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Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation

Report[1]
Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)
Rapporteur: Mr Stefan SCHENNACH, Austria, Socialists, Democrats and Greens Group

Summary

The rapporteur draws attention to a number of exacerbating negative tendencies with regard to democracy, the rule of law and human rights in the Russian Federation which are having an impact on the fulfilment of commitments and obligations of the Russian Federation. He deplores the crackdown on civil society, extra parliamentary opposition and critical journalists as well as restrictions imposed by the Russian authorities on basic freedoms, including freedom of assembly, freedom of expression and freedom of association. He calls for an immediate release of Mr Navalny and a meaningful investigation in cooperation with the Organisation for the Prohibition of Chemical Weapons on his poisoning. He regrets the Prosecutor General's decision to put the Council of Europe School of Political Studies on the list of so called "undesirable organisations" under the pretext of security and calls for its reversal.

At the same time, the rapporteur highlights the Assembly's continuous commitment to dialogue as a means of reaching lasting solutions. He therefore proposes that the Assembly ratifies the credentials of the Russian Federation and return to the assessment of the progress made when a monitoring report is submitted later this year.

1. Reference to Committee: Decision of the Assembly. Reference 4559 of 25 January 2021.

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A. Draft Resolution[2]

1. The Assembly recalls its Resolution 1990 (2014), Resolution 2034 (2015), and Resolution 2063 (2015), and reiterates the recommendations addressed to the Russian authorities therein; furthermore, it refers to its Resolution 2292 (2019) and Resolution 2320 (2020).

2. The Assembly deplores a number of exacerbating negative tendencies with regard to democracy, the rule of law and human rights in the Russian Federation which are having an impact on the fulfilment of commitments and obligations of the Russian Federation.

3. The Assembly expresses its concern over a number of recent changes introduced to the Constitution of the Russian Federation and the procedure for adoption of the amendments.

4. It has particular concerns in relation to a new Constitutional provision which empowers the Constitutional Court of the Russian Federation to declare a judgment of the European Court of Human Rights non-executable. This contradicts the obligations of the Russian Federation under the European Convention on Human Rights. It should also be seen against the backdrop of an amendment to Article 83 of the Constitution which allows the Council of Federation (Upper Chamber of the Parliament) to dismiss the judges of the Constitutional Court at the request of the President thus making the Constitutional Court vulnerable to political pressure.

5. Furthermore, the newly amended provisions of the Constitution on the protection of territorial integrity and the prohibition of alienation of territories, together with the implementing legislation adopted in 2020, outlaw and make criminally liable any steps aimed at the cessation of territory to another country. This thus makes a solution for the Crimea issue in line with international law, as repeatedly demanded by the Assembly, virtually impossible.

6. The crackdown on civil society, extra-parliamentary opposition and critical journalists as well as restrictions imposed by the Russian authorities on basic freedoms, including freedom of assembly, freedom of expression and freedom of association, raise utmost concern. In this context, the Assembly deplores the Prosecutor General's decision to put the Council of Europe School of Political Studies on the list of so called "undesirable organisations" under the pretext of security.

7. The Assembly expresses its concern at the recent adoption by the State Duma of a series of restrictive amendments to legislation with regard to the activities of NGOs and the media, the organisation and conduct of public events, the protection of State and State security, as well as the laws limiting the human rights of LGBTI persons and the ongoing legislative process concerning further changes impacting basic freedoms.

8. Furthermore, the Assembly is extremely worried by the poisoning of Mr Alexei Navalny, the lack of any meaningful investigation by the Russian authorities and the lack of co-operation with the Organisation for the Prohibition of Chemical Weapons. It is also extremely worried by the arrest of Mr Navalny upon his arrival in Moscow and his subsequent detention, as well as arrests and use of violence and disproportionate force against peaceful demonstrators supporting him.

9. At the same time, the Assembly highlights its continuous commitment to dialogue as a means of reaching lasting solutions, as illustrated by the aforementioned resolutions. The Assembly constitutes the most important pan-European platform where political dialogue on the Russian Federation's obligations under the Statute of the Council of Europe (ETS No. 1) can take place, with the participation of all those concerned, and where the Russian delegation to the Assembly can be held accountable on the basis of the Council of Europe's values and principles.

