



DIRECTORATE-GENERAL FOR EXTERNAL POLICIES
POLICY DEPARTMENT



EU HUMAN RIGHTS POLICY TOWARDS RUSSIA

DROI

DIRECTORATE-GENERAL FOR EXTERNAL POLICIES OF THE UNION

DIRECTORATE B

POLICY DEPARTMENT

STUDY

EU HUMAN RIGHTS POLICY TOWARDS RUSSIA

Abstract

In assessing the state of play in EU efforts to advance human rights and political reform in Russia based on extensive consultations with Russian civil society groups. The authors found a broad consensus that EU-Russia human rights consultation have been ineffective and have indeed coincided with a period of worsening political conditions in Russia. Moreover, human rights consultations have lacked concrete review and benchmarking mechanisms, which has compounded their weaknesses. The basic modalities of these consultations need to be resolved and this can only happen through higher level political pressure and engagement. However, there was no consensus among Russian civil society actors on the most difficult question of whether EU-Russia human rights consultations should be discontinued, absent more cooperation from the Russian government. In terms of EU's human rights aid policy, the authors argue that smaller tranches of funding should be available to a larger number of modestly-sized organisations and funding rules should be simplified. Institutional long term support rather than short-term and project based grants should be prioritised.

This study was requested by the European Parliament's Committee on Human Rights.

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EXECUTIVE SUMMARY

This report offers an assessment of the state of play in EU efforts to advance human rights and political reform in Russia. Much has been written on EU human rights policies towards Russia. This report adds to current debates in particular by reporting on the views of Russian civil society actors on some of the difficult tactical choices that European institutions face in this area of policy. Our extensive consultations with these civic groups lead us to the following principle conclusions:

- There is a broad consensus that EU-Russia human rights consultations have been ineffective and have indeed coincided with a period of worsening political conditions in Russia;
- Human rights consultations lack concrete review and benchmarking mechanisms, which compounds their nebulous nature. The basic modalities of these consultations need to be resolved; this can only happen through higher level political pressure and engagement;
- The EU's human rights dialogue compares unfavorably with that initiated by the United States, in the opinion of our Russian civil society interlocutors;
- The EU has used low level human rights consultations as a substitute for rather than complement to other, more high level political strands of policy towards Russia. Human rights dialogue has not been well dovetailed to European aid projects; these two areas of policy need to be made mutually enhancing.
- In terms of human rights aid, smaller tranches of funding should be available to a larger number of modestly-sized organisations and funding rules should be simplified. Institutional long term support rather than short-term and project based grants should be prioritised. European donors should pay more attention to exchanges, fellowships and twinning between Russian organisations and their European counterparts.
- Cooperation between the EU and other organisations and states seeking to advance human rights is urgently required. The failure to harness the US's new initiatives is a serious concern, as is the apparent apathy over the OSCE's future role.

We found that no consensus exists among Russian civil society actors on the difficult question of whether human rights consultations should be discontinued, absent more cooperation from the Russian government. Because of this - and notwithstanding the case that can be made for suspension - we focus in this report on practical ways in which the EU could improve the areas of its current policies to meet the criticisms of its Russian civic partners.

1 STATE OF DEMOCRACY AND HUMAN RIGHTS IN RUSSIA

Despite the initial democratic euphoria of the early 1990s, Russia seems to be straying further and further from its promising first steps. Similarly, the European Union and the United States have become disillusioned with the intentions of the Russian political elite to build democracy. Though the façade of electoral democracy and a multi-party system is maintained, political parties are largely 'forms without substance'¹ deprived of their main role of channelling citizens' interests and preferences to the government. Likewise, despite the abundance of media outlets, there was greater freedom of expression under former President Boris Yeltsin, prompting one analyst to declare that '20 years ago there was a more thoroughgoing political pluralism'² than in today's Russia. Limited diversity in the media is not surprising given the murders of the well-known journalist Anna Politkovskaya and other

¹ A. Brown, 'Forms without Substance', *Journal of Democracy*, 20, no. 2 (2009): 47-51.

² *Ibid.*, 47.

reporters from the independent *Novaya Gazeta* newspaper,³ along with human rights and environmental activists. Russia ranks eighth in the Committee to Protect Journalists' Impunity Index, a list of countries in which journalists are killed regularly and governments fail to solve the crimes.⁴ Street protests in accordance with the constitutionally granted right to freedom of assembly are often denied by the authorities, while participants of such 'illegal gatherings' are severely punished.⁵

In addition to restraining democracy within Russia, the incumbent regime also generates and exports antidemocratic ideas⁶ to its near abroad, as if striving for a normative power position, albeit one with a negative connotation. For some scholars of Russia, this is a sign that the regime is aiming to isolate Russian democrats, civic activists and human rights defenders from their international counterparts.⁷

Before Vladimir Putin came to power in 1999 and after the collapse of the Soviet Union, Russia maintained its status as a 'partly free' state according to Freedom House, with consistent scores for political and civil rights.⁸ However, since 1999 Russia's scores have gradually worsened, moving it into the 'not free' category where it remains as of 2010. The negative shift occurred in 2004 after the second election of Vladimir Putin 'due to the virtual elimination of influential political opposition parties within the country and the further concentration of executive power'.⁹ The 2004 presidential election process 'failed to meet important commitments concerning treatment of candidates by the state-controlled media on a non-discriminatory basis, equal opportunities for all candidates and secrecy of the ballot. Essential elements of the OSCE commitments for democratic elections, such as a vibrant political discourse and meaningful pluralism, were lacking'.¹⁰

Further steps were taken to strengthen the executive authority through pressuring opposition political parties and civil society, state control over national broadcast media, and politically-driven prosecutions of business leaders. These steps were supported by constitutional changes giving the president the right to appoint governors instead of holding elections. In response to tighter restrictions on political competition, the Parliamentary Assembly of the Council of Europe adopted a critical resolution on

³ A Moscow-based bank that belongs to *Novaya Gazeta* co-owner Alexander Lebedev was raided on 2 November 2010 by masked Moscow Police officers after the newspaper published an interview with jailed former tycoon Mikhail Khodorkovsky. For more details see:

<http://www.guardian.co.uk/world/2010/nov/02/alexander-lebedev-russian-police>

⁴ Committee to Protect Journalists. 'European Commission must press Russia on impunity', 23 February, 2011. Available at

<http://www.cpj.org/2011/02/european-commission-must-press-russia-on-impunity.php#more>

⁵ Freedom House, 'Freedom of Assembly under Assault in Russia', press release, 29 January 2010. Available at: <http://www.freedomhouse.org/template.cfm?page=70&release=1130>

⁶ See: T. Ambrosio, *Authoritarian Backlash: Russian Resistance to Democratization in the Former Soviet Union*. Ashgate: 2009; N. Diuk, 'Is there a Key?' *Journal of Democracy*, 20, no. 2 (2009): 56-60.

⁷ T. O. Melia, 'Freedom House Deputy Director Melia Testifies on Freedom in Russia for Helsinki Commission', Freedom House Press Release. Available at:

<http://www.freedomhouse.org/template.cfm?page=70&release=400>

⁸ Throughout the 1990s Russia received scores of three and four for political and civil rights respectively. According to Freedom House indicators seven is the worst score and one is the best score in regard to democracy.

⁹ See Freedom House report. Available at:

<http://www.freedomhouse.org/template.cfm?page=22&year=2005&country=6818>

¹⁰ OSCE Office for Democratic Institutions and Human Rights. Russian Federation. Presidential Election 14 March 2004. OSCE/ODIHR Election Observation Mission Report, p.1.

Russia urging 'the Russian authorities to improve the conditions for the normal functioning of pluralist democracy'.¹¹

In 2005 legislative changes were introduced to reduce the media's freedom of speech and in 2006 a new law was signed imposing extensive reporting requirements on NGOs, especially those with foreign funding. In the same year the freedom of action of political parties was curtailed as they could no longer form electoral blocs or informal coalitions, and Duma deputies would lose their seats if they switched parties. These measures to strengthen the executive authority and the regime were taken before the power handover from Putin to his hand-picked successor Dmitry Medvedev, when the former yet again became prime minister. In 2008 the Constitution was amended to extend the term of the presidency from four to six years and that of the State Duma from four to five.

Equal access to justice and judicial independence in Russia remains a subject of international concern.¹² Police torture and abuses are raised in human rights groups' reports. Conviction rates of state agencies accused of cruel treatment is extremely low.¹³ Under pressure from human rights groups, in January 2011, the UN launched an investigation into the death in custody of Russian anti-corruption lawyer Sergei Magnitsky after the failure of the Russian authorities to bring charges against those state officials responsible for his death.¹⁴

The number of hate crimes and racially motivated attacks is increasing in Russia, while the authorities invariably fail to investigate, prosecute and punish these instances.¹⁵ Russian society is beset by an alarming trend of racism and xenophobia.¹⁶ A poll conducted by the Levada Center shortly after violence on the Manezh square in December 2010, asked people about their attitude towards people of 'non-Slavic' origin: 25 per cent of Moscow respondents said they felt suspicion, 30 per cent felt irritation and 8 per cent claimed to feel fear.¹⁷

The intensification of insurgent violence in the North Caucasus has had a strongly negative effect on human rights. As the Parliamentary Assembly of the Council of Europe stated in June 2010, 'the situation in the North Caucasus region, particularly in the Chechen Republic, Ingushetia and Dagestan, constitutes today the most serious and delicate situation from the standpoint of safeguarding human rights and upholding the rule of law' in the entire CoE region.¹⁸ Counter-terrorism operations in the North Caucasus involve grave human rights violations such as torture, enforced disappearances, and

¹¹ Parliamentary Assembly. Resolution 1455 (2005) Honouring of obligations and commitments by the Russian Federation. Text adopted by the Assembly on 22 June 2005 (21st Sitting).

¹² See UN Human Rights Council. Eleventh session. Report of the Special Rapporteur on the independence of judges and lawyers, Leandro Despouy. Addendum. Mission to the Russian Federation. 23 March 2009.

