the entry into force of Protocol No. 11, the right of individual application to the European Commission and the compulsory jurisdiction of the European Court (Articles 25 and 46 of the Convention);

10.2. to sign within one year and ratify within three years from the time of accession Protocol No. 6 to the European Convention on Human Rights on the abolition of the death penalty in time of peace, and to put into place a moratorium on executions with effect from the day of accession;

10.3. to sign and ratify within a year from the time of accession the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;

10.4. to sign and ratify within a year from the time of accession the European Framework Convention for the Protection of National Minorities; to conduct its policy towards minorities on the principles set forth in Assembly Recommendation 1201 (1993), and to incorporate these principles into the legal and administrative system and practice of the country;

10.5. to sign and ratify within a year from the time of accession the European Charter of Local Self-Government and the European Charter for Regional or Minority Languages; to study, with a view to ratification, the Council of Europe's Social Charter; and meanwhile to conduct its policy in accordance with the principles of these conventions;

10.6. to sign and ratify and meanwhile to apply the basic principles of other Council of Europe conventions - notably those on extradition; on mutual assistance in criminal matters; on the transfer of sentenced persons; and on the laundering, search, seizure and confiscation of the proceeds of crime;

10.7. to settle international as well as internal disputes by peaceful means (an obligation incumbent upon all member states of the Council of Europe), rejecting resolutely any forms of threats of force against its neighbours;

10.8. to settle outstanding international border disputes according to the principles of international law, abiding by the existing international treaties;

10.9. to ratify, within six months from the time of accession, the agreement of 21 October 1994 between the Russian and Moldovan Governments, and to continue the withdrawal of the 14th Army and its equipment from the territory of Moldova within a time-limit of three years from the date of signature of the agreement;

10.10. to fulfil its obligations under the Treaty on Conventional Armed Forces in Europe (CFE);

10.11. to denounce as wrong the concept of two different categories of foreign countries, whereby some are treated as a zone of special influence called the "near abroad";

10.12. to negotiate claims for the return of cultural property to other European countries on an ad hoc basis that differentiates between types of property (archives, works of art, buildings, etc.) and of ownership (public, private or institutional);

10.13. to return without delay the property of religious institutions;

10.14. to settle rapidly all issues related to the return of property claimed by Council of Europe member states, in particular the archives transferred to Moscow in 1945;

10.15. to cease to restrict - with immediate effect - international travel of persons aware of state secrets, with the exception of those restrictions which are generally accepted in Council of Europe member states, and to facilitate the consultation of archives kept in the Russian Federation;

10.16. to ensure that the application of the CIS Convention on Human Rights does not in any way interfere with the procedure and guarantees of the European Convention on Human Rights;

10.17. to revise the law on federal security services in order to bring it into line with Council of Europe principles and standards within one year from the time of accession: in particular, the right of the Federal Security Service (FSB) to possess and run pre-trial detention centres should be withdrawn;

10.18. to adopt a law on alternative military service, as foreseen in Article 59 of the constitution;

10.19. to reduce, if not eliminate, incidents of ill-treatment and deaths in the armed forces outside military conflicts;

10.20. to pursue legal reform with a view to bringing all legislation in line with Council of Europe principles and standards: in particular, Presidential Decree No. 1226 should be revised without delay;

10.21. to extend its international co-operation to prevent - and eliminate the ecological effects of - natural and technological disasters;

10.22. to sign and ratify within a year from the time of accession the General Agreement on Privileges and Immunities of the Council of Europe and its additional protocols;

10.23. to co-operate fully in the implementation of Assembly Order No. 508 (1995) on the honouring of obligations and commitments by member states of the Council of Europe, as well as in monitoring processes established by virtue of the Committee of Ministers' Declaration of 10 November 1994 (95th session);

10.24. to respect strictly the provisions of international humanitarian law, including in cases of armed conflict on its territory;

10.25. to co-operate in good faith with international humanitarian organisations and to enable them to carry on their activities on its territory in conformity with their mandates.

11. The Assembly recommends that the Committee of Ministers - on the basis of the commitments and understandings indicated above:

11.1. invite the Russian Federation to become a member of the Council of Europe;

11.2. allocate eighteen seats to the Russian Federation in the Parliamentary Assembly;

11.3. guarantee that the Organisation's means and capabilities, in particular those of the Assembly and of the human rights institutions, are increased to meet the consequences of these decisions, and refrain from using the Russian Federation's accession to reduce the contributions of states which are already members.