

RUSSLAND ZURÜCK IM EUROPARAT ZERREISSPROBE FÜR CSP

Im Juni dieses Jahres hat die Parlamentarische Versammlung des Europarats (PACE) den Beschluss gefasst, die im Jahr 2014 wegen der Annexion der Krim gegen Russland verhängten Sanktionen wieder aufzuheben. Im Vorfeld kam es zu grundlegenden Diskussionen zwischen Gegnern und Befürwortern einer Beendigung der Sanktionen. Auch für die über 90 in der Civic Solidarity Platform (CSP) vereinigten europäischen Menschenrechtsorganisationen wurde die Frage zu einer echten Zerreissprobe. In einem waren und sind sich alle hingegen einig: Die aggressive und unnachgiebige Haltung Russlands in vielen Menschenrechtsfragen wird die Arbeit des Europarats noch längerfristig belasten.

Im Folgenden stellen wir die Argumente für und gegen eine Aufhebung der Sanktionen einander gegenüber. Die Position der Befürworter stammt aus Auszügen des Statements einer Initiativgruppe russischer und weiterer Menschenrechtsorganisationen vom Juni 2019. Zur Organisation gehören Yury Dhibladze und Olga Sacharova, zwei MitbegründerInnen der CSP. Eine konträre Sichtweise verfasste für uns freundlicherweise Krassimir Kanev, der Vorsitzende des Bulgarischen Helsinki-Komitees. *Franziska Rich, Vorstand SHV*

RUSSIA'S RETURN AS AN OPPORTUNITY

As many others in civil society organisations, parliaments and governments across Europe, we are extremely concerned about Russia's deplorable human rights and the rule of law record both inside the country and beyond its borders. However, we believe that actions aimed at pushing Russia out of the Council of Europe (CoE) are short-sighted. Driven by understandable anger (which we respect, as indeed the reasons for taking extraordinary steps with respect to Russia have not disappeared), these actions will not lead to what their proponents would like to achieve. We are convinced that Russia's departure from the CoE would not stop human rights violations and halt the authoritarian backslide in the country, or prevent Russian government's aggressive behaviour in the international arena. In particular, it would by no means contribute to the resolution of the conflict in Eastern Ukraine... Instead, it would have irreversible consequences, putting an end to a difficult struggle of Russian society to make the country an important part of Europe on the basis of shared values of democracy, rule of law and respect for human rights. In the case of Russia's departure from the organisation, the Assembly and the Council of Europe in general would lose even the existing limited opportunities to influence the situation of human rights and the rule of law in Crimea and the territories of Donbas that are currently not controlled by Ukraine, as well as inside Russia.

We recognise and deeply regret the fact that Russia has taken very little, if any, steps to address the Assembly's demands with regard to the situations in Crimea and Donbas, except for a recent decision by Moscow to invite the Commissioner for Human Rights to visit Crimea – just one of many demands that we and other stakeholders have put forward. But we believe that the possible return of

the Russian delegation to PACE should not be regarded as a retreat from these demands and a return to 'business as usual'...



Olga Sacharova und Yury Dhibladze, CSP Bild zVg

Firstly, the continued membership of Russia in the CoE should be actively used by all concerned parties as an opportunity to build up stronger pressure on Russia to ensure implementation of its obligations. The PACE should much more actively use all the other tools it already has, such as the monitoring procedure, thematic reports and resolutions, posing questions to the Committee of Ministers and prompting it to apply Article 46 in the cases of persistent non-implementation of judgments of the European Court of Human Rights by Russia.

Secondly, the current crisis should lead to a critical review and an upgrade of the CoE's toolbox to address grave and systemic violations of the organisation's norms by member states. In this regard, follow-up to the Committee of Ministers' proposal to develop a new procedure for a coordinated response to such situations, including a decision on suspension or expulsion of a member state should be prioritized.

Developing the two abovementioned lines of action... would demonstrate that the PACE has not just resorted to a short-term tactical solution to the crisis... but, on the contrary, is working on a

longer-term strategy of responding to violations committed by Russia, and, potentially, by any other member states.

Olga Sacharova und Yury Dhibladze

WRONG MESSAGE TO OTHER WRONGDOERS IN EUROPE

The resolution of 25 June 2019 restoring the voting rights of the Russian delegation in the Parliamentary Assembly of the Council of Europe turned a tragedy into a farce. The PACE withdrew these rights in April 2014 with Resolution 1990 because of the annexation of Crimea and due to the sharp deterioration of the human rights situation on the peninsula. But the call fell on deaf ears from the start as Russia rushed with swift administrative, financial and security measures to integrate Crimea into its territory. The 25 June resolution came when this process was almost complete – six months after the completion of the security fence marking the de facto border between Crimea and Ukraine. No one in the Russian political establishment had even a slightest thought of addressing the PACE criticism, as well as that of the international organisations and states, which imposed economic sanctions on Russia for its breach of international law. Moreover, it escalated its aggressive policies against Ukraine outside of Crimea, in Donetsk and Luhansk. In 2016, two years after the annexation, Human Rights Watch declared that the Russian authorities had imposed „a pervasive climate of fear and repression in Crimea“, accompanied with actions of pro-Russian paramilitary groups implicated in torture, extra-judicial killings, enforced disappearances, and beatings. Since 2016 the Russian parliament stopped submitting its PACE delegation's credentials for ratification in protest against the deprivation of its voting rights, and since 2017 the Russian government stopped paying its membership fees threatening withdrawal from the Council of Europe.



Krassimir Kanev Bild zVg

On 25 June Russia was awarded not only a restoration of the voting rights of its delegation to PACE. This happened, on Russia's explicit demand, through a resolution, introducing changes in the rules, according to which the Assembly would not be able to undertake such measures in the future at all. The resolution and the discussion leading up to it in effect dealt a serious blow on the credibility of the Council of Europe and on its role as a watch-dog of democracy, rule of law and human rights. The process was a vivid example of the "old diplomacy", based on patronage, on respect for the force, rather than for the law, and on double standards. It is hard to imagine PACE submitting to such a manifest arrogance, threats and blackmail in a similar situation of a weaker member state.

When one thinks of the effects of such a decision on Ukrainian society, and especially on those segments of it that are pro-European, and the message it sends to other wrongdoers in Europe, the situation becomes even more depressing. Perhaps the only consolation comes from possible effects of the Russia's continuous membership in the Council of Europe, which some PACE delegates and some Russian human rights defenders highlighted when they pleaded for restoration of the voting rights. The continued membership may bring the long-expected judgments of the European Court of Human Rights on interstate and individual applications, which are supposed to give publicity to the facts of the Russian actions against Ukrainians and their critical assessment of this authoritative human rights body. It may also give meaning to the work of the Russian human rights defenders in using the Council of Europe human rights protection mechanisms. Their invocation in this light is fully understandable and should not be criticized in a way we ought to criticise those who voted on the Russian demands in the early morning of 25 June.

Krassimir Kanev, Helsinki Komitee, Bulgarien