¹³ UN Human Rights Committee. Consideration of Reports Submitted by States Parties under Article 40 of the Covenant. Concluding observations of the Human Rights Committee. Russian Federation. Ninety-seventh session. 12-30 October 2009.

¹⁴ RFE/RL. UN Looking Into Case Of Russian Lawyer's Prison Death, http://www.rferl.org/content/un_investigates_magnitsky_death/2282624.html, January 20, 2011.

¹⁵ UN Human Rights Committee. Ibidem.

¹⁶ See UN Human Rights Council. Fourth session. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène. Mission to the Russian Federation. 30 May 2007.

¹⁷ Levada Centre. *Muscovites about the actions of December 11 and 16, 29 December 2010*, www.levada.ru/press/2010122901.html

¹⁸ Parliamentary Assembly of the Council of Europe. Resolution 1738 (2010) Legal remedies for human rights violations in the North Caucasus region. Adopted on 22 June 2010.

extrajudicial executions¹⁹, while Russia fails 'to bring justice the perpetrators of the human rights violations [...] even though the identity of these individuals is often known'.²⁰

Though paying the necessary lip-service to democracy and protection of human rights,²¹ the current regime of personalised power in Russia - which calls itself a 'sovereign democracy' - in reality fits the classic definition of authoritarianism.²² More alarming than the persistent power-maximisation efforts of the incumbent regime, however, is the seeming satisfaction of Russian citizens with Putin's 'iron fist' policies.²³ Between 2005 and 2009 the number of Russians who believed their country needed democracy dropped from 66 to 57 per cent, while the number of those who consider that democratic rule is not suitable for Russia increased from 21 to 26 per cent. In 2008, 43 per cent thought that Russia would always need a 'strong hand', 29 per cent considered it necessary in some situations, and only 18 per cent believed power should not be concentrated in the hands of one person. These figures have deteriorated significantly in comparison with the early 1990s.²⁴ As Russian scholar Kirill Rogov explains: Russian citizens exhibit not the absence of demand for democracy, but a decreasing demand for political competition as a characteristic of democracy. Russians may not refuse democracy but have started looking for it 'in a different place'. This became the ideological basis of the Putin's regime, that offered a new version of 'corrected democracy' as 'common welfare' government.²⁵

By the early 2000s Russia had restored its geopolitical power, and foreign democracy promotion in Russia has thus become a far more complicated business than in other countries. The key democracy promoters, the US and the EU, have other important political agendas in Russia. Energy supplies,

¹⁹ Human Rights Watch. World Report 2010. Russia.

²⁰ UN Human Rights Committee. Ibidem.

²¹ After prolonged refusal the Russian State Duma voted on 15 January 2010 in favour of ratifying Protocol 14 to the European Convention on Human Rights, which reforms the functioning of the European Court of Human Rights. Russia had delayed ratification of Protocol 14 since its adoption by the Council of Europe Committee of Ministers in May 2004. The ratification was met with enthusiasm in Europe. Protocol 14 aims, inter alia, to increase the independence of ECHR judges, through the extension of their terms of office from six to nine years, and to speed up the handling of cases. State Duma debates and the Russian media arguably show that the reason the Protocol was not ratified at first was due to 'perceived discrimination against Russia' more than Russian opposition to the reforms. Sudden ratification of the Protocol was interpreted by state officials as a response to the fact the Council of Europe took Russia's opinion into account, which is not feasible as the Protocol could not be amended after it was ratified by the other 46 members. Another interpretation is that Russia accepted the Council of Europe's explanations and also understood that the ECHR would use Protocol 14bis to trump Russian resistance. An alternative understanding lies in the YUKOS case against Russia at the ECHR. On 29 January 2009 the Court held that YUKOS' application was partly admissible. The initial hearing was to take place on 19 November 2009 but was held on 4 March 2010 after the process was delayed by constant changing of Russian judges due to their new high-level positions in Russia. Thus, it can be argued that the Protocol was hastily ratified by Russia to create an image of compliance before the YUKOS case hearing on 4 March 2010, which was again postponed from 14 January 2010 due to the illness of the Russian judge. The ECHR verdict on the YUKOS case was issued on December 27, 2010.

²² See: L. Aron, 'The Merger of Power and Property'; L. Shevtsova, 'The Return of Personalized Power'; V. Silitski, 'Tools of Autocracy', *Journal of Democracy*, 20, no. 2 (2009).

²³ For public opinion polls see Russian Public Opinion Research Center at: <http://wciom.com/> and Levada Center at: <http://www.levada.ru>

²⁴ For details of the survey (available in Russian) see 'Perceptions of Russians of Democracy', survey conducted by Levada Center. Available at: <http://www.levada.ru/press/2009101501.html>

²⁵ See Kirill Rogov, 'Democracy-2010: The Past and Future of Pluralism in Russia', *Pro et Contra*, 13 (5-6), September-December 2009, p.14 (in Russian).

European and international security, trade and investments, and climate change often overshadow the promotion of democratic values in relations with Russia.

2 LEGAL AND POLITICAL FRAMEWORK FOR HUMAN RIGHTS PROMOTION IN EU-RUSSIA RELATIONS

As in the case of other post-soviet countries, the EU concluded a Partnership and Cooperation Agreement (PCA) with Russia in 1994 (in force since 1997)²⁶. The PCA, which is the contractual foundation of EU-Russia relations, rests on and is bound to a set of 'shared values' to which the parties commit themselves and which serve as normative 'points of orientation'.²⁷ The PCA (Article 2) defines respect for democracy and human rights as 'an essential element of the partnership' between the EU and Russia. As one study of EU-Russia relations put it, these normative principles represent common points of departure and common objectives in bilateral relations.²⁸

The PCA also set up a legal foundation for political dialogue between the EU and Russia which features cooperation on democracy and human rights issues as one of its key aims. The dialogue takes place at all governmental levels – from biannual summits to frequent working level meetings, including interparliamentary interactions. Based on the PCA provisions, biannual EU-Russia human rights consultations were established in 2005.

On the eve of the EU's eastern enlargement, the Union's relations with Russia took a different track than those with its other eastern neighbours. Russia sought a special status for its relations with the EU and refused to participate in the then emerging European Neighbourhood Policy (ENP). The ENP aims to bring the participating countries closer to EU norms and standards, including those of democratic governance, and integrate them into the internal market. ENP implementation is based on the principle of political conditionality. The level of integration and assistance provided by the EU to the ENP countries depends on the countries' progress in reforms and respect for democratic principles. Russia preferred to build relations with the EU based upon principles of policy convergence rather than policy taking.²⁹ Since 2003, the EU and Russia have developed their long-term cooperation on the basis of 'four common spaces'.

The spaces cover economic issues and the environment; freedom, security and justice; external security; and research and education, including cultural aspects. Cooperation in the 'four spaces' is not built on democratic or human rights conditionality, as in the case of other EU neighbours. The EU counted on policy linkages between value issues and rising expectations on the Russian side to spur the transfer of norms.³⁰

Policy linkages are clearly seen in the 'Road Map for the Common Space on Freedom, Security and Justice', (2005), the implementation tool for this space, which refers to respect for human rights and fundamental freedoms, democracy and rule of law as the overarching principles for cooperation within this space. It sets out the objectives and areas for cooperation in the short and medium term on a broad range of issues such as combating organised crime, terrorism, facilitation of movement of persons,

²⁶ The PCA was concluded for ten years. Its validity was prolonged automatically in 2007. The PCA will stay in force until a new framework agreement between the parties is signed.

²⁷ R. Heller. "Exporting' values: Tracing the EU's human rights policy towards Russia', in *Human rights in Europe: a fragmented regime?*, ed. M. Brosig, 2006, p. 209.

²⁸ Ibid.

²⁹ R. Heller, op.cit., p.220.

³⁰ Ibid.

cooperation on migration and asylum policies, and developing the efficiency of the judicial system in EU states and Russia. Moreover, the road map envisages the authorities will promote cooperation with civil society in such areas as the fight against corruption and combating trafficking in human beings and drugs. The bilateral bodies established under the PCA monitor the overall implementation of this common space.

Since June 2008, the EU and Russia have been negotiating a new framework agreement, which should update and replace the PCA. By the end of 2010 twelve rounds of negotiations had taken place. The new agreement should provide a comprehensive framework for EU-Russia relations, and include substantive, legally binding commitments in all areas of the partnership, including political dialogue, justice, freedom and security issues, economic cooperation, research, education and culture, as well as solid provisions on trade, investment and energy.³¹ Commission officials acknowledge that in informal talks Russia resists making any commitments concerning democracy and human rights. The European Parliament supports intensification of EU-Russia negotiations on the agreement and supports a broad, wide-ranging and legally binding agreement that goes beyond economic co-operation and also includes the areas of democracy, the rule of law and respect for fundamental human rights.³²

On 1 June 2010, the EU and Russia launched the Partnership for Modernisation. This is mostly concerned with economic and energy interests, while human rights and democracy are essentially excluded. The only priority areas which are relevant for respect for human rights are ensuring the effective functioning of the judiciary and strengthening the fight against corruption, and enhancing dialogue with civil society to foster participation of individuals and business. In the resolution issued after the launch of the EU-Russia Partnership for Modernisation, the European Parliament argued that this initiative should encompass both the economy and society and underlined the importance of ensuring the effective functioning of the judiciary and stepping up the fight against corruption.³³ European Parliament President Jerzy Buzek welcomed the Partnership for Modernisation but stressed that 'any real modernisation of Russia is impossible without a strong civil society dimension'. In order to cooperate more efficiently, the EU and Russia need more compatibility in all fields - from trade to human rights and civil society. In Buzek's words, the Russian state should "protect human rights activists and support people fighting against corruption."³⁴

Although the PCA established a basis for mainstreaming human rights and democracy in the EU-Russia relations, there has not been much done to develop the general principle. The roadmap for the common space on Freedom, Justice and Security basically repeats the PCA statement without going into a detail. The last 'big' document on EU-Russia cooperation omits human rights, de-linking them from other areas of the relationship.

