



EUROPEAN UNION

OSCE Permanent Council 1390 Vienna, 22 September 2022

EU Statement on the Moscow Mechanism invoked by 38 OSCE participating States in relation to particularly serious threats to the fulfilment of the provisions of the OSCE Human Dimension by the Russian Federation

1. The European Union warmly welcomes Professor Angelika Nußberger and thanks her for her comprehensive report on "Russia's legal and administrative practice in light of its OSCE human dimension commitments".
2. We would like to recall that the Moscow Mechanism was developed to ensure respect for human rights, fundamental freedoms, democracy and the rule of law through dialogue and cooperation, and to assist in resolution of specific relevant questions. It should thus be understood as a tool for fostering dialogue and for supporting the participating States. Under the Moscow Mechanism, all participating States have committed to co-operate fully with the mission's experts, to facilitate its work and to grant the mission all facilities necessary for the independent exercise of its functions.
3. Regretfully, Russia has chosen not to cooperate, neither by appointing its own rapporteur as a member of the mission nor by granting the requested assistance and access to Professor Nußberger, the latter in violation of existing OSCE commitments. Russia also declined the opportunity to provide its comments to the draft report, which would have been attached to the final report.
4. Professor Nußberger, we commend your professional and impartial overview of the human rights situation in Russia and thank you for all your efforts and for gathering the relevant information. We thank ODIHR for facilitating this process by opening a specific information channel to share information with the OSCE rapporteur.

5. The report clearly confirms that a decade of changes in legislation “has completely changed the scope of action of Russian civil society, cutting it off from foreign and international partners, suppressing independent initiatives, stifling critical attitudes towards the authorities, silencing the media and suppressing political opposition”. One of the core pieces of legislation suppressing civil society activities is the so-called “foreign agents” law, which has been criticised by all international human rights monitoring bodies. The situation is even worse for foreign or international organisations declared “undesirable”. A number of EU-based organisations have been banned from Russia, in stark contrast with the commitments that Russia has subscribed to. Freedom of expression is restricted by many new laws, which are deliberately vague and applied in an arbitrary way, such as the laws on “fake news”, “extremism”, historical remembrance, “terrorism”, “State secrets”, “propaganda of non-traditional sexual relationships”, and the “protection of religious feelings”. The most restrictive laws are the “fake-news” laws related to the Russian Armed Forces, adopted shortly after the beginning of Russia’s unprovoked, unjustified and illegal war of aggression against Ukraine, resulting in a “total information blackout on the war” that deprives civil society of any space for freedom of expression. The report regrettably confirms the concerns that the EU raised over the past years in the OSCE Permanent Council and within many Human Dimension events, as well as the non-compliance by Russia with its OSCE commitments.
6. As the report points out, harsher punishments and an extensive application of the entire array of extremist legislation since 2021, and especially since the start of the war against Ukraine, have a significant chilling effect on Russian civil society as a whole. The report also confirms the connection between the repression on the inside and the war on the outside, a point that the EU has repeatedly made at the OSCE Permanent Council. This point was also made yesterday by Evgenia Kara-Murza, the spouse of the Russian opposition politician, Vladimir Kara-Murza, who, along with many other Russian citizens, has been put behind bars for speaking out against Russia’s war of aggression and faces up to 15 years in prison.
7. We once again call on Russia to reverse the legislation used for the ongoing repression against and persecution of its citizens, and to act in accordance with the

spirit and letter of all its OSCE commitments. The recommendations elaborated by Professor Nußberger provide a useful tool in this regard.

8. We call on the OSCE Secretariat as well as the autonomous institutions to act on Professor Nußberger's recommendations directed at the OSCE and to continue addressing violations of human rights, fundamental freedoms and democratic institutions in Russia.
9. The EU remains determined to continue mobilising the international community, including in the OSCE, in support of the Russian human rights defenders, activists, journalists and other media actors, and all other people who seek to defend their rights.

The Candidate Countries REPUBLIC of NORTH MACEDONIA*, MONTENEGRO*, ALBANIA*, UKRAINE and REPUBLIC OF MOLDOVA, the Potential Candidate Countries BOSNIA and HERZEGOVINA* and GEORGIA, the EFTA countries ICELAND and LIECHTENSTEIN, members of the European Economic Area, as well as ANDORRA, MONACO and SAN MARINO align themselves with this statement.

* Republic of North Macedonia, Montenegro, Albania and Bosnia and Herzegovina continue to be part of the Stabilisation and Association Process.