

Doc. 15216 – Compendium of written amendments
27/01/2021

(Final version)

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

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A. Draft Resolution

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.

Amendment 6

Tabled by Mr Emanuelis ZINGERIS, Ms Lesia VASYLENKO, Ms Laima Liucija ANDRIKIENĖ, Ms Inese LĪBIŅA-EGNERE, Mr Arminas LYDEKA, Mr Kęstutis MASIULIS, Mr Arkadiusz MULARCZYK, Mr Dmytro LUBINETS, Mr Oleksandr MEREZHKO, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Oleksii GONCHARENKO, Ms Yuliia OVCHYNNYKOVA, Ms Olena KHOMENKO, Ms Lesia ZABURANNA, Ms Yelyzaveta YASKO, Ms Yevheniia KRAVCHUK, Ms Maryna BARDINA, Mr Jacek PROTASIEWICZ

In the draft resolution, at the end of paragraph 1, insert the following words:

" , as well as to the commitments undertaken by the Russian Federation upon accession and contained in Assembly Opinion 193 (1996) on Russia's request for membership of the Council of Europe"

Amendment 10

(If adopted, amendment 2 falls)

Tabled by Ms Laima Liucija ANDRIKIENĖ, Mr Jacek PROTASIEWICZ, Mr Oleksandr MEREZHKO, Mr Oleksii GONCHARENKO, Ms Yuliia OVCHYNNYKOVA, Ms Olena KHOMENKO, Ms Lesia ZABURANNA, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Dmytro LUBINETS, Mr Rustem UMEROV, Mr Arminas LYDEKA, Mr Arkadiusz MULARCZYK, Ms Lesia VASYLENKO, Mr Kęstutis MASIULIS, Ms Inese LĪBIŅA-EGNERE, Mr Emanuelis ZINGERIS, Ms Lesia

VASYLENKO, Ms Yelyzaveta YASKO, Ms Yevheniia KRAVCHUK

In the draft resolution, paragraph 5, replace the last sentence with the following sentence:

"This amendment to the Russian Constitution not only ignores multiple demands of this Assembly with regard to the solution for the Crimea issue, but it is in a contradiction with the international commitments of the Russian Federation and international law."

Amendment 2

(Falls if amendment 10 is adopted)

Tabled by Mr Rustem UMEROV, Mr Oleksandr MERZHKO, Mr Oleksii GONCHARENKO, Ms Mariia MEZENTSEVA-FEDORENKO, Ms Lesia ZABURANNA, Ms Yuliia OVCHYNNYKOVA, Ms Olena KHOMENKO, Mr Dmytro LUBINET, Ms Yelyzaveta YASKO, Mr Dmytro NATALUKHA, Ms Lesia VASYLENKO, Mr Kakhaber KUTCHAVA, Ms Tamar TALIASHVILI, Ms Maria JUFEREVA-SKURATOVSKI, Mr Arkadiusz MULARCZYK, Mr Sergiy VLASENKO, Mr Kęstutis MASIULIS, Ms Laima Liucija ANDRIKIENĖ

In the draft resolution, paragraph 5, replace the final sentence with the following sentence:

"The Assembly recalls its position on the illegal annexation of Crimea by the Russian Federation and does not recognise any alteration to the status of the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)."

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

Amendment 7

Tabled by Mr Emanuelis ZINGERIS, Ms Lesia VASYLENKO, Ms Inese LĪBIŅA-EGNERE, Mr Arminas LYDEKA, Mr Kęstutis MASIULIS, Mr Arkadiusz MULARCZYK, Ms Laima Liucija ANDRIKIENĖ, Mr Dmytro LUBINET, Mr Oleksandr MERZHKO, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Oleksii

and use of violence and disproportionate force against peaceful demonstrators supporting him.

**GONCHARENKO, Ms Yuliia
OVCHYNNYKOVA, Ms Olena KHOMENKO, Ms
Lesia ZABURANNA, Ms Yelyzaveta YASKO,
Ms Yevheniia KRAVCHUK, Ms Maryna
BARDINA, Mr Jacek PROTASIEWICZ**

In the draft resolution, paragraph 8, replace the words "as well as arrests and use of violence and disproportionate force against peaceful demonstrators supporting him", with the following words:

"charging him with breaching the conditions of a suspended sentence in a case (Case of Navalny V. Russia, Application no. 101/15) where the European Court of Human Rights found that the Russian courts had, in effect, fabricated the crime of which he was convicted. We are deeply concerned with arrests and use of violence and disproportionate force against peaceful demonstrators supporting him"

Amendment 8

Tabled by Mr Emanuelis ZINGERIS, Ms Lesia VASYLENKO, Ms Laima Liucija ANDRIKIENĖ, Ms Inese LĪBIŅA-EGNERE, Mr Arminas LYDEKA, Mr Kęstutis MASIULIS, Mr Arkadiusz MULARCZYK, Mr Dmytro LUBINET, Mr Oleksandr MERESHKO, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Oleksii GONCHARENKO, Ms Yuliia OVCHYNNYKOVA, Ms Olena KHOMENKO, Ms Lesia ZABURANNA, Ms Yelyzaveta YASKO, Ms Yevheniia KRAVCHUK, Ms Maryna BARDINA, Mr Rustem UMEROV, Mr Jacek PROTASIEWICZ

In the draft resolution, after paragraph 8, insert the following paragraph:

"The Assembly calls on the Russian authorities to re-open and continue their investigation into the murder of Mr Boris Nemtsov. On 16 June 2019, the Assembly repeatedly flagged the failure of the Russian authorities to investigate the death of Boris Nemtsov, listing a number of "serious concerns" over its independence and effectiveness."

