Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 2422 (2022)[1]

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

Parliamentary Assembly

1. The Parliamentary Assembly recalls its Resolution 1990 (2014), Resolution 2034 (2015), Resolution 2063 (2015), Resolution 2292 (2019), Resolution 2320 (2020) and Resolution 2363 (2021), and reiterates the recommendations addressed to the Russian authorities therein.

2. The Assembly expresses its deep concern about the escalating tensions which threaten security in Europe and the Russia Federation's build-up of troops along the border with Ukraine.

3. In particular, the laws on foreign agents, undesirable organisations and extremism, recently amended, are incompatible with Council of Europe standards and have a negative impact on democracy, the rule of law and respect for human rights.

4. The closure, despite multiple appeals by the international community, of Memorial, one of the most respected human rights organisations in the Russian Federation, constitutes a serious blow to democracy and the freedoms of association and expression. This is a turning point and a major obstacle to the functioning of independent civil society in the Russian Federation.

5. The plight of Mr Alexei Navalny, arrested and detained despite the judgment of the European Court of Human Rights, raises utmost concern, in particular taking into account his role in the political process in the Russian Federation as well as the events surrounding his poisoning.

6. The Assembly notes that, in contrast to the last parliamentary and presidential elections held in the Russian Federation in 2016 and 2018 respectively, it was invited to observe the 2021 parliamentary elections. It nevertheless regrets the shortcomings in the electoral legislation and the conduct of the 2021 parliamentary elections to the Duma, as identified by the Assembly assessment mission and the European Commission for Democracy through Law (Venice Commission).

7. The Assembly expresses its utmost concern over the deteriorating situation with regard to pluralism, human rights and fundamental freedoms in the Russian Federation, manifested by the crackdown on opposition politicians, independent civil society, dissenting voices and critical journalists.

8. The Assembly regrets that no progress has been made in addressing the Assembly's demands and requests in the context of the 2008 war between the Russian Federation and Georgia, as expressed in Resolution 1633 (2008), Resolution 1647 (2009) and Resolution 1683 (2009), or with regard to the military intervention in Donbass and the illegal annexation of Crimea by the Russian Federation, as expressed in Resolution 1990 (2014), Resolution 2034 (2015), Resolution 2063 (2015) and Resolution 2132 (2016).

1. *Assembly debate* on 26 January 2022 (6th sitting) (see Doc. 15443, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), rapporteur: Mr Piero Fassino; and Doc. 15445, opinion of the Committee on Rules of Procedure, Immunities and Institutional Affairs, rapporteur: Ms Maria Jufereva-Skuratovski). *Text adopted by the Assembly* on 26 January 2022 (6th sitting).

9. The Assembly expresses its utmost disappointment that none of its recommendations in all resolutions entitled "Challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation" have been fulfilled.

10. In addition, the Assembly regrets the lack of co-operation of the Russian Federation with the Assembly in the preparation of the reports entitled "Shedding light on the murder of Boris Nemtsov" (Resolution 2297 (2019)); "The arrest and detention of Alexei Navalny in January 2021" (Resolution 2375 (2021)); "Poisoning of Alexei Navalny" (Resolution 2423 (2022)); and "Political prisoners in the Russian Federation".

11. While the above-mentioned concerns justify questions with regard to the respect by the Russian Federation of its commitments and obligations as a member State of the Council of Europe, it should be emphasised that the Assembly constitutes the unique pan-European parliamentary platform for political dialogue, with the participation of all European countries, about ways to uphold the values and standards that the Council of Europe stands for, including in the Russian Federation. It is recalled that the Assembly can play a meaningful role in this process only if the Russian Federation is a member State of the Organisation and fully participates in its bodies, co-operation mechanisms and activities.

12. In this respect, the Russian delegation's commitment to co-operate with the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) should be acknowledged. The Assembly should use this opportunity to have an impact on developments in the Russian Federation with regard to democracy, the rule of law and respect for human rights.

13. It should be highlighted that, more generally, the Russian Federation is an active member of the Council of Europe, intensively involved in its numerous activities, including under the conventions relevant to the country's compliance with its commitments and obligations within the Organisation.

14. The supremacy of the decisions of the Constitutional Court of the Russian Federation over international law, including the decisions of the European Court of Human Rights, does not guarantee Russian citizens a human rights remedy and the possibility to hold the authorities accountable, which remains an important argument in favour of continuing co-operation at all levels, including at parliamentary level.

15. It should be noted that the European Union, the North Atlantic Treaty Organization (NATO), the Organization for Security and Co-operation in Europe (OSCE) and also the United States, while clearly expressing their criticism of the behaviour of the Russian authorities, have not suspended their relations with Moscow in the interests of maintaining a dialogue on security in Europe and encouraging developments that will see the rule of law and democratic principles respected in the Russian Federation.

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

17. At the same time, the Assembly calls on the Russian authorities to fulfil the recommendations included in Resolution 1633 (2008), Resolution 1647 (2009), Resolution 1683 (2009), Resolution 1990 (2014), Resolution 2034 (2015), Resolution 2063 (2015), Resolution 2132 (2016), Resolution 2292 (2019), Resolution 2320 (2020), and Resolution 2363 (2021), to fully implement Resolution 2375 (2021) "The arrest and detention of Alexei Navalny in January 2021", Resolution 2423 (2022) "Poisoning of Alexei Navalny" and Resolution 2297 (2019) "Shedding light on the murder of Boris Nemtsov" and, in particular, to:

17.1. recall as soon as possible its troops from Ukrainian frontiers and stop the escalation of military tension;

17.2. address concerns with regard to repealing the 2012 law on foreign agents as amended and the 2015 law on undesirable organisations as amended, and revising the law on extremism in order to bring it into compliance with Council of Europe standards;

17.3. abstain from adopting new laws putting further restrictions on civil society, human rights defenders and journalists;

17.4. refrain from acts leading to violations of fundamental rights and freedoms, in particular freedom of association, freedom of assembly and freedom of expression;

17.5. co-operate with all Assembly committees and facilitate the activity of the Assembly's monitoring and information missions;

17.6. incorporate the judgments of the European Court of Human Rights into the Russian legal system and implement them;

17.7. implement without delay all Committee of Ministers' decisions regarding the execution of the judgments of the European Court of Human Rights and the many recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

18. The Assembly expects that by ratifying the credentials of the Russian delegation, this should be reciprocated by a meaningful dialogue leading to concrete results. It invites the Monitoring Committee to continue the dialogue with the authorities of the Russian Federation and to submit its report on the honouring of obligations and commitments by the Russian Federation at its earliest convenience and not later than before the end of 2022.