³¹ European External Action Service. Available at: http://eeas.europa.eu/russia/index_en.htm

³² European Parliament resolution of 17 June 2010 on the conclusions of the EU/Russia summit (31 May – 1 June 2010).

³³ Ibidem.

³⁴ Delegation of the European Union to Russia. 'EP President Jerzy Buzek meets the President of Russian Federation Dmitry Medvedev and the Speaker of the Duma Boris Gryzlov', 23 June 2010, http://ec.europa.eu/delegations/russia/press_corner/all_news/news/2010/20100623_01_en.htm

3 EU-RUSSIA HUMAN RIGHTS CONSULTATIONS

3.1 Effectiveness

The EU's human rights dialogue and consultations with third countries form part of its human rights mainstreaming policy. They were established in 2001 with the aim of improving the human rights situations in partner countries and keeping channels of communication with regard to human rights open.

Apparently, Russia preferred the word 'consultation' to 'dialogue' as it did not want to be in the same category as Iran and China, with which the EU had established such dialogues earlier.³⁵ The purpose of these consultations is to discuss human rights questions of mutual interest and enhance cooperation on human rights in multinational fora, notably the United Nations.³⁶ The consultations were not set up in a 'structured dialogue' as envisaged by EU guidelines on human rights, and therefore they do not necessarily comply with the requirements thereof (e.g. civil society involvement, the territory issue). The EU has been holding these consultations with Russia twice a year since 2005.

The effectiveness of the EU-Russia consultations is widely regarded as very low or nil. International and Russian NGOs and the MEPs are most outspoken, but Council reports show that the EU does not feel satisfied with this dialogue. Many shortcomings highlighted in the 2007 assessment of the EU-Russian human rights consultation commissioned by the European Parliament have not been tackled successfully.³⁷ It should be added that a major defect of EU human rights dialogue in general, which makes assessment of effectiveness difficult, is a lack of consistent review mechanisms.³⁸

As the International Federation for Human Rights (FIDH) states in its latest evaluation, there has been 'no significant and substantial progress on the issues raised in the dialogue, nor on the modalities of the dialogue...The EU-Russia human rights consultations have neither contributed to an improvement of the human rights situation in Russia, nor increased the level of support to human rights defenders. On the contrary, they have highlighted the lack of willingness of the Russian government to improve the modalities of the consultations and its human rights record.'³⁹

This view is shared by the European Parliament.⁴⁰ According to the current chair of the EP Subcommittee on Human Rights, Heidi Hautala, 'human rights consultations with the Russian Federation have been unsatisfactory from the point of view of the European Parliament. Russia does not agree to discuss the most vital human rights questions with the EU. In EU-Russia summits for example serious restrictions to political rights and fundamental freedoms prevailing in Russia are not discussed in substance. This is also due to the EU authorities who prefer to concentrate on energy cooperation

³⁵ J. Wouters et al., 'EU Human Rights Dialogues. Current situation, outstanding issues and resources', Leuven Centre for Global Governance Studies, Policy Brief 1, July 2007, p.2.

³⁶ EEAS, Human Rights Dialogues. Available at http://eeas.europa.eu/human_rights/dialogues/index_en.htm

³⁷ A. le Huerou. 'EU-Russia Human Rights Consultations'. Briefing paper for the European Parliament's Subcommittee on Human Rights. June 2007.

³⁸ J. Wouters et al., p. 3. Ibidem.

³⁹ FIDH, 'Assessment of the EU-Russia Human Rights Consultations. "A good and constructive atmosphere" and 8 human rights defenders assassinated', October 2010; 'Rule of law in focus as EU and Russia hold human rights consultations', 19 November 2010. Available at: http://enpi-info.eu/maineast.php?id=23223&id_type=1&lang_id=450

⁴⁰ See: Article 165, European Parliament resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter (2010/2202(INI))

and other pragmatic issues. And as long as the Russian authorities refuse to allow independent civil society to take part in the consultations it is simply not realistic to expect tangible, or any results. The talks have led to no benchmarks or any measurable commitments'.⁴¹

All stakeholders agree that the modalities of the consultations are a major point of concern. Many analyses and interviews within Russian and European civil society and EU representatives show that there are three main issues of concern regarding the way the consultations are being held.

First, from the Russian side only officials from the Ministry of Foreign Affairs participate, while those officials dealing with human rights issues in the Ministry of Interior, Justice and law enforcement agencies are not included. The EU side wants them to be included but Russia refuses. This does not allow for more in-depth discussions, and Russian diplomats are seen as obstructive. As one interviewee characterised the process, 'European bureaucrats are well prepared and present relevant issues for the discussion, but they are always given back a standard diplomatic answer in response'.

The EU Council stressed in its annual report on human rights that in the consultations held in 2007-2008 'there were few points of agreement between the two sides, with Russia systematically counterattacking whenever criticised. Russia was keen to focus on the process, stressing that the Russian Federation saw the consultations as a confidence-building exercise, while the EU called for a more results-oriented approach'.⁴²

Second, civil society organisations from both the EU and Russia are not included in these consultations. Russian NGOs are invited by the Commission to offer reports on human rights violations in Russia and participate in the roundtables organised by the EU with domestic and international NGOs on the day preceding meetings. They are also briefed about the results of the consultations. There are two such preparatory meetings per year (one in Brussels and one in Moscow). The EU raised the question of involving civil society in the process, but Russia refused. The Russian authorities also declined to participate in the roundtable meetings.⁴³

Third, Russia refuses to hold consultations in its territory. Usually, the EU holds human rights dialogues alternately in the EU and in the partner country.

One interviewed human rights activist regretted that the numerous incidents of human rights violations the Russian human rights NGOs present in their reports for the consultations do not appear in official EU statements. 'Europe is not ready to accentuate human rights [in Russia]'. The Council produces short statements on the results of the consultations. It usually states the dialogue was held in an open and friendly atmosphere, and gives a list of the issues discussed and concerns raised by the EU.

There has been no progress setting up follow-up mechanisms and tools.⁴⁴ The FIDH has also affirmed that specific objectives of the consultations and benchmarks measuring progress should be public and announced between rounds. The EU should also make public substantial assessments of progress.⁴⁵

⁴¹ H. Hautala, Chairwoman of the Subcommittee on Human Rights in the European Parliament, 'Human Rights in Russia – The European Parliament's Point of View', 13 April 2010. Available at: <http://www.khodorkovskycenter.com/news-resources/stories/human-rights-russia-%E2%80%93-european-parliament%E2%80%99s-point-view>

⁴² The Council of the European Union, 'EU Annual Report on Human Rights 2008', Brussels, 27 November 2008, p. 163. Available at: <http://www.consilium.europa.eu/uedocs/cmsUpload/st14146-re02.en08.pdf>, p. 34.

⁴³ Ibidem.

⁴⁴ A. le Huerou, op.cit.

⁴⁵ FIDH, op.cit.

3.2 Experiences of other international actors

A number of European states (UK, Norway, and Switzerland) hold bilateral human rights consultations with Russia. The UK holds these meetings annually. Discussions cover a wide range of topics: the rule of law; NGOs, civil society and the protection of human rights defenders; freedom of expression; equality and minorities; international institutions; and human rights in the context of counter-terrorism. The UK usually raises concerns about human rights violations in Russia and the parties may discuss human rights practice in the UK. For example, in 2009 the diplomats raised particular concerns about human rights violations in the North Caucasus, implementation of European Court of Human Rights (ECHR) judgments, journalists' safety, and the treatment of ethnic minorities in South Ossetia and Abkhazia.⁴⁶ The UK representatives visiting Russia usually raise human rights topics in their talks with Russian partners, while also meeting with Russian human rights and civil society representatives. The Foreign Office prepares an annual report on the human rights situation in the world, in which Russia is cited as a country of concern.

Switzerland holds human rights dialogues with a number of 'difficult' states such as China, Cuba, Indonesia, Iran, Russia, Tajikistan and Vietnam. As the Swiss government reports, discussions are held in a constructive atmosphere; since 2009 there have been two meetings a year. One is held in autumn during the meeting of the UN Human Rights Council, while the other is the official consultation every spring. One of the projects, concerning the field of juvenile law, shows the operational scope of these consultations. An exchange between Swiss and Russian experts has already begun. One of the aims is the construction of a model detention centre to the south of Moscow.⁴⁷

The US also has a bilateral platform where human rights issues can be discussed in greater detail. Within the framework of the Obama administration's 'reset' of relations with Russia, the US-Russia Bilateral Presidential Commission's Working Group on Civil Society was established. The group is co-chaired by Michael McFaul, Special Assistant to President Obama and Senior Director for Russian Affairs at the National Security Council, and Vladislav Surkov, First Deputy Chairman of the Russian Presidential Administration. The US-Russia working group has two main advantages in comparison with the EU's human rights dialogue.

First, US and Russian bureaucrats from different agencies are involved which allows for greater detail in discussions and establishes dialogue and cooperation on concrete issues. There were two meetings of the working group. The first meeting, held in Washington, was dedicated to corruption and children's rights protection. The second, which took place in Russia in the town of Vladimir near Moscow, focused on prison reform and detention, along with migration issues. Furthermore, four subgroups have been created on four issues which were discussed at the meetings. The subgroups will involve both government and non-government representatives.

Second, civil society is more directly involved in the process. As one US diplomat says, the US administration encourages peer-to-peer engagement between Russian and US civil society. These actors are also part of the Civil Society Working Group. Initially they are included in the working group, then there is a parallel civil society meeting where participants can discuss ideas and prepare common projects in different sectors (human rights and rule of law, education, healthcare etc). As the diplomat

⁴⁶ See: <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009>

⁴⁷ See: http://www.humanrights.ch/home/en/Switzerland/Swiss-Human-Rights-Policy/Human-Rights-Foreign-Policy/Bilateral-policy/idcatart_9972-content.html

adds, 'such an inclusion is controversial as the Russian administration feels uncomfortable about it. [...] Surkov has been fairly open to have independent voices [Russian NGOs] at the table'.

