



Resolution 2363 (2021)¹

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

Parliamentary Assembly

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 (ETS No. 5). 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, prohibit 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's Network of Schools 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 non-governmental organisations (NGOs) and the media, the organisation and conduct of public events, the protection of the 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.

1. *Assembly debate* on 28 January 2021 (7th Sitting) (see [Doc. 15216](#), report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Stefan Schennach; and [Doc. 15218](#), opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Ingerd Schou). *Text adopted by the Assembly* on 28 January 2021 (7th Sitting).



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 the arrests of 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. It has to be emphasised that by virtue of the obligation of States and international organisations under international law not to recognise the consequences of the illegal annexation of a territory, the ratification of the credentials of the Russian delegation by the Assembly would in no way constitute recognition, even implicit, of the annexation of Crimea by the Russian Federation.

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

12. On this occasion, 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:

12.1. 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 relating to the execution in the Russian Federation of judgments of the European Court of Human Rights, and in its forthcoming opinion on remaining amendments and the procedure for their adoption, which is expected to be delivered in March 2021;

12.2. 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;

12.3. 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 and 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;

12.4. remove the Council of Europe Schools of Political Studies from the list of undesirable organisations.

13. 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 the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to submit a report on the honouring of obligations and commitments by the Russian Federation at its earliest convenience.