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.

Amendment 5

Tabled by the (Former) Committee on Rules of Procedure, Immunities and Institutional Affairs

In the draft resolution, after paragraph 9, insert the following paragraph:

"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."

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

Amendment 3

Tabled by Mr Rustem UMEROV, Mr Oleksandr MEREZHKO, Mr Oleksii GONCHARENKO, Ms Mariia MEZENTSEVA-FEDORENKO, Ms Lesia ZABURANNA, Ms Yuliia OVCHYNNYKOVA, Ms Olena KHOMENKO, Mr Dmytro LUBINETZ, Mr Kakhaber KUTCHAVA, Ms Tamar TALIASHVILI, Mr Kęstutis MASIULIS, Ms Laima Liucija ANDRIKIENĖ, Mr Sergiy VLASENKO, Mr Arkadiusz MULARCZYK, Ms Yelyzaveta YASKO, Ms Lesia VASYLENKO, Mr Ian LIDDELL-GRAINGER

In the draft resolution, paragraph 10, after the words "the Assembly resolves", add the following word: "not"

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:

Amendment 11

(If adopted, amendment 1 falls)

Tabled by Ms Laima Liucija ANDRIKIENĖ, Mr Jacek PROTASIEWICZ, Ms Lesia VASYLENKO, Mr Arkadiusz MULARCZYK, Ms Inese LĪBIŅA-EGNERE, Mr Kęstutis MASIULIS, Mr Arminas LYDEKA, Mr Emanuelis ZINGERIS, Mr Oleksandr MEREZHKO, Mr Oleksii GONCHARENKO, Ms Yuliia OVCHYNNYKOVA, Ms Olena KHOMENKO, Ms Lesia ZABURANNA, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Dmytro LUBINETZ, Mr Rustem UMEROV, Ms Yelyzaveta YASKO, Ms Yevheniia KRAVCHUK

In the draft resolution, at the beginning of paragraph 11, delete the following words:

"In return,"

Amendment 1

(Falls if amendment 11 is adopted)

Tabled by Mr Claude KERN, Mr Jacques MAIRE, Mr Damien COTTIER, Mr Titus CORLĂȚEAN, Mr Fabien GOUTTEFARDE, Ms Béatrice FRESKO-ROLFO, Mr Olivier FRANÇAIS, Ms Nicole DURANTON, Ms Nicole TRISSE

In the draft resolution, paragraph 11, replace the words "In return", with the following words:

"On this occasion"

- 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;

- 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;

Amendment 9

Tabled by Mr Emanuelis ZINGERIS, Ms Lesia VASYLENKO, Ms Laima Liucija ANDRIKIENĖ, Ms Inese LĪBIŅA-EGNERE, Mr Arminas LYDEKA, Mr Kęstutis MASIULIS, Mr Arkadiusz MULARCZYK, Mr Dmytro LUBINETS, Mr Oleksandr MERZHKO, Ms Mariia MEZENTSEVA-FEDORENKO, Mr Oleksii GONCHARENKO, Ms Yuliia OVCHYNNYKOVA, Ms Olena KHOMENKO, Ms Lesia ZABURANNA, Mr Rustem UMEROV, Ms Yelyzaveta YASKO, Ms Yevheniia KRAVCHUK, Ms Maryna BARDINA, Mr Jacek PROTASIEWICZ

In the draft resolution, in paragraph 11.2, after the words "to release Mr Navalny", insert the following words:

"and all political prisoners declared by the Russian Memorial Society and the Helsinki Committee,"

- 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.

Amendment 4

Tabled by Mr Ian LIDDELL-GRAINGER, Mr Rustem UMEROV, Mr Oleksandr MERZHKO, Mr Oleksii GONCHARENKO, Ms Mariia MEZENTSEVA-FEDORENKO, Ms Lesia ZABURANNA, Ms Yuliia OVCHYNNYKOVA, Ms Olena KHOMENKO, Mr Dmytro LUBINETS, Mr Kakhaber KUTCHAVA, Ms Tamar TALIASHVILI, Mr Kęstutis MASIULIS, Ms Laima Liucija ANDRIKIENĖ, Mr Sergiy VLASENKO, Ms Lesia VASYLENKO, Ms Yelyzaveta YASKO, Mr Arkadiusz MULARCZYK

In the draft resolution, paragraph 12, after the first sentence, insert the following sentence:

"The Assembly reserves its rights to annul the ratified credentials of the Russian delegation at its June 2021 part-session if no progress is made with regard to the implementation of the demands and recommendations of the Assembly as expressed in this resolution."