The level of interaction, and US reaction to events in Russia, is seen as higher than in the EU. However, there was no unity among those interviewed from Russian human rights groups as to whether the higher-level presence of Surkov was better than diplomats from the foreign affairs ministry. As one respondent put it, 'it is a paradox that the head of the Russian delegation is the main architect of "putinisation" and the enemy of Russian civil society and that he continuously calls us enemies'. Many interviewed openly disapprove of such bilateral dialogue when Surkov is at the head of it. But on the other hand, as another respondent pointed out, Surkov is the main person responsible for the civil society portfolio within the president's administration.

Most respondents in Moscow agree that it is too early to judge the results. So far the meetings held have been regarded as shallow and intended as a showcase. Many NGOs say the meetings are closed to many NGOs and the process of selection is not transparent. One important development is that there has now been a division into subgroups on various issues and there is hope that they will work in more depth, including through common projects between Russian and American civil society counterparts.

The so-called German-Russian Petersburg Dialogues are regarded as the worst of the various bilateral dialogues. A large annual forum which was established by the then-President Vladimir Putin and the then-German Chancellor Gerhard Schroeder, it is seen as little more than a talking shop involving nothing other than mutual gauging of how important civil society and human rights are.

3.3 Suspend or continue?

The FIDH recommends suspending the consultations if there is no serious review of the modalities and public outputs. However, as an EC official says, the existing concerns cannot be addressed unless Russia agrees with such a change in modalities. And there is little willingness on the Russian side.

The respondents within Russia differ in their opinions. One respondent from a human rights NGO expressed the opinion that, 'as they are now, the consultations are useless. Unless they include specialists (on gender, the North Caucasus, penitentiary systems etc), there is no sense in them. Although sometimes the consultations help in some particular violations which happen on the eve of or during the rounds, those are single cases which fit with the realpolitik format. There is no chance for systemic change'. A more radical view expressed by one Russian interlocutor was that the problem lies in the weakness of the Russian state bureaucracy which lacks the will or competence to reform even in other non-human rights dimensions.

Most respondents agree that there is a need for diplomatic back-up of European human rights promotion efforts. 'You cannot change things only with money aid', as one Russian human rights activist put it. A Commission official also agrees that it is important to have this dialogue. 'It is a forum to exchange views with Russian foreign affairs officials, but also for us to present our views, it is important to talk to the other side on human rights issues and be able to go into some detail on the issues raised. We have to see it from a long-term perspective.' Some issues raised at these consultations were addressed later, e.g. judicial reform, prison reform, decision-making in courts.

As a human rights activist in Moscow shares: 'We even thought of ceasing attending [the preparatory meetings] and of not participating in this pretence. But still there is some use in these consultations. First of all, Europeans can get first hand information about human rights violations from us.'

He adds that the EU-Russia human rights consultations will be useless for so long as the current framework of EU-Russia relations stays in force, as there is no way to improve the consultations. A substantial change should therefore be effected at the presidential level. There is a need for dialogue at

the highest political level and the EU has to change the framework of bilateral relations using such tools as the Partnership for Modernisation and negotiations on the new framework agreement.

There is no unity as to what extent EU criticism of the Russian human rights situation can help. Some NGOs believe that more critical statements are needed, while others see the criticism coming from Western governments as ineffective. One argues that a middle way between the window dressing of one camp and the very critical voices of the other (coming from Russian human rights activists blaming the West for its *realpolitik*) should be found. There is a need to talk in a calm but argumentative manner, pointing out which particular decisions of European countries led to what consequences in Russia.

One interviewee stressed that external efforts are effective when international NGOs and media report on the violations and express their opinions. 'Our authorities react a lot to Western media and become more receptive towards domestic public opinion. For example, in the case of the Khymky forest or the investigations against a number of NGOs last autumn the international NGOs and media helped to improve the situation. [...] Russian authorities are very sensitive to mentorship coming from the Western governments. Sometimes a strong mentor-like statement may worsen the situation. [...] The diplomatic statements should be delicate: form is important. There is much more effect when international civil society speaks with one voice.'

4 USE OF DIPLOMATIC TOOLS

An analysis of EU human rights policy towards Russia concludes that the general approach and the instruments applied by the EU (conditionality, democracy aid, and political dialogue) has stayed the same; however, the substance of these instruments has changed considerably over time.⁴⁸ As the principles of democracy and human rights found only a declarative support from the Russian government, and Russia engaged a strategy of resistance to Western democracy promotion efforts in the post-soviet space, the EU has shifted towards indirect means of transferring norms as opposed to conditionality enforced through positive rewards and/or punishments.

The use of negative conditionality with regard to human rights violations, albeit outside of Russia, was seriously considered in the most difficult period in recent EU-Russia relations; the aftermath of the Russia-Georgia war. The EU was 'gravely concerned by the open conflict which has broken out in Georgia' and 'strongly condemn[ed] Russia's unilateral decision to recognise the independence of Abkhazia and South Ossetia'.⁴⁹ Former EU High Representative for CFSP Javier Solana stated that though sanctions should not be introduced against Russia, relations with it should be reevaluated. This statement was in line with the positions of France, Germany, and Italy but opposed to those of the UK, Sweden and some Eastern European members who favoured a far stronger message.⁵⁰

The only measure taken by the European Council at the extraordinary summit on 1 September 2008, was to suspend negotiations with Russia on the framework agreement. The European Council also commissioned a review of EU-Russia relations from the European Commission. However, the effect of this suspension was negligible as the negotiations were resumed less than three months afterwards, ahead the EU-Russia summit in Nice on 14 November 2008.⁵¹ In its review, the Commission expressed

⁴⁸ R. Heller, *op.cit.*, p.223.

⁴⁹ EU Presidency Conclusions, 1 September 2008. Available at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/102545.pdf

⁵⁰ EU Summit to Reevaluate Relations with Russia, Radio Free Europe, 1 September 2008. Available at: http://www.rferl.org/Content/EU_Summit_To_Reevaluate_Relations_With_Russia/1195361.html

⁵¹ Russia and EU resume negotiations, <http://news.bbc.co.uk/2/hi/7761141.stm>

the view that the suspended negotiations should continue, 'first because this would allow the EU to pursue its own interests with Russia, and secondly because this is the best way to engage with Russia on the basis of a unified position'.⁵²

EU concerns about the human rights situation in Russia have grown over the last decade. This is clear from the EU's monitoring of the human rights situation in Russia.

4.1 Annual Human Rights reports

During the early part of Putin's presidency (until 2004), the EU's annual human rights reports (jointly prepared by the Presidency of the European Union, the European Commission and the General Secretariat of the Council) were mainly hopeful. The 2000 report is generally positive and mainly calls on Russia to comply with its human rights commitments and congratulates it for allowing the presence of human rights experts in Chechnya. Starting with the 2005 report, Russia was featured more frequently and received a separate section where the EU stated its 'concerns' over the human rights situation in the country. The 2007 report highlighted the 'increasingly difficult' situation of Russian NGOs and civil society. In 2008 the EU started having 'serious concerns'. The last report, from 2009, shows the EU's frustration and apathy, simply listing the annual actions of the EU instead of giving an assessment of the human rights situation in Russia. It mentions that although 'the EU has taken every opportunity to impress upon its Russian counterparts the significance it attaches to respect for human rights and the rule of law as a cornerstone of the relationship.... there has been a recognition that the human rights consultations have so far failed to achieve their potential'.

4.2 Progress Reports on the Common Spaces

The European Commission's biannual progress reports on the common spaces with Russia (so far reports from 2007⁵³ and 2009⁵⁴ are available) largely coincide with the conclusions of the EU annual human rights reports. The 2007 report gives an overview of EU initiatives on human rights and expresses the EU's 'increasing concerns over the deteriorating human rights situation in Russia'. The 2009 report echoes the grim mood of the previous report and states 'the EU continues to highlight its concerns with regard to Russia's respect for the commitments it has entered into in the UN, the OSCE, and the Council of Europe. Of particular concern have been the further deterioration of the situation of human rights defenders, notably in the North Caucasus, and a number of violent attacks against and murders of prominent activists; limitations on the respect for freedom of expression, freedom of association, and freedom of assembly.'

4.3 EU statements after summits and ministerial meetings

A mention on human rights concerns is usually present in public statements by the President of the European Council during the summit and immediately afterwards in talks with the press. The summit press releases adopted by the Council also usually feature a standard reference that human rights were discussed during the meetings.

During last two EU-Russia summits in 2010 such statements were made by the President of the European Union. The statements contain both approval of positive efforts by the Russia government to

⁵² Communication from the Commission to the Council, 'Review of EU-Russia relations', Brussels, 5 November 2008, COM (2008), 740 final.

⁵³ European Commission. *EU-Russia Common Spaces Progress Report 2007*. Available at: <http://register.consilium.europa.eu/pdf/en/08/st08/st08134.en08.pdf>

⁵⁴ European Commission. *EU-Russia Common Spaces Progress Report 2009*. Available at: http://www.eeas.europa.eu/russia/docs/commonsaces_prog_report_2009_en.pdf

reform and the concerns about the human rights situation in Russia. For example, at the June summit in Rostov-on-Don, Herman van Rompuy stated, 'on human rights, I expressed our appreciation for recent legislative developments in Russia – the ratification of Protocol 14 of the European Convention on Human Rights, the expansion of jury trials nationwide, and the confirmation of the moratorium on the death penalty. However, the situation for human rights defenders and journalists in Russia is of great concern to the European public at large. Another matter of concern – which I noted was shared by President Medvedev – is the climate of impunity, in particular in Chechnya and other areas of the North Caucasus'.

