

Statement of PACE Monitoring Committee, adopted 28 June 2007

Error! Bookmark not defined.. Ever since the Russian Federation made its choice to become part of the European family of the Council of Europe based on common fundamental values in 1996, it has continued to progress towards honouring its obligations and commitments to the Organisation.

Error! Bookmark not defined.. It is evident that, given Russia's geographical size, its huge cultural, ethnic and religious diversity, the legacy of its past and its new geopolitical challenges, the reform process cannot take place overnight. On the other hand, success in building the common house of democracy can only be achieved if unfaltering efforts are made by all member States to reach and to comply with commonly-accepted standards.

Error! Bookmark not defined.. In this regard, there remain a number of areas where Russia should concentrate or reinforce its efforts: the latter include the abolition of the death penalty in law, despite the potential unpopularity of such a measure; the reform of the *prokuratura* that would help ensure the independence and impartiality of the Prosecutor's Office and separate the function of criminal prosecution from the function of supervision of preliminary investigations including into allegations of torture; the withdrawal of the remaining Russian military forces and their equipment, in particular from the territory of Moldova.

Error! Bookmark not defined.. The rate of mortality and hazing in the army as well as reported cases of torture and inhuman and degrading treatment in many detention centres all over Russia remain unacceptable. The continuing impunity and lack of transparency with regard to investigating human rights violations in Chechnya, despite progress in restoring democratic institutions, are still of serious concern. Also, the Russian authorities should more effectively combat the spreading of violent acts of discrimination, xenophobia and homophobia on its territory.

Error! Bookmark not defined.. Russia should also show good faith by complying with the most important Council of Europe instruments, in particular by ratifying without further delay Protocol No. 14 of the ECHR, which would help reform the European Court of Human Rights – also to the benefit of Russian citizens.

Error! Bookmark not defined.. In December 2007, Russian voters will elect a new parliament, while in March 2008 they will vote for a new president. These elections will be an occasion for Russia to demonstrate its political determination to conduct free and fair elections in line with the Council of Europe standards.

Error! Bookmark not defined.. In this regard, the Monitoring Committee reiterates its concern expressed in Resolution 1455 (2005) over the new election legislation which has introduced a significantly higher electoral threshold (7%), a "double threshold" requirement for political parties to be represented in 50 of Russia's regions, the prohibition of electoral coalitions, the *de facto* lowering of the minimum number of parties to be represented in the State Duma from four to two, and other restrictive rules for parties entitled to compete in the legislative elections, which raise the entry barrier to the parliament compared to the 2003 legislative elections and thus favour the parties already represented in the current State Duma.

Error! Bookmark not defined.. The Monitoring Committee also regrets the reports of frequent restrictions on freedoms of expression, association and assembly, and a growing number of reported cases of physical threats, trials, dismissals and persecutions against journalists and human rights defenders. Many electronic media – and first of all the nationwide television

channels – are *de facto* under state control. The 2006 NGO legislation and the newly-amended anti-extremist law provide possibilities for selective use against critics and opponents. In the run-up to the elections, the authorities have violently dispersed a number of peaceful demonstrations challenging government policies by refusing permits and subjecting protesters to excessive force and detention (the “Dissenters’ Marches” in Moscow, Nizhny Novgorod, St. Petersburg and Samara in March-May 2007; the Moscow Pride 2007 scheduled for 27 May). The Committee is concerned that the judiciary in Russia continues to be under the influence of the central state authorities, as exemplified by the Yukos case or that of the recent deportation of Georgian nationals from Russia. The police and the judiciary are unable or unwilling to properly investigate and prosecute those responsible for the assassination or other criminal acts committed against journalists and Kremlin-critics for political or other motives, including high-level cases of Politkovskaya and Litvinenko.

Error! Bookmark not defined.. In view of the above, the Monitoring Committee calls upon the Russian authorities to ensure the effective exercise of democratic freedoms of expression and assembly, and provide further conditions for open, transparent and equal competition to all competing parties in the run-up to the elections. More particularly, it urges the Russian authorities to

9.1 guarantee free and fair process for elections and ensure that the opposition parties have a real opportunity to participate and campaign;

9.2 ensure freedom of expression and avoid any media censorship;

9.3 allow all peaceful demonstrations regardless of their political or other purposes; ensure that no demonstrator who does not violate public order is harassed or detained; investigate and prosecute effectively the recent violent attempts to interfere with peaceful demonstrations;

9.4 in accordance with the internationally recognised election standards ensure full access of domestic and international observers to monitor the entire election process of the two elections;

9.5 investigate and prosecute effectively all violations of human rights without any exceptions;

9.6 examine the possibility to amend the Law on Non-governmental Organisations of 2006 to remove its most restrictive elements.

Error! Bookmark not defined.. The Committee is convinced that the existing Council of Europe standards, and in particular those based on the European Convention of Human Rights, constitute the best basis for a proper assessment of election processes. To this end, it calls upon both the Russian Federation to make use of the assistance of the Assembly in election observation, in full co-operation with OSCE/ODIHR. It also requests the Bureau of the Assembly to deploy large-scale pre-election and election-observation missions for both elections in Russia.

Error! Bookmark not defined.. The Monitoring Committee will spare no efforts to foster effective co-operation between the Council of Europe and Russia in all other areas where the Organisation can provide political support and technical assistance. It will also continue its close dialogue with the Russian authorities on the progress made by Russia in honouring its obligations and commitments. To this end, it authorises the co-rapporteurs of the Monitoring Committee to make a visit to North Caucasus and Moscow in autumn 2007.