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Russian Human Rights Council: Toothless, But Not Worthless

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Lyudmila Alexeyeva

The restrictive environment in which Russia's civil society organizations operate has left some of the country's most prominent human rights activists with a tough choice: remain powerless outside the system or accept to play on the Kremlin's turf.

Lyudmila Alexeyeva, 87, is among those who has had to make that decision. The matriarch of Russia's human rights movement and head of the Moscow Helsinki Group, the country's oldest NGO, returned last month to Russia's Presidential Council for Civil Society and Human Rights, having relinquished her position in 2012.

Alexeyeva quit the consultative body in June 2012 over alleged Kremlin interference in the appointment of new members to the council. Her resignation came in the wake of President Vladimir Putin's re-election, which was marred by allegations of electoral irregularities.

The council, which has 62 members with both pro-Kremlin and opposition political stances, is mandated to assist the Kremlin in safeguarding human rights. It can submit proposals to the president but does not hold any decision-making power.

Alexeyeva told The Moscow Times that in spite of its shortcomings, the Presidential Council for Civil Society and Human Rights was the only remaining platform for dialogue between the Kremlin and Russia's civil society organizations. The dire state of civil society in Russia, she said, is what prompted her to return to the system in the hope of changing the things she can.

"The Kremlin sometimes listens to the council," Alexeyeva said. "Members of the council can accomplish certain things, unlike civil society organizations that are having lots of trouble functioning right now."

Better Than Nothing

The return of Alexeyeva, a former Soviet dissident and a virulent Kremlin critic, has been applauded by the country's human rights advocates and scattered opposition groups. But the return of the crusading octogenarian to the presidential council signals that the morale of Russian activists is at a nadir and that the only way to push a human rights agenda is within the confines of the political system.

Dmitry Oreshkin, head of the Moscow-based Mercator political research group, also resigned from the council in 2012. Oreshkin had been monitoring that year's presidential elections, and said its results were falsified, and that he could not work for a president whose legitimacy he questioned. The council, he said, is in part being used to add a facade of legitimacy to Putin's policies, but can also sometimes serve as a channel for communicating messages to the Kremlin from the population or rights groups.

"The council is better than nothing," said Oreshkin. "At least it can appeal to the president. And the president can choose whether to listen or not. It can help the voices of certain people to be heard in the Kremlin. I decided not to return because I realized I personally couldn't do anything."

Putin won the election with 63.6 percent of the vote, securing his third term in power. Oreshkin said that electoral fraud had inflated this figure by approximately 10 percent. In Russia's North Caucasus republic of Chechnya, Putin garnered nearly 100 percent of the vote, with turnout in some parts reportedly exceeding 100 percent.

Oreshkin said that the results of the election compelled him to try to investigate and identify officials responsible for rigging the election. Under Russian law, individuals convicted of involvement in electoral fraud face up to four years in prison.

"I could ask for a criminal case to be opened, or I could pretend that there was no falsification," Oreshkin said. "They [the presidential administration] wouldn't let me go after those responsible for electoral irregularities in Chechnya and other regions."

Lost Battles

The council has been unable to prevent the adoption of legislation that has been harshly criticized by international human rights organizations. It could not stop Russia from adopting the so-called anti-gay propaganda legislation, which bans "the promotion of nontraditional sexual relations among minors." It has also been powerless in the face of the controversial foreign agents law, which enables the Justice Ministry to impose the politically charged "foreign agent" label on NGOs that receive foreign funding and engage in vaguely defined political activity.

Prior to the adoption of legislation on "undesirable organizations" — which enables the authorities to ban the activities of foreign organizations viewed as a threat to national security — the council warned that the legislation would undermine constitutional rights. The head of the council, Mikhail Fedotov, told Russian media he thought the law was counterproductive.

"The advocacy potential of the council is limited by the government's political will," said Tanya Lokshina, a senior researcher at the Moscow office of the international NGO Human Rights Watch. "If a legislative initiative is being pushed by the executive, then it is doomed to be adopted. The political will [to follow the council's recommendations] is simply not there."

The council's effectiveness, according to observers, depends on the issue it is addressing. Lokshina said that the council has been successful in pushing for the reform of the penitentiary system, an issue that remains depoliticized. The Council of Europe Commissioner for Human Rights, Nils Muiznieks, applauded Russia in 2013 for addressing issues in its penitentiary system.

But the council's leverage is greatly diminished on political issues, such as the prerogatives of NGOs and electoral procedures. The council can merely serve as a messenger for political issues.

Small Victories

Igor Kalyapin, head of the Committee Against Torture NGO, said he was thankful that the council had provided him with the opportunity to question authorities about an attack on his organization's office in the Chechen capital Grozny earlier this month. Masked men emerged from a crowd of protesters gathered outside the NGO's office, broke down the door and vandalized the premises, forcing employees to escape through a window. Despite numerous appeals to local and regional law enforcement, no police units were dispatched to the scene until after the incident had taken place.

"If there had not been this platform [the council], I would not have been able to ask the Interior Ministry why police didn't show up when our office was being ransacked for two hours," Kalyapin told The Moscow Times. "Of course I understand why the police didn't come. But at least through the council, I could force them to provide me with a direct answer."

After Kalyapin's appearance in front of the council, the Interior Ministry said it would investigate the incident and report back to the council about its findings.

It is small victories like these that have nudged Alexeyeva back into the system. The human rights advocacy veteran said she would use her membership in the council to fight the foreign agents law, which she called "revolting."

"I've been working on these issues for 50 years," she said. "When you start, you never know whether you will be successful. You have to do the work and see."

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