4.4 EU statements on individual cases

These statements include those made by the High Representative for Foreign Affairs and Security. Catherine Ashton has issued several statements regarding human rights in Russia. All but one (on ratification of the ECHR Protocol 14 issued on behalf of the EU) were of a critical nature, expressing EU concerns over the most striking human rights violations as they are perceived by the Union (e.g. the Khodorkovsky and Lebedev case, the North Caucasus, and violence against journalists). These statements are usually more detailed and strongly worded than those made after summits. For example, in the statement made by the HR following the brutal attacks against a Russian journalist, Oleg Kashin, and an environmental activist, Konstantin Fetisov, in November 2010, the EU 'urges the Russian authorities to thoroughly and effectively investigate these as well as other cases of aggression against journalists and human rights defenders, to do everything in their power to ensure their protection, and to bring those responsible to justice'.⁵⁵

4.5 Joint EU-Russia statements after summits or ministerial meetings

The most recent joint statement issued at the summit inaugurating the Partnership for Modernisation in June 2010, did not mention human rights, but did refer to 'democracy and the rule of law' as the basis of an approach under which the EU and Russia work together to address common challenges.⁵⁶ During the joint press conference after the summit, the President of the EU refused to develop in any detail human rights issues discussed at the summit when asked by journalists.⁵⁷ The joint statement of the EU-Russia summit on the launch of negotiations for a new EU-Russia agreement made in June 2008 did not include any reference to human rights or democracy. The joint statement of the Permanent Partnership Council on Freedom, Security and Justice in Brussels in November 2010 contains no mention of human rights issues.

⁵⁵ European Union. Declaration by the High Representative Catherine Ashton on behalf of the European Union on violence against journalists in the Russian Federation Brussels, 17 November 2010.16310/1/10 REV 1 PRESSE 299.

⁵⁶ Joint Statement on the Partnership for Modernisation (01/06/2010). Available at http://ec.europa.eu/delegations/russia/press_corner/all_news/news/2010/20100601_05_en.htm

⁵⁷ Press conference on the results of the EU-Russia summit, June 1, 2010, Rostov-on-Don. Available at <http://www.kremlin.ru/transcripts/7932>

4.6 The European Parliament's stance

The European Parliament has pursued an activist approach towards human rights violations in Russia,⁵⁸ in particular by using its power to pass resolutions condemning human rights violations. All major groups in the EP have motioned for resolutions or raised questions on the human rights situation in Russia. Most recently, the EP mentioned Russia several times in the resolution on the annual human rights report. Among other concerns, the EP urged Russian judicial authorities to press ahead with the investigation of Sergey Magnitsky's death and called on the Council, "in the absence of positive moves from the Russian authorities to cooperate on and investigate the case of Sergey Magnitsky, to insist that the Russian authorities bring those responsible to justice and to consider imposing an EU entry ban for Russian officials involved in this case, and encourage EU law enforcement agencies to cooperate in freezing bank accounts and other assets of these Russian officials in all EU Member States".⁵⁹ In a resolution on the North Caucasus of 21 October 2010, the EP recognised Russia's right to fight terrorism and armed insurgency in the North Caucasus but urged the authorities "to do so while upholding international human rights law" and "to do everything in their power to ensure the protection of human rights defenders, as affirmed in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms".⁶⁰

MEPs regularly meet Russian counterparts within the EU-Russia Parliamentary Cooperation Committee (PCC) that meets twice a year in Russia and in Brussels or Strasbourg. The EP part of the PCC visits Russia twice a year, each time with half its members as a "Working Group". Working Groups have visited different parts of Russia meeting with civil society groups and local authorities. At the PCC meetings, human rights issues are always discussed. MEPs and their Russian colleagues have a possibility freely to exchange views on the role of human rights in the bilateral cooperation or raise concerns about human rights violations. At the PCC meeting in January 2010 the Bureau offered to set up a Working Group on Civil Society, Democracy and Human Rights. The head of Parliament's delegation with relations with Russia, Knut Fleckenstein, stressed that the EU sees Russia as a strategic partner and must emphasize the role of the civil society.⁶¹ MEPs also scrutinise the particular activities of the European Council and Commission with regard to Russia through the drafting of oral and written questions.⁶²

A study of EU human rights policy during the Chechen conflict shows that its criticisms of violations in Russia have become 'ritualistic exercises expressed without the slightest expectation that they would impact in any discernable way upon Russia's behaviour'.⁶³ The EU's shaming of Russia for human rights violations, particularly during the second Chechen conflict of 1999-2002 and its aftermath, has had little

⁵⁸ Fischer, H (2006) 'Beyond Activism: The impact of resolutions and other activities of the Euro Parliament in the field of human rights outside the European Union,' European Inter-University Centre for Human Rights and Democratisation, October 2006

⁵⁹ European Parliament resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter (2010/2202(INI))

⁶⁰ European Parliament resolution of 21 October 2010 on the situation of human rights in the North Caucasus (Russian Federation) and the criminal prosecution against Oleg Orlov

⁶¹ Balance Human Rights and Energy with Russia,. European Parliament website, 23 June 2010. Available at http://www.europarl.europa.eu/news/public/story_page/030-76393-169-06-25-903-20100618STO76329-2010-18-06-2010/default_en.htm

⁶² Partly available at <http://www.eu-russiacentre.org/eu/eu-parliament-parliamentary-questions>

⁶³ T. Forsberg and G. Herd, 2005. 'The EU, Human Rights and the Russo-Chechen Conflict', *Political Science Quarterly*, Vol.120:3, pp 455-478.

resonance with the Russian public and appears to have had no impact on the popularity of the country's leaders.⁶⁴

Many human rights groups recognise that human rights have not become a major topic in Russia. One respondent expressed the opinion that 'human rights have become discredited by the Russian authorities, the international community and some countries which compromised this concept. Appealing to Russia to respect human rights does not help. There is a need for detailed and practical work at the national and local levels to make citizens' rights in Russia respected'.

As one activist working on prisoners' rights put it, 'it is scary to pronounce the words human rights defender in public. It sounds like a swearword. People do not understand it, there is no education [...] Prisoners were laughing when they heard about human rights. Thralldom results in the fact that thinking about freedom becomes ridiculous'. Another interviewee added, 'the vast majority of people perceive human rights as political pressure on Russia'.

In an article about the human rights discourse in the country, one Russian researcher draws the conclusion that 'the general public in Russia tends to think that the whole idea of "human rights" is more about seeking special privileges for underprivileged groups (real or fake), than about standards that apply equally to everyone or protection in cases where rights are violated. Breaking this image is a necessary condition for any real dialogue with the Russian public concerning human rights'.⁶⁵

5 EU ASSISTANCE

The EU promotes human rights by providing support to Russian NGOs. A priority focus has been on social rights (through the EDIHR and IBPP). Indirectly, human rights are dealt with through EU funding to promote judicial reform in Russia in cooperation with the Russian authorities. In 2006, within the TACIS framework, the EU allocated EUR 8 million for good governance projects in cooperation with Russian authorities (6 million for judicial reforms and 2 million for e-government). However, the projects started only a few years later: the first project focusing on access to justice was launched at the end of 2008 and the second project on execution and efficiency of justice started in September 2009.⁶⁶ A project was carried out with the Ministry of Justice (Penitentiary) related to the development of alternative sanctions. It was followed by a supply contract that procured electronic monitoring and tracking equipment. This kind of technical assistance to the government is seen as effective by a number of interviewees from human rights groups. It has tangible and measurable outcomes which may result in better conditions of prisoners.

Apart from the TACIS funds, the Common Spaces Facility envisaged EUR 1.5 million in 2006 and 2009 for short and medium term assistance to facilitate the ongoing EU-Russia dialogue within the Common Space on Freedom, Security and Justice (through high-level discussions, policy studies and conferences). This funding has not been limited to judiciary cooperation and also covers cooperation on internal security issues such as border management.

In addition, a European Parliament project on minorities in Russia (development of culture, media and civil society) allocated €7million for 2008-2010 and was implemented by the Council of Europe in dialogue with the Russian authorities.

⁶⁴ E. Klitsounova, 'Promoting Human Rights in Russia by Supporting NGOs: How to Improve EU Strategies', CEPS Working Document No.287, April 2008.

⁶⁵ E. Panneyakh, 'Human Rights Discourse on Russia: Recipe Failure, EU Human Rights Policy towards Russia', *The EU-Russia Centre Review*, Issue 16, 2010, p. 38.

⁶⁶ European Commission. *EU-Russia Common Spaces Progress Report 2009*.

The overarching leverage gained from aid allocations to Russia is limited. The Common Spaces Road Maps do not refer to political conditionality - unlike ENP Action Plans or Stabilisation and Association Agreements with the Balkan countries as well as future Association Agreement with the Eastern Partnership countries.

Aid conditionality can barely be effective in the case of Russia. In 2007-2010, the EU allocated EUR 120 million for Russia, of which the lion's share was aimed to cooperation with the government. Given Russia's population this is a tiny allocation in comparison with other ENPI countries and negligible relative to the state budget. In a number of cases Russia has shown little interest in EU funds, for example delaying the signing of the agreements or refusing to co-finance the projects.⁶⁷

The European Instrument for Democracy and Human Rights (EIDHR) provides direct assistance in the area of promoting human rights in Russia. The EIDHR can intervene without the agreement of the governments of third countries and can involve civil society (including political foundations), private sector non-profit organisations, and public sector non-profit organisations. It is implemented mainly through calls for proposals (leading to grants) launched by the EC in Brussels and at local level by EU delegations.⁶⁸ Projects funded through this instrument are of relevance to the Common Space of Freedom, Security, and Justice, particularly regarding the aim of promoting democracy and human rights in Russia.