10. Consequently, the Assembly resolves to ratify the credentials of the members of the Russian delegation.

11. In return, the Assembly calls on the Russian Federation to fulfil all recommendations included in Resolution 1990 (2014), Resolution 2034 (2015), Resolution 2063 (2015), Resolution 2292 (2019) and Resolution 2320 (2020), and moreover to:

> 11.1. address concerns and fulfil recommendations formulated by the European Commission for Democracy through Law (Venice Commission) in its Opinion No. 981(2020) on the draft amendments to the Constitution related to the execution in the Russian Federation of decisions by the European Court of Human Rights, and in its forthcoming opinion on remaining amendments and procedure of their adoption, which is expected to be delivered in March 2021;

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2. Draft resolution adopted on 26 January 2021.

11.2. refrain from the violation of basic freedoms and human rights, in particular freedom of expression, assembly and association, and to release Mr Navalny as well as peaceful demonstrators and supporters unduly detained, not only on the day of his arrival, but also in the run up to the planned demonstrations on 23 January 2021 and during the demonstrations themselves;

11.3. abstain from adopting new laws putting further restrictions on activities of civil society, journalists and opposition politicians, and to review the laws already in force, in particular the package of laws adopted on 25 December 2020, as well as the law on foreign agents and undesirable organisations, with a view to bringing them in line with Council of Europe standards. In doing this the Russian Federation should use Council of Europe legal expertise;

11.4. remove from the list of undesirable organisations, the Council of Europe School of Political Studies.

12. The Assembly expects that its clear offer of a meaningful dialogue will be taken up so as to lead to tangible and concrete results. It invites its Monitoring Committee to submit a report on the honouring of obligations and commitments by the Russian Federation at its earliest convenience.

B. Explanatory memorandum by Mr Stefan Schennach, rapporteur

1. Introduction

1. On 25 January 2021, with the support of more than 30 members of the Parliamentary Assembly present in the Chamber and/or following the proceedings via videoconference belonging to at least five national delegations, Ms Mariia Mezentseva (Ukraine, EPP/CD) challenged the still unratified credentials of the Russian delegation on substantive grounds on the basis of Article 8 of the Rules of Procedure of the Parliamentary Assembly. On the same day, the Assembly agreed to the proposal from the ALDE political group, supported by the Bureau, to hold a current affairs debate on "The arrest and detention of Alexei Navalny in January 2021".

2. The substantive grounds on which the credentials were challenged refer to serious violations of the basic principles of the Council of Europe enshrined in Article 3 and the Preamble of its Statute (ETS No. 1), the deterioration of the situation in the Russian Federation with regard to the rule of law and democracy, the respect for basic freedoms and human rights, in particular freedom of expression, assembly and association, the arrest and ongoing detention of Mr Navalny and, more generally the compliance of the Russian Federation with its commitments and obligations in the Council of Europe and with recommendations included in Assembly Resolution 1990 (2014), Resolution 2034 (2015), Resolution 2063 (2015), Resolution 2292 (2019) and Resolution 2320 (2020).

3. In line with Article 8.3 of the Rules of Procedure, the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) was seized for a report on substantial grounds and the Committee on Rules of Procedure, Immunities and Institutional Affairs for opinion.

4. At its meeting on 25 January 2021, the Monitoring Committee appointed me to be rapporteur.

2. Background

5. Since the return of the Russian Delegation to the Assembly in June 2019, following a three and a half year self-imposed exclusion from the Assembly's work, the credentials of the delegation have been challenged on substantive grounds on two occasions: immediately after the return in June 2019, and subsequently in January 2020. Resolution 2292 (2019) and Resolution 2320 (2020) adopted on these occasions expressed concerns over a number of exacerbating negative tendencies with regard to democracy, the rule of law and human rights having an impact on the fulfilment of the Russian Federation's obligations and commitments. Stressing its commitment to political dialogue, the Assembly resolved to ratify the delegation's credentials. They also invited the Monitoring Committee to present a report on the honouring of commitments and obligations by the Russian Federation at its earliest convenience.

6. The last report prepared by the Monitoring Committee in the framework of the monitoring procedure dates back to 2012. In 2016, an Information Note on the functioning of democratic institutions in the Russian Federation was prepared and declassified by the Committee.

7. The Monitoring Committee resumed its work with regard to the Russian Federation immediately after the delegation's return by organising a series of hearings with the participation of different stakeholders, in particular representatives of Russian civil society and extra-parliamentary opposition as well as other Council of Europe monitoring bodies, including the Department for the Execution of judgments of the European Court of Human Rights and the Monitoring Committee of the Council of Europe Congress of Local and Regional Authorities.

