



Fédération internationale des ligues des droits de l'Homme

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الفدرالية الدولية لحقوق الإنسان

Assessment of the EU-Russia Human Rights Consultations
“*A good and constructive atmosphere* » and 8 human rights defenders assassinated

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Engaged since 2005 in human rights “consultations” with the Russian authorities, with the aim to contribute to the promotion and progressive realisation of human rights in Russia, the European Union should today revisit its strategy and means to promote human rights change in the country. While between 2005 and 2010, eleven rounds of human rights consultations have been held, eight Russian human rights defenders, including direct interlocutors and active participants to the process, were assassinated.¹ Beyond the dramatic toll, the overall period of these consultations is one of a general deterioration of the human rights situation.

While such escalation is being witnessed, almost each round of the consultations have lead to a public affirmation of their « *good and constructive atmosphere* ²». To date, no significant and substantial progress on the issues raised in the dialogue, nor on the modalities of the dialogue can be measured.

The consultations thus appear as a mere diplomatic exercise, which aim is to “discuss issues related to human rights and fundamental freedoms in a constructive and open atmosphere”, rather than to be a leverage for human rights change in the field.

Lack of significant human rights evolution

The assessment of the lack of significant change is, informally, widely shared among officials dealing with Russia and EU-Russia consultations. Without compiling the large list of human rights NGO reports, the conclusions from United Nations Treaty Bodies and Special procedures or the reports and jurisprudence developed by the Council of Europe, the lack of improvement and recognition of the relative deterioration is simply phrased in the EU's progress reports:

“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. While the security situation in Chechnya improved, that in neighbouring republics, and in Ingushetia and Dagestan in particular, deteriorated. There continued to be numerous reports of arbitrary detention and torture in the North Caucasus region as a whole. The number of attacks linked to racism and ethnic hatred gave rise to concern ³».

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- 1 **June 19, 2004:** Nikolai Gurenko, minority rights defender and anthropologist killed in Saint-Petersburg ;
October 7, 2006: Anna Politkovskaya, well know journalist from Novaya Gazeta murdered in Moscow;
August 31, 2008: Magomed Evloev, Ingushetia's opposition activist, assassinated in a police car at Nazran airport;
January 19, 2009: prominent human rights lawyer Stanislav Markelov and Novaya Gazeta journalist Anastasia Baburova shot and killed in broad daylight in central Moscow;
July 15, 2009: Natalia Estemirova abducted and murdered;
August 11, 2009: Zarema Sadulaeva and her husband Umar Dzhabrailov abducted from the offices of the organization “ Save the Generation” where they worked. They were later found shot dead.
 - 2 The reference to the « good and constructive atmosphere » appears in almost all EU-Russia post consultations' press releases.
 - 3 EU-Russia common space progress report 2009

Absence of evolution on the modalities of the dialogue

In addition, all *démarches* undertaken by the EU to improve the format of the consultations have failed because of the Russian delegation's systematic refusal to agree with EU proposals⁴, notably regarding:

- *the alternance of location*: in spite of repeated requests and Dialogue Guidelines procedures that dialogues should be “regularly” held in the concerned country, the Russian delegation has never agreed to hold a session in Russia;
- *the interaction between Russian NGOs and authorities*: while, after requests for an interaction with civil society preceding the dialogue, a “briefing” of Russian civil society has been organised, the format has never been accepted by the Russian authorities, adding thus simply an added layer of briefing of the EU officials only;
- *the composition of the Russian delegation*: in spite of several requests by the EU, the composition of the Russian delegation has never gone beyond the Ministry for Foreign Affairs.

This situation allows to question “*the extent to which the government is willing to improve the situation*”⁵ and challenges the merit of the exercise, notably in comparison with other bilateral human rights dialogues, such as the US-Russian “Civil society group”, where the US administration brings together Russian and US authorities as well as NGOs, with the participation of the first deputy chairman of the Russian Presidential administration.

Weaker public statements on the human rights situation in Russia in the framework of EU-Russia political dialogue

- *At summit level*:

With the development of the human rights consultations, the press releases following EU-Russia summits have made only brief and vague references to the situation of human rights in Russia, which have been limited to a reminder of such consultations: « *The leaders also noted the results of the Xth round of EU-Russia Human Rights consultations, held in Y on Z, and looked forward to further regular rounds of consultations in the future* »⁶. Thus, no public assessment of the “results” of the consultations were made following the summits, other than the fact that they were held in an « *open and constructive atmosphere* », which even lead to believing that this was an objective in itself, if not the aim of the process. Several press-releases indeed state that “*the aim of the Consultations is to discuss issues related to human rights and fundamental freedoms in a constructive and open atmosphere.*”⁷

- *Within the Partnership and Co-operation Agreement institutions*:

Further to a decision of the EU/Russia Summit of May 2003 to create in the four Common Spaces, in the framework of the Partnership and Co-operation Agreement (PCA), the EU and Russia adopted in May 2005 a « *package of road maps for the creation of the four Common Spaces* ». However, the public outputs of the EU-Russia Permanent Partnership Council (PPC) meetings on Freedom, Security and Justice do not allow to identify any steps taken to implement the JLS roadmap on Human rights priorities. The two joint statements issued in October 2008 in Paris⁸ and in December 2009 in Stockholm⁹ mention specific discussions on migration and visa issues, on the fight against organised crime, but no reference to human rights.

To upgrade or to suspend

In this context, FIDH strongly feels and fears that the human rights consultations are being “instrumentalised”, and have become a “process” rather than a mean to achieve measurable and tangible results. Thus, while it is essential to maintain a direct channel for interaction with, and support, to Russian human rights defenders, without a serious review of the modalities and public outputs of the consultations, FIDH would recommend to suspend the consultations. The prerequisite for the pursuit of the dialogue should in this context be subjected to the following recommendations:

4 An assessment shared in the EU's Progress report : « *there was no change in the Russian position with regard to involving ministries and agencies other than the Ministry of Foreign Affairs, nor about holding the consultations alternately in Russia and the EU, or meeting with Russian and international NGOs. The invitation from the EU to organize joint seminars, including on the issue of racism and xenophobia, is still on the table.*»
http://ec.europa.eu/external.../russia/.../commonsplaces_prog_report_2009_en.pdf

5 EU guidelines on Human rights dialogues

6 http://www.delrus.ec.europa.eu/en/news_802.htm

http://www.delrus.ec.europa.eu/en/news_738.htm

7 http://www.eu2007.de/en/News/Press_Releases/May/0504AAMenschrechteEU_RUS.html

http://www.eu2007.pt/UE/vEN/Noticias_Documentos/20071003EURUSSIA.htm

8 http://www.presse.justice.gouv.fr/art_pix/1_draftjointcommuniquetorussia.pdf

9 <http://www.se2009.eu/.../Draft%20joint%20statement%2020021209cis.pdf>

- ***Public indicators of progress:*** on an annual basis, a set of specific objectives and (even minimal) steps should be set; concrete benchmarks measuring progress on these objectives should be shared between each round of the consultations; NGOs should receive this list of specific objectives and benchmarks;
- ***Improved modalities for the dialogue,*** including on the alternance of the location of the consultations, on the interaction between Russian NGOs and Russian authorities on the occasion of this process, and on the composition of the Russian delegation. The absence of improvements should be officially expressed at the highest level of the EU-Russian relations;
- ***Public substantial assessments of progress:*** more substantial assessments of the effective results of each round of the consultations and of the overall human rights evolutions should be made by the EU, on the occasion of EU-Russia Summits and Following the Partnership Council meetings.