EIDHR project funding in Russia is divided into two schemes: micro and macro projects.⁶⁹ EIDHR micro projects support small-scale activities and are designed to deepen support for local civil society activities and to reinforce their contribution to democracy. They are implemented by Russian non-governmental, non-profit-making organisations. The European Commission allocates between €30,000 and €150,000 to each project, depending on its size. However, the organisation must finance at least 20 per cent of the project costs from its own funds or from another grant. Micro projects have a duration of between 10 and 24 months. EIDHR macro projects can be implemented by Russian non-governmental organisations, by European non-governmental organisations, or by higher educational institutions. These projects are larger in size, with a minimum budget of €150,000 and a maximum budget of €1,000,000. Macro projects have a duration of between 12 and 36 months. Macro projects are selected by the EC. But for both macro and micro projects, the project administration is done by the EU Delegation to Russia.

EIDHR funding for 2011 has been doubled, from an annual allocation of €1.2 million in 2010 (and preceding years) to €3 million this year. This partly responds to a call made by Russian and European NGOs to substantially increase funding for third sector development in Russia. They criticised the EU for earmarking for Russia the same amount as for some Western Balkan states.⁷⁰ For 2010 Russia has been allocated the largest volume of funding available to any of the countries covered by the EIDHR scheme.

⁶⁷ Ibidem.

⁶⁸ 'Multi-Country Cooperation Instruments and Thematic Tools supporting change in the EU's Neighbourhood'. Available at: <http://www.enpi-info.eu/eastportal/publications/309/The-Multi-Country-Cooperation-Instruments-and-Thematic-Tools-supporting-change-in-the-EU%E2%80%99s-Neighbourhood>

⁶⁹ The Official Website of the Delegation of the European Union to Russia. See: http://ec.europa.eu/delegations/russia/index_en.htm

⁷⁰ 'For a New Start in Civil Society Cooperation with Russia', position paper by 10 NGOs and institutions from Germany and EU member states released on 23 March 2010. A. Rettman, 'EU Russia Human Rights Talks Making Little Impact'.

However, the ENPI-funded Institutional Building Partnership Programme (IBPP), which annually allocated €3 million to support civil society actors in Russia, ceased in 2010. The IBPP aimed at building capacities of Russian civil society organisations through partnership with a wide range of NGOs and local authorities from Russian and EU member states. From 2007 the IBPP prioritised support to civil society actors dealing with social issues, such as children, women and youth. The 2009 call further prioritised children's rights and disability issues.

The EU Delegation in Moscow has also pledged to include Russia in the Non-State Actors Programme priority country list for 2011-2013 to complement the EIDHR. The delegations see further need to support civil society organisations, in particular their engagement in policy-making processes, public oversight of state policies, and capacity building of smaller regional NGOs through partnerships with strong Russian civil society organisations. In 2011, Russia has been included in the Non-State Actors and Local Authorities programme for the Baltic Sea region within the framework of the EU's Northern Dimension. This programme has an annual budget of €3.5 mln and supports partnerships between EU and Russian organisations. Priority is given to small scale actions in the areas of energy efficiency, health and social protection, transport, culture and tourism. The programme's activity covers North-West Russia. The size of a grant ranges between €200,000 and €500,000. The 2011 calls for proposals specifically aims at institutional capacity building, local and regional governance.

With relevance to the human rights thematic, a project on judiciary reform starts in 2011 within the Partnership for Modernisation Facility, a new instrument to follow the ENPI. This project is carried out by the EU in cooperation with the Council of Europe and directed towards the Russian government. It aims to set up an appeal system for criminal and civil courts. In addition, for 2011 the EU has allocated €500,000 to a one year project on children's rights. The partner in this project is the Presidential Administration.⁷¹ In general, the Partnership for Modernisation Facility will support activities which reflect the priority areas of the Partnership for Modernisation and which are presented by existing EU-Russia dialogues in the framework of the four EU-Russia Common Spaces. Priority is given to actions jointly agreed by Russian and EU institutions participating of the common spaces dialogues (human rights consultations are on the priority list along with the judiciary, the fight against corruption, and civil society participation).

In 2009, 14 projects received EIDHR funding, with the smallest grant of €30,000 given to a regional NGO and the vast majority of grants of €140,000-€150,000 supporting NGOs both in Moscow and the regions. The projects focused on prevention of human rights abuses by the police, media freedom, promotion of human rights among youth, capacity building for human rights NGOs, civic education, transparency of the electoral process, and inter-ethnic tolerance building.

Commission officials in Brussels and Moscow are satisfied with the EIDHR projects in general. In particular, they state that results have been achieved in 'social' areas, e.g. children's rights and women's rights. Sometimes they note a change of policy approach in certain local governments due to the projects. In many cases, the sustainability of a project is underlined. A modest, realistic, step-by-step and non-confrontational approach, along with preparation of the ground and establishing trust and a certain level of ownership are seen as necessary steps in programming aid.

An independent evaluation of 15 EIDHR projects in Russia conducted in 2008 showed that 'the projects have generally been most effective if they were focused on a particular problem and operated on the local level. Being inclusive and engaging as many partners from both the government bodies and public organisations was also an important component of success. In general, one can say that

⁷¹ http://ec.europa.eu/delegations/russia/press_corner/all_news/news/2011/20110204_01_en.htm

successful projects combined legal and awareness raising activity with a media component, multiplying their message and attracting new beneficiaries in this way'.⁷² The report also notes that EIDHR projects should be evaluated against their regional specificity, e.g. Chechnya and Ingushetia should be singled out from the rest of Russia. The report concludes that 'it is difficult to assess numerically the return on EIDHR investment in Russian NGOs, but it is clear that without this financing the situation with human rights in Russia would have been a lot worse. NGO activity would be less professional and many civic initiatives would have an amateur character.'

Generally, Russian human rights groups are very supportive of foreign funding as it is the major and in many cases the only support they get. While other NGOs dedicated to charity or social causes may get domestic funding, most human rights NGOs do not see how they would survive if foreign funding dried up. The interviewees recognised that the external funding to human rights and civil society in Russia is decreasing and many respondents said that their organisations had felt the effects of this decrease.⁷³

In this context, EU funding has been widely seen as important, even though the EU spends less on democracy and human rights than other donors (such as the US).⁷⁴ Although US democracy assistance decreased after 2006, the US remains the largest donor to democracy in Russia - with \$ 33 million allocated in 2009. Democracy assistance counts for half of the US's total aid to Russia, well in excess of the EU share. Most US democracy funds support work with NGOs to strengthen civil society and promote human rights. The funds for the government support the fight against corruption and the rule of law. For example, USAID programmes facilitate exchanges of experience between Russian and American judicial bodies. US assistance also has a broader scope, focusing on other aspect of democracy such support to independent regional media and local government actors⁷⁵. Support to human rights also has a more political focus, by virtue of honing in on election rights and election monitoring by civil society groups.

Some respondents among Russian human rights NGOs say that European funding looks more legitimate in the eyes of the authorities than that coming from the US state and some American NGOs and private foundations. In turn, more favourable views on the source of funding may facilitate project implementation if the project envisages an interaction with the state or regional authorities. However, some interviewees disagree with this, opining that donor identity does not really matter if the project is well-designed.

Some human rights activists say that the very fact they receive foreign funding and cooperate with European organisations (e.g. Council of Europe) provides them protection from possible prosecutions by the state or regional authorities.

The interviewees among Russian NGOs see the key advantages of the EIDHR in its clear and transparent selection procedure (e.g. a clear system for evaluation of project proposals). Although many respondents complained about the extremely detailed forms for project proposals and a need to fill in 'unclear and strange' tables, the fact that this protects from biased decisions is much appreciated.

⁷² 'Evaluation of EIDHR Report', June 2008. Available at: http://ec.europa.eu/europeaid/what/human-rights/documents/revised_report_eidhr_russia_en.pdf

⁷³ 'Foreign Democracy Assistance to Russia', FRIDE (forthcoming).

⁷⁴ UK has a small programme for human rights NGOs, the Netherlands runs MATRA programme for Russian CSOs and cooperation between Dutch and Russian organisations, Finland provides EUR 1.5mIn annually for cooperation between Finnish and Russian civil society actors in the Northern Russia (focus on socially oriented projects). New SIDA human rights projects are limited to the North Caucasus.

⁷⁵ USAID Russia. Factsheet. Democratic Initiatives. Available at http://russia.usaid.gov/publications/fact_sheets/ODI08/

The following shortcomings of the EIDHR are frequently named by the respondents and can be attributed to the 'over-bureaucratised' decision-making of the EC:

- Overly long process of project selection. Many complain that it takes almost a year until a decision is issued. While the domestic situation in Russia is changing so quickly and in an unpredictable manner, what has been planned in project proposals sometimes loses its relevance by the time project implementation starts. Similar complaints have been sounded about the protracted process of approval of interim reports. This affects the payment of the final instalment and an organisation has to borrow money somewhere else to pay for the project expenses.
- Very difficult and time-consuming application and reporting procedures. 'It is not a problem for such a big organisation as ours, but it is a big problem for our smaller partners in the region', says a Moscow-based NGO representative. Grantees often do not understand why they are asked 'so many questions which repeat in every set [of questions]'. 'It is difficult for us to understand why we are asked [to report in] such detail and the angle through which they [the donor] see things', they argue.
- Requirements to fill in and sign the forms in English. Many respondents say that it is often a major problem for smaller NGOs in the regions. As one respondent suggested 'if a contract has a standard form, why don't they [the EU delegation] translate it into Russian, so an NGO does not need to translate and sign dozens of pages in English?'
- The amount of the average grant. This complaint concerns not only EU funding, but foreign funding in general. Interviewees say there are too few small grants available in foreign donors' portfolios. The size of an average EU grant is about €100,000, and this mostly favours Moscow-based organisations or very well-developed and strong organisations in big cities. But it is an 'unbelievable sum of money for an NGO in the regions, and one which they can hardly absorb' as another interviewee stated. Such organisations need a programme of small grants; otherwise there is a common fear that they will disappear.

The last point coincides with the position expressed by a number of European NGOs which called on the EU to provide 'smaller, more transparent and more accessible grants for Russian civil society actors'.⁷⁶ They also want to see 'administrative regulations and requirements from applicants simplified and adapted to the needs and realities of Russian (notably regional) civil society actors'.