8. In accordance with the Rules of Procedure, representatives of the Russian delegation from both the majority and opposition in the Russian Parliament, were invited and took an active part in the discussions whenever the Russian Federation was on the agenda.

9. The current monitoring co-rapporteurs were appointed in November 2019 (Mr Axel Schäfer, Germany, SOC) and in January 2020 (Ms Ria Oomen-Ruijten, Netherlands, EPP/CD). Their monitoring visit to the country was scheduled for March 2020 but had to be cancelled at the last minute due to the pandemic situation in Europe. Since then, regrettably, no monitoring visit could be organised because of the ongoing sanitary crisis. In accordance with long-standing practice in the Monitoring Committee, direct political dialogue is a key element of the monitoring procedure and constitutes a necessary condition for the preparation of a report. As a result, no monitoring report on the Russian Federation has been finalised and submitted to the Assembly.

10. The co-rapporteurs, however, continue their work and closely follow the developments with regard to the state of implementation of recommendations to the Russian Federation included in the above-mentioned resolutions. They acquire information from a variety of sources including online meetings with civil society. They have made a number of statements which are available on the Assembly website and they systematically report to the Monitoring Committee.

11. A number of reports under preparation in other Assembly committees refer to specific aspects of the Russian Federation's obligations and commitments. I draw particular attention to the reports prepared by the Committee on Legal Affairs and Human Rights, namely: Political prisoners in the Russian Federation; Poisoning of Alexei Navalny; The continuing need to restore human rights and the rule of law in the North Caucasus region, and other reports which are not country-specific.

3. Major recent developments and concerns of relevance to the Russian Federation's compliance with its obligations and commitments in the Council of Europe

3.1. Constitutional amendments

12. The major development in the Russian Federation in 2020 was the adoption of the constitutional amendments proposed by President Putin in January 2020. Both the content of the amendments and the procedure for their adoption raised concerns as to compliance with democratic standards.

13. Following the request by the Committee on Legal Affairs and Human Rights, the European Commission for Democracy through Law (Venice Commission) delivered, in June 2020, an opinion on the draft amendments to the Constitution related to the execution in the Russian Federation of decisions by the European Court of Human Rights. It concluded that the power of the Constitutional Court of the Russian Federation to declare a judgment non-executable contradicts the obligations of the Russian Federation under the European Convention on Human Rights. Moreover, this concern should be seen against the backdrop of another amendment, namely to Article 83 of the Constitution, empowering the Council of Federation (Upper Chamber of the Parliament) to dismiss the judges of the Constitutional Court at the request of the President. In the Venice Commission's opinion these amendments would make the Court vulnerable to political pressure. Regrettably, the Venice Commission's recommendations have not been addressed by the Russian authorities, and the relevant revised Constitution's articles are in force thus undermining the authority of the European Court of Human Rights.

14. In May 2020, the Monitoring Committee requested the Venice Commission's opinion on the remaining amendments and the procedure for their adoption. Regrettably, due to pandemic crisis preventing Venice Commission's experts from visiting Moscow, the opinion is not expected to be delivered before March 2021. However, even without a legal assessment, a number of concerns may be raised.

15. As a result of the amendments, the Constitution outlaws any steps aimed at the cessation of territory to another country, thus making virtually impossible a solution for the Crimea issue in line with international law, as demanded by the Assembly. A new Paragraph 2.1 is added to Article 67 reading as follows: "The Russian Federation shall ensure protection of its sovereignty and territorial integrity. Actions aimed at alienating part of the territory of the Russian Federation and incitement to such actions shall not be permitted".

16. On 22 July 2020, the Duma adopted amendments to the law on "Countering Extremist Activities" aimed at consolidating the amendments to the Constitution on the protection of territorial integrity and the prohibition of alienation of territories. According to the new law, calls "for alienation of territories" will be sanctioned first through the Code of Administrative Offences and, if repeated, they will constitute a criminal liability with 6 to 10 years in prison.

17. On 8 December 2020, the President of the Russian Federation signed laws adopted by the parliament introducing amendments to the Criminal Code providing for punishment of "calls to violate the territorial integrity of the Russian Federation (Article 280.1 of the Criminal Code) and actions aimed at alienating part of the territory of the Russian Federation (Article 280.2 of the Criminal Code). According to these amendments, a person who has appealed in public for actions to be taken aimed at violating the territorial integrity of the Russian Federation, may face criminal persecution.