The problem of the amount of funding and the availability of smaller grants is aggravated by the fact that unlike in other countries in the region (Ukraine or Georgia), the EU funding is barely complemented by smaller funds coming from EU member states. Many European states that were active in the neighbourhood through small embassy grants and bigger grants from foreign affairs ministries are no longer present in Russia. Sweden and Switzerland have phased out their disbursements, and the UK and the Netherlands likewise diminished the amount of direct support they give.

Apart from funding, most active diplomatic missions in Moscow – Denmark, Germany, the Netherlands, Sweden and the UK – make small-scale fact-finding trips around the country and attend hearings in big trials, such as that of Mikhail Khodorkovsky.⁷⁷

An interviewee in Russia pointed out that the EU Ambassador's role is significant. It is important that the ambassador is visible and maintains contacts not only with the bureaucracy, but also with different

⁷⁶ 'For a New Start in Civil Society Cooperation with Russia', position paper by 10 NGOs and institutions from Germany and EU member states released on 23 March 2010.

⁷⁷ A. Rettman, 'EU Russia Human Rights Talks Making Little Impact', *EU Observer*, 18 June 2010. Available at: <http://euobserver.com/9/30323>

politicians and civil society representatives. In this sense, there is a difference between the previous and the current ambassador.

6 EU COOPERATION WITH OTHER INTERNATIONAL ACTORS

In both formal and informal meetings the EU has repeatedly called on Russia to cooperate with the UN, the Council of Europe and the OSCE in the sphere of human rights, restrictions on civil society, penal and judicial reform, media freedom, and other issues such as racism and xenophobia. However, the EU's cooperation with these international organisations promoting democracy and human rights in Russia is seriously hindered by the fact that – unlike in other post-soviet countries – these organisations have very limited activities in Russia and their democracy promotion efforts face Russian resistance. While in other countries of Europe the EU relies on OSCE assistance in promoting electoral standards, or a comprehensive democracy assistance package provided by the Council of Europe, in the case of Russia these organisations have their own difficulties.

6.1 United Nations family

In Russia, the EU maintains partnerships with a number of UN agencies: The United Nation's Children's Fund (UNICEF) and the World Health Organisation (WHO), The United Nations Development Programme (UNDP), UN High Commissioner for Refugees (UNHCR), the Office for the Coordination of Humanitarian Affairs (OCHA). These agencies assist the EU in the implementation of its technical assistance and humanitarian aid, especially in the North Caucasus where the EU was the largest donor through ECHO and TACIS.

By the end of 2010 ECHO aid covering Chechnya and the neighbouring republics of Ingushetia, Dagestan and North Ossetia, where it had provided support since the beginning of the Chechen conflict, was phased. In 2005-2009, total funding reached EUR 95 million (the last disbursement of EUR 6 million was allocated in 2009).⁷⁸ ECHO's focus was on civil protection, including internally displaced persons and refugees, shelter, healthcare, education, and income-generating activities. In addition, there was a special facility for the North Caucasus under TACIS, through which EUR 20 million was disbursed since 2007. The extremely difficult situation regarding human rights in the North Caucasus is further aggravated by the fact that most of the donors ended funding by the end of 2010. Russia asked the UN family, except UNHCR, to close their country programmes in that year. Support to those NGOs and human rights groups which worked in the region have shrunk significantly (the same is true of the EU's possibilities to monitor the situation in the Northern Caucasus). They are encouraged to apply for EIDHR grants but there is no special call for the North Caucasus.

Unlike in other post-soviet countries, the UNDP portfolio in Russia does not include a democratic governance programme. Instead, human rights issues are dealt with by the Office of the UN High Commissioner for Human Rights (OHCHR) established in Moscow in January 2006. It focuses on four areas in its cooperation framework with Russia: rule of law, equality and tolerance, education on human rights, and mainstreaming human rights within the UN Country Team in Russia. OHCHR Moscow has established partnerships and networks with government institutions at the central level and in Russia's regions, along with UN agencies, civil society including NGOs, academia and other interested parties to put the framework into practice.⁷⁹

⁷⁸ European Commission. 'Humanitarian Aid. Annual Report 2009', pp. 50-52. Available at: http://ec.europa.eu/echo/funding/key_figures/echo_en.htm

⁷⁹ UN Russia website. Available at <http://www.unrussia.ru/en/institutions/ohchr.html>

6.2 Council of Europe

Council of Europe norms and standards enshrined in the Conventions and other documents serve as the benchmarks for political criteria regarding EU accession. This approach is also extended to the European Neighbourhood Policy's political conditionality. In the case of Russia, such references are weaker, although the road maps for the Common Space on Freedom, Security and Justice and on external security envisage Russia's cooperation with the Council of Europe and compliance with its *acquis*.

Russia joined the Council of Europe in 1996 despite the fact that the first Chechen war was unfolding vigorously.⁸⁰ When Russia joined the CoE, it accepted a number of accession commitments (e.g. ratification of the CoE *acquis*, legal and security sector reforms, peaceful settlement of the Chechnya conflict).⁸¹ Many of those commitments are yet to be fulfilled. Thus, Russia remains on the list of CoE members being monitored by the CoE Parliamentary Assembly.

The last Parliamentary Assembly (PACE) resolution on the result of monitoring was issued in 2005.⁸² Then PACE expressed concerns about reinforcing the vertical character of power in Russia and curtailing political competition and freedoms. Since then no resolution has been adopted.

PACE also continuously monitors the situation in Chechnya and the North Caucasus. In 2006 PACE adopted a critical report on Chechnya and expressed concern that many governments and the organisation's Committee of Ministers had failed to address human rights violations in Chechnya and impunity for them in a regular, serious and intensive manner.⁸³ The Assembly's bureau, however, subsequently failed to renew the Assembly's Chechnya monitoring and reporting mandate, silencing this critical voice. The 2010 report showed no sign of positive change in Chechnya⁸⁴ prompting PACE to urge Russia to fight terrorism in the North Caucasus by 'respecting fundamental rights and the tenets of the rule of law'.⁸⁵

Importantly, the 2010 a PACE resolution on the North Caucasus following Dirk Marty's report was for the first time in fourteen years supported by the Russian delegation that had opposed three earlier resolutions on Chechnya (2003, 2004, and 2006). Russian human rights groups were positively surprised by such a shift in the Russian delegation's voting. Some analysts suggested that it was the result of Moscow rethinking its North Caucasus policies. Indeed, in November 2009 President Medvedev stated in his annual address to the Federal Assembly that 'the level of corruption, violence and cronyism in the North Caucasus republics is unprecedented'.⁸⁶ In May 2010, the President met with human rights

⁸⁰ B. Bowring, 'EU Partners and their responses to Russia', EU Human Rights Policy towards Russia. The EU-Russia Centre Review. Issue 16, 2010, p. 33.

⁸¹ Parliamentary Assembly of the Council of Europe. Opinion No. 193 (1996) on Russia's request for membership of the Council of Europe. Available at:

<http://assembly.coe.int/documents/AdoptedText/ta96/eopi193.htm>

⁸² PACE. Resolution 1455, 'Honouring of obligations and commitments by the Russian Federation'. 22 June 2005.

⁸³ See: 'Russia: Council of Europe Condemns Human Rights Violations in Chechnya', Radio Free Europe, 25 January 2006. Available at: <http://www.rferl.org/content/article/1065066.html> and <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc05/EDOC10774.htm>

⁸⁴ 'Legal remedies for human rights violations in the North-Caucasus Region', Report to PACE, 4 June 2010. Available at: <http://assembly.coe.int/Main.asp?link=/Documents/WorkingDocs/Doc10/EDOC12276.htm>

⁸⁵ 'PACE urges Russia to fight terrorism in the North Caucasus "in line with human rights"', 22 June 2010. Available at: http://assembly.coe.int/ASP/NewsManager/EMB_NewsManagerView.asp?ID=5701

⁸⁶ Presidential Address to the Federal Assembly of the Russian Federation. November 12, 2009, The Kremlin, Moscow. Available at

groups working in the North Caucasus. In November 2010, he recognised the security situation in the region was not improving. In December 2010, Prime Minister Putin became head of the Commission on social-economic development of the North Caucasus. As one Russian expert highlighted, stability in the North Caucasus and sustainability of communication channels between the authorities and society is one of the key conditions of Russia's survival as a multi-ethnic state.⁸⁷

Russian delegates in the PACE referred also to the Marty report's recognising some improvements in the region - speaking of an 'undeniable success' of the Chechen republic's authorities in rebuilding Grozny, 'constructive dialogue' with civil society by the Ingushetia president, and Dagestan president as 'strongly committed to improving the living conditions of his country's inhabitants and combating religious extremism'. As one delegate said, the report is 'not complimentary, but it is not biased'.⁸⁸ There was also a view that the Russia delegation supported the North Caucasus resolution hoping this would soften the PACE position on Abkhazia and South Ossetia.

Although the CoE is widely seen as a European democracy watchdog, its conditionality is generally perceived as weak because it is not able to offer political incentives or tangible material benefits to its members. Mainly relying on its 'expertise, persuasion, and social incentives', the CoE has not been able to push for democratic change in countries undergoing transformation 'unless their criticisms and demands were taken up by the European Union and NATO'.⁸⁹ Furthermore, the CoE's conditionality is ineffective as the possible sanction of membership suspension is very unlikely (no state has been suspended⁹⁰). In the case of Russia, the threat of suspension was only applied seriously during the war in Chechnya.

After the Russia-Georgia war, PACE twice considered suspending the credentials of the Russian delegation, with the latter occasion coming in October 2009 on the grounds of Russia's non-compliance with the Assembly's resolutions regarding the conflict. PACE decided not to suspend the credentials in order to 'enable the Russian authorities to engage in a meaningful and constructive dialogue with a view to addressing all the issues mentioned in the Assembly resolutions on the consequences of the war between Georgia and Russia'.