18. The remaining constitutional amendments covered a variety of political, economic, and social areas. The law on amendments was adopted unanimously by the Duma (which introduced an additional amendment paving the way to a possible extension of President Putin's mandate by two additional terms) on 11 March 2020 and by the Council of Federation on the same day, also unanimously. On 12 and 13 March 2020 the

Law was approved by the legislative councils of the 85 subjects of the Russian Federation and on 14 March 2020, the Law was sent to the Constitutional Court which issued, on 16 March 2020, an opinion finding that the amendments were in conformity with the Constitution.

19. While the revision of the paragraphs concerned of the Constitution did not require a referendum, President Putin's draft law submitted to the Duma in January 2020 provided for a different procedure, completing the adoption in the Parliament and in regional parliaments by a consultative "All-Russian vote" unforeseen in the Federal Constitutional Law on the Referendum in order to gain more legitimacy. It had not been known before and did not meet requirements for a referendum. It was initially scheduled for 22 April 2020 but due to the Covid-19 pandemic it was postponed to 26 June – 1 July 2020 and spread over the week.

20. All issues of the most importance were put in one package for a simple "yes" or "no" answer for them to be treated together which was highly problematic. Furthermore Golos, the respected election watchdog, was very critical about the campaign, and in particular the lack of safeguards ensuring a level playing field for opponents to the amendments. The organisation and administration of the vote itself was also criticised for giving the authorities more control over elections and not ensuring necessary transparency thus limiting independent observers` abilities to track voter fraud. The voting lasted a whole week and from the first day of voting, Russians could cast ballots, not only in regular polling stations but also in makeshift mobile locations set up on park benches, car trunks and shopping trolleys, as evidenced by numerous videos and photos posted on the internet. The ballots were subsequently moved and kept in polling stations overnight which opened up a possibility for mass tampering. In its assessment of the vote, Golos noted "multiple voting, ballot stuffing" and "violating voter secrecy". It stated that "a significant portion of the votes were collected by voting directly at enterprises and institutions, *de facto* under the control of their leadership".

21. All the aforementioned changes to the Russian State system have taken place with unprecedented speed without any meaningful public debate or consultations.

3.2. Poisoning of Alexei Navalny and his detention upon arrival in Moscow

22. The poisoning of Mr Navalny, leader of the Anti-Corruption Foundation, on 20 August 2020 raised alarm and utmost concern inside and outside the Russian Federation. Mr Navalny fell into a coma on board a domestic Russian flight from Tomsk, where he was campaigning ahead of the local elections, to Moscow. After an emergency landing in Omsk he received immediate treatment for suspected poisoning. Local laboratories did not confirm poisoning. On 22 August 2020 at the request of his family he was air-lifted to Berlin where he stayed in the Charite Hospital until 22 September 2020. Toxicological analysis conducted by several specialised laboratories in Germany, France and Sweden as well as by the Organisation for the Prohibition of Chemical Weapons (OPCW) revealed that he was poisoned by a military-grade chemical nerve agent of the Novichok family, developed in the former Soviet Union and banned by the Chemical Weapons Convention.

23. The monitoring co-rapporteurs have issued a statement calling for a full investigation of the case as demanded by the international community. The Assembly's Committee on Legal Affairs and Human Rights has been seized to prepare a report on the subject.

24. On 15 October 2020, the European Union in the absence of the Russian investigation or co-operation with the OPCW, imposed sanctions against six Russian individuals and one entity involved in the crime. No responsibility for the attack has been established by the Russian authorities and nobody has been brought to justice.

25. An investigation led by the independent investigative platform Bellingcat, with the involvement of Mr Navalny, revealed that the failed assassination attempt was co-ordinated by the Russian Federal Security Service (FSB) and that the latter is running an illegal chemical weapons programme in violation of the Convention.

26. Mr Navalny's detention on 17 January 2021 at the airport upon his arrival in Moscow on charges of a breach of the terms of a suspended sentence from 2014 raises further alarm. On 18 January 2021, following an impromptu hearing inside the police station in the absence of his lawyer, he was ordered to remain in custody for 30 days.

27. In its ruling of 15 November 2018, the European Court of Human Rights decided that a number of the Russian court proceedings against Alexei Navalny including the 2014 proceedings which were used as the pretext for his most recent arrest, breached his rights, were politically motivated and aimed at suppressing political pluralism. Therefore, they cannot constitute any legal basis for further detention.

28. Over fifty people peacefully awaiting his arrival at the airport in Moscow were detained.

29. Immediately after his arrest, Mr Navalny's team called for countrywide rallies to be held on 23 January 2021 to protest against his detention. In the run-up to this date, the Russian authorities had been taking preventive measures to stop the demonstrations. Law enforcement officers had been harassing and intimidating opposition figures, activists and journalists at their homes across the Russian Federation. Several of Navalny's closest associates, including his press secretary Ms Kira Yarmysh, and employees of Anti-Corruption Foundation, had been arrested in Moscow. During the demonstrations which took place across Russia in more than 100 cities, over 3 000 people were detained, including Mr Navalny's wife. In Moscow, at least 40 000 people joined an unauthorised and peaceful rally. As illustrated by online evidence, disproportionate force and unjustified violence was used by police forces to disperse the protesters.

30. Despite Mr Navalny's detention, his team continues to expose serious corruption among the Russian top authorities as illustrated by the two-hour video report on the alleged secret palace of the President posted on YouTube on 20 January and viewed more than 44 million times since then.

3.3. Crackdown on civil society and political opponents

31. The situation of civil society operating in the field of democracy, rule of law and human rights, extra parliamentary opposition and critical journalists has been systematically deteriorating over the last years. The recent developments in this area raise utmost concern.

32. Between 10 and 23 November 2020, a series of bills amending legislation with regard to the activities of the NGOs, media, the organisation and conduct of public events, protection of State secrets and State security, as well as corresponding amendments to the administrative and criminal codes, were introduced to the State Duma. Some of these draft laws have already been adopted (see below), others are still undergoing legislative procedure. On 8 December 2020, the Committee on Legal Affairs and Human Rights requested a Venice Commission opinion on their compatibility with international human rights standards.

33. The law on "Foreign agents" adopted in 2012 was criticised very severely in the monitoring report in 2012, as well as by the international community. Instead of being revoked, it was further strengthened in 2014 (the Ministry of Justice could now put NGOs on the list of "foreign agents" without any registration on their part), in 2017, 2019 (the new provision gave the Ministry of Justice the power to recognise as "foreign agents" not only organisations, but also individuals receiving any amount of foreign funding from abroad; the criteria for defining an individual as a foreign agent being extremely broad and could potentially be applied to bloggers, journalists, students receiving foreign grants and other social media users), and, most recently, in December 2020.

34. On 23 and 25 December 2020, the Duma and the Federation Council respectively approved amendments to the law on Foreign agents which expand the scope of individuals and groups that can be designated "foreign agents", introduce new restrictions as well as registration and reporting requirements. They also oblige the media to note the designation whenever they mention labelled individuals or groups. Furthermore, individuals labelled foreign agents will be banned from joining the civil service or holding a municipal government position.

35. The amendments to the Criminal Code introduced on 23 December 2020, provide for a punishment of up to five years in prison for individuals or organisations labelled as foreign agents who fail to inform official entities about their status and/or refuse to report their activities to the Russian authorities.

36. It should be stressed that already by early 2016, the Justice Ministry had labelled more than 100 organisations "foreign agents". As a result, some organisations had to discontinue their work or shut down. Among them were St-Petersburg's Anti-Discrimination Center Memorial and the Committee against Torture. And only last year, the Ministry of Justice added 12 organisations to its list of "foreign agents" including three human rights organisations, a group working on Aids prevention and the Anti-Corruption Foundation (FBK) founded by Alexei Navalny.

37. Furthermore, in 2015, the law on undesirable organisations was adopted. It gives prosecutors the power to extrajudicially declare foreign and international organisations "undesirable" when they are deemed by the authorities as "representing a threat to the defence or security of the State, or to public order or public health in order to protect the foundations of the constitutional order, morality rights and legitimate interests of the others. "There is no requirement in the law for the officials to substantiate their decision, nor any provision for judicial review at the stages of finding and putting the organisation on the list. Only once officially declared "undesirable", can an organisation challenge this decision in court.