One of the most important aspects of the CoE's influence on Russia is the rulings of the European Court of Human Rights. Russia is the subject of a larger number of appeals to the ECHR than any other country. As of 30 November 2010, 28 per cent of all pending cases (39,850 in total) at the ECHR were against Russia⁹¹ which constitutes a 0.2 per cent increase in the number of cases compared to 31 December 2009⁹² and a 6.8 per cent increase compared to 1 January 2007.⁹³ Interviews with human rights groups reveal that the ECHR's role in promoting human rights in Russia is very important. Evidence shows that the European Convention on Human Rights and its case law, which are part of

http://archive.kremlin.ru/eng/text/speeches/2009/11/12/1321_type70029type82912_222702.shtml

⁸⁷ *Rosbalt*, 22 June 2010, <http://www.rosbalt.ru/2010/06/22/747328.html>

⁸⁸ *The New York Times*, 22 June 2010.

⁸⁹ F. Shimmelfennig, 'European Regional Organizations, Political Conditionality and Democratic Transformation in Eastern Europe', *European Politics and Societies*, 2007 21(1), pp. 126-41.

⁹⁰ See J. Hughes and G. Sasse, 'Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in the CEECs', *Journal of Ethnopolitics and Minority Issues in Europeanization*, 2003 (1), p. 6.

⁹¹ Pending applications to ECHR for 2010. Available at: http://www.echr.coe.int/NR/rdonlyres/99F89D38-902E-4725-9D3D-4A8BB74A7401/0/Pending_applications_chart.pdf

⁹² Pending applications to ECHR for 2009. Available at: http://www.echr.coe.int/NR/rdonlyres/BBFE7733-3122-40F5-AACA-9B16827B74C2/0/Pending_applications_chart.pdf

⁹³ Pending applications to ECHR for 2007. Available at: <http://www.echr.coe.int/NR/rdonlyres/660CF094-7878-4E9D-A83D-0065345DA057/0/pendingCasesGraph.pdf>

Russian law, are increasingly referred to and sometimes followed in judicial proceedings, and the new generations of lawyers are trained in ECHR principles.⁹⁴

Since 1996, the EU and CoE have run a joint programme in Russia. Currently, two projects are being carried out jointly: one on minorities rights (EUR 2.75 million) and another on the introduction of the appeal in the Russian judiciary (EUR 1.6 million). A number of joint projects on the fight against money laundering and terrorist financing, corruption prevention, rule of law and human rights, children rights, and the application of ECHR rulings were completed in the past (between 2005 and 2010). Unlike in other countries under monitoring, there is no CoE field office in Russia. The CoE is represented by an information office whose mandate is limited to awareness-raising and support for CoE projects implemented in Russia. Given the size of Russia and the failure to comply with accession commitments, such limited assistance is obviously not enough. However, the CoE cooperation programme depends on the good will of the Russian government.

6.3 OSCE

EU-OSCE cooperation on human rights promotion in Russia is seriously hindered as Russia openly opposes the OSCE's role as a democracy watchdog and promoter. While in the 1990s Russia formally supported the OSCE's development into the main European framework for security cooperation, from 2000 onwards, the Putin administration gradually changed course after concluding that the OSCE had been unable to prevent NATO's campaign against Serbia. As part of its efforts to neutralise Western democracy promotion in Russia and the former soviet republics, Russia openly criticises the OSCE and, allied with Central Asian countries Azerbaijan and Belarus, the Kremlin continuously calls for OSCE reform to restore imbalance between the three OSCE dimensions. Russia also accused the OSCE of applying double standards, pointing towards the OSCE's focus on countries 'east of Vienna', while Western states refused to allow monitoring of their own democratic processes.

Russia wants to strengthen the OSCE's political-military dimension (to counterpose it to NATO) and to downgrade the human dimension and independence of such bodies as the Office for Democratic Institutions and Human Rights (ODIHR). It proposes to expand the authority of the OSCE Permanent Council where Russia holds veto power to cover the organisation's autonomous agencies and programs and transform the OSCE into a fully-fledged international organisation which would strengthen Russia's international influence. Russia proposes greater control by the member states of the OSCE budget, which would allow limiting funding to the OSCE's democracy promotion activities.⁹⁵

Russia regularly attacks the ODIHR's role as the main election watchdog in the post-soviet space. After the colour revolutions in Georgia and Ukraine, where ODIHR played a prominent role in recognising the elections as rigged, Russia called for a common methodology for election-monitoring, synthesizing Russian and Western approaches to holding elections. Moreover, Russia has successfully pressed for the ODIHR to monitor elections in Western countries, ostensibly for geographical and political balance. This step is seen as forcing the ODIHR to spend limited resources on unnecessary missions. Meanwhile, Russia has made it impossible for the ODIHR to monitor and evaluate elections in Russia itself (the last elections observed in Russia were the 2004 presidential elections).

⁹⁴ B. Bowring, 'EU Partners and their responses to Russia', EU Human Rights Policy towards Russia, The EU-Russia Centre Review. Issue 16, 2010, p. 35.

⁹⁵ V. Socor, 'Moscow Prepares OSCE "Reform" Proposals for the Summit in Kazakhstan', *Eurasia Daily Monitor*. Vol. 7 Issue 150, 4 August 2010. Available at:

[http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=36707](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=36707);

M. Entin, A. Zagorsky. 'Should Russia Leave the OSCE?', *Russia in Global Affairs*. No 3, July - September 2008. Available at: http://eng.globalaffairs.ru/number/n_11274.

The OSCE Representative on Freedom of the Media was criticised by Russian authorities. In December 2007, the Russian MFA accused the then Representative Miklos Haraszti of being 'part of the propaganda efforts to discredit the Russian parliamentary elections by some Western forces'.⁹⁶ This did not prevent the Russian authorities from supporting Mikhail Fedotov as candidate for the new Representative in 2009.

While the OSCE has offices in the Western Balkans, Eastern Europe, the South Caucasus and Central Asia, there is no OSCE office in Russia and, unlike in most of those countries, there is no cooperation programme between Russia and the OSCE aimed at assisting Russia's democratic institutions. Moreover, Russia caused the closure of the OSCE's most substantive Caucasus mission in South Ossetia in June 2009. The mandate of the mission to Georgia could not be extended because of disagreement over the status of South Ossetia, where the OSCE acted through mediation and observers on the ground.

7 RECOMMENDATIONS

From this analysis of the state of play in EU human rights policies towards Russia, and most crucially from our interviews with Russian civil society organisations, we draw the following policy recommendations:

- Human rights consultations should be improved by significantly broadening the circle of interlocutors. The EU must press to include civil society actors, as well as officials from the Interior Ministry and Prosecutor's office. Consultations must be held in Russia. There must be specific objectives and explicit benchmarks to assess the progress of the consultations. The results of the consultations and the issues raised must be discussed at the highest level of EU-Russia dialogue. Human rights consultations cannot be improved unless all these well-known 'modalities' issues are improved.
- The EU should upgrade the level of political dialogue on human rights in negotiations over the new agreement and link practical progress to the establishment of a dialogue of visa liberalisation with Russia, should be considered.
- Some interviewees advocated targeted sanctions such as those proposed by the EP against the Russian officials responsible for the arrest, torture and death of Sergei Magnitsky.
- Review and follow-up mechanisms and greater transparency are needed. The EU must make public specific objectives and explicit benchmarks, along with regular assessments of progress (or lack thereof) achieved. All this should be part of EU regular monitoring documents on Russia. Parliamentary and civil society oversight and assessment are likewise needed through a more regularised initiative to this effect. Our interviewees stress that EU cooperation with state authorities should be more open and transparent. Civil society actors believe this would contribute to better effectiveness and also legitimacy.
- Issues discussed during the consultations should be followed up and backed up by EU aid. The human rights concerns uncovered in the consultation should be reflected in projects funded from the newly established Partnership for Modernisation Facility. This would allow the EU to harness political dialogue for cooperation on thematic issues with the involvement of specialists from law enforcement agencies, human rights ombudsmen etc. If it fails to connect the dialogue and aid strands of its policy, the EP and others should hold it to account.

⁹⁶ 'Commentary by the Department of information and press of MFA of Russia regarding the letter of the OSCE Representative on Freedom of the Media M. Haraszti to Minister for Foreign Affairs of Russia S.V. Lavrov', Information bulletin of the Ministry of Foreign Affairs of Russian Federation. 10-12-2007. Available at www.chile.mid.ru/rus/mre09/r07_788.html (in Russian).

- As democracy assistance to Russia has been decreasing, the quality of aid must be improved. We have listed the problems associated with the EIDHR. The EU should introduce a programme of small grants easily accessible to smaller regional organisations through better use of re-granting. It could also introduce EU project offices in provincial cities.
- The EU should create additional opportunities for interaction and learning through exchange and joint work among Russian NGOs and their European counterparts. This might include twinning projects, exchanges, fellowships etc.
- The EU should link the creation of a more effective future EU-Russia Civil Society Forum to EU aid. In order to avoid creating a mere talking-shop, the EU should empower NGOs from both sides to build their capacities to influence policy-making in EU-Russia relations. There is a need to learn from the positive and negative experiences of the Eastern Partnership Civil Society Forum, which is yet to grow into anything more than a get-together exercise with no impact on the Eastern Partnership Agenda. The EU-Russia Civil Society Forum should also be allowed to self-organise in order to avoid the sensitive issue of participation.
- Local actors want to see more unity between international actors at the political level. The EU must work more closely with US, the largest donor to democracy in Russia.
- The EU should rely less on traditional ties with the OSCE and CoE, as these intergovernmental organisations face Russia's resistance. Their expertise can, however, still be used in the implementation of EU aid. The EU must work to maximise the full potential of the OSCE and CoE but not use Russia's membership of these bodies as a justification for the paucity of independent EU efforts.
- The EU should raise the level and visibility of the EU delegation in Russia. The EU Ambassador's role is important. It is important that the Ambassador be visible and keep contact not only with the bureaucracy, but also with different politicians and civil society representatives.

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