38. “Undesirable organisations” are banned or limited from engaging in any activities inside the Russian Federation. Organisations that do not disband as well as Russians who maintain ties to them, are subject to high fines and significant jail time. The label, likewise in the case of “foreign agents” aims not only to prevent international NGOs from conducting their activities on the territory of the Russian Federation, but also to prevent the citizens of the Russian Federation from participating in the activities of the NGOs themselves, both in the Russian Federation and abroad.

39. On 25 December 2020, in an incomprehensible move, the Russian Prosecutor General decided to put the Association of Council of Europe’s Schools of Political Studies on the list of “undesirable organisations”. The Council of Europe Schools of Political Studies were established to “train future generations of political, economic, social and cultural leaders in countries in transition”. The first ever school of political studies was created in Moscow in 1992.

40. The monitoring co-rapporteurs have deplored this decision and called on the Russian authorities to revoke it.

41. Concerning numerous cases of persecution of journalists, governments’ critics or human rights defenders, the case of prominent journalist Ilya Azar illustrates a common pattern. He was detained in Moscow on 26 May 2020 and sentenced to 15 days of arrest for repeated violations of the law on rallies by holding a single-person protest against the arrest on extortion charges of Mr Vladimir Voronstov, a former police officer and founder of a Telegram channel exposing abuses in the Russian Federation’s enforcement system. In the following days, the police also shortly detained several other prominent journalists who were protesting in Moscow and St-Petersburg over his incarceration. The Organization for Security and Co-operation in Europe (OSCE) Representative on freedom of the media had called for their immediate release. On 28 May, around 20 people were detained, including six opposition municipal deputies. All of them held single-person protests in support of Mr Azar. Reportedly, another four individuals were detained in St-Petersburg. Amid a public outcry in the Russian Federation and abroad, the Moscow City Court reduced Mr Azar`s imprisonment term from 15 days to 10 days. Mr Azar was released on 7 June 2020.

42. Numerous other examples of persecution and harassment illustrate the plight of civil society, and, more generally, of critics of the government, in the Russian Federation. In July 2020, Mr Navalny’s “Anti-Corruption Foundation” was about to shut down as a result of the heavy court fine imposed over one of its investigations. The conviction came because the organisation refused to delete a video documentary, released in 2017 exposing many facets of political corruption in the Russian Federation. Moreover, Mr Navalny has been placed under arrest multiple times for charges that have been denounced by the international community as illegitimate. In its judgement of 9 April 2019, the European Court of Human Rights ruled that these detentions took place in violation of the European Convention on Human Rights.

43. In another emblematic prosecution which raised outcry in the Russian Federation and abroad: on 26 June 2020, an acclaimed Russian theatre and film director, Mr Kirill Serebrennikov, and his co-defendants were found guilty and handed suspended prison sentences on embezzlement charges in a case that critics say was politically motivated and meant to send a chilling message to potential government critics. They all had campaigned against constitutional amendments.

44. On 6 July 2020, journalist Ms Svetlana Prokopyeva was convicted in Pskov for justifying terrorism. She was condemned in connection with her comment linking the suicide terrorist attack of a teenager in Arkhangelsk, to a political climate under President Putin. More than a dozen reporters were detained for picketing in her support. The OSCE and media rights groups such as Reporters without Borders criticised the case and called it a violation of freedom of expression.

45. On 7 July 2020, Mr Ivan Safronov, a former journalist was detained on treason charges liable up to 20 years in prison. The revised Article 275 under which he was charged, is very broad, vague and unspecific and it is easy to imprison journalists on the grounds of revealing State secrets. The law does not specify what information is classified, leaving it up to various government agencies. According to lawyers, this law can be used to target anyone with international contacts, including scholars, journalists, researchers, and human rights activists. “The case against Mr Ivan Safronov is an absolutely new level of repression against journalists in this country” wrote Mr Andrei Soldatov, a prominent investigative journalist in a post on Facebook.

46. Twenty eight other journalists were detained for picketing in his defence in front of FSB building. All protests were peaceful, and the demonstrators held single-person pickets, distancing themselves from each other.

47. There were reports of undue pressure on lawyers of activists. According to reports by Agora International Human Rights Group, it has become common practice for judges to remove lawyers from court hearings without proper legal grounds. The report also documented a trend of law enforcement authorities using physical force to prevent lawyers from being present during searches or interrogations.

3.4. Electoral law and concerns over elections

48. Soon after the All-Russian vote, and despite heavy criticism of the administration of the voting, spread over one week, on 21 July 2020, the Duma approved an amendment to the electoral code that allows voting over as many as three days during future elections. The decision on whether to hold multiday elections is to be made by electoral officials.

49. The new voting system was used during the regional and local elections in September 2020. Voting started on 11 September and lasted for three days, with 13 September as the main election day.

50. Elections organised in Crimea were not recognised by the European Union as held in violation of international law.

3.5. Other concerns

51. The 2016 parliamentary elections in the Russian Federation were held according to a mixed system: 225 deputies were elected in single-member constituencies (including 4 constituencies in Crimea) and 225 deputies on party lists in a nationwide constituency also including the territory of Crimea. In 2019, following the challenge of the credentials of the Russian delegation on procedural grounds (Article 7) questioning its legitimacy, the Assembly's Committee on Rules of Procedure, Immunities and Institutional Affairs requested the Venice Commission's opinion in this respect. While the Venice Commission concluded that the Assembly's obligation not to recognise an annexation does not necessarily entail the obligation to deny credentials on procedural grounds to the whole delegation of the annexing State, it recalled that other options were possible as indeed provided by the rules of procedure of the Assembly. In my opinion the Assembly should agree that no members of the Russian delegation elected in Crimea can have their credentials ratified.

3.6. Khabarovsk

52. Among other developments in the Russian Federation over the last year, I should mention demonstrations and protests in Khabarovsk in support of the then Governor, Sergiey Furgal, arrested on charges which were widely perceived as politicised. On 25 July 2020, an unprecedented demonstration with the participation of 50 000 (about 1/10 of the city population) was held calling for the Governor's reinstatement and the trial in Khabarovsk not in Moscow. Subsequently, a few protests in support of Furgal also took place in other cities including Novosibirsk, Vladivostok and Omsk.

53. The protests have been continuing. The last demonstration gathered over 100 people on 9 January 2021. The demands were not addressed.

3.7. International questions

54. Unfortunately, no progress has been made with regard to implementing the demands of the international community with regard to Eastern Ukraine, Crimea and the occupied Georgian regions of South Ossetia and Abkhazia.

3.8. Financial obligations with regard to the Council of Europe budget

55. With regard to the financial obligations towards the Council of Europe, upon its return to the Assembly in July 2019, the Russian Federation paid all due contributions to the ordinary budget and partial agreements for the second part of 2017, 2018 and 2019.

56. However, the Russian Federation has not reimbursed unpaid interests over that period amounting to over 13 million euro in 2019. The Russian Federation has blocked this reimbursement following disputes within the Committee of Ministers on the status of this reimbursement and its allocation.

4. Conclusions

57. In June 2019, when the Assembly adopted Resolution 2287 (2019) on "Strengthening the decision-making process of the Parliamentary Assembly concerning credentials and voting", which paved the way for the Russian delegation's return to the Assembly, its intention was clear. The reason why the majority of members voted in favour of this text and then following the challenge of the Russian Delegation's credentials in favour of Resolution 2292 (2019) was to relaunch a political and meaningful dialogue.

58. The dialogue has been relaunched as well as the co-operation in the Monitoring Committee, where the Russian representatives take an active part. However, we have to determine whether this dialogue is likely to bring about some progress in the state of implementation of the Russian Federation's compliance with its obligation and commitments.

59. The brief overview which I have presented in the current report is not optimistic. However, I think it would not be appropriate to abandon the path we chose in June 2019 at this stage. I think that the Monitoring Committee should continue its work with regard to the Russian Federation. The co-rapporteurs should carry out a fact-finding visit as soon as possible and prepare a substantial report as soon as possible. The Monitoring Committee should carefully follow developments in the Russian Federation, with a view to assessing the situation and the country's compliance with democratic standards and the Russian Federation's commitments and obligations.

60. I also stress the importance of full co-operation on the part of the Russian authorities with all relevant Assembly rapporteurs, who should be able to carry out their fact-finding visits as soon as the pandemic situation allows. The Russian authorities should also fully co-operate with the Council of Europe Commissioner for Human Rights, enabling her visit to Crimea when sanitary conditions, due to the pandemic, allow.

61. With a view to pursuing a political dialogue I therefore propose that the Assembly ratifies the credentials of the Russian Federation and return to the assessment of the progress made when a monitoring report is submitted later this year.