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With Access to Europe's Rights Court Lost, How Can Russians Still Seek Justice on the International Stage?

By Anastasia Tenisheva

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Karinna Moskalenko. **Mikhail Metzel / TASS**

Karinna Moskalenko is a prominent Russian human rights lawyer known for defending journalists, activists and opposition politicians.

She has decades of experience working with international human rights institutions and is widely recognized for her efforts to protect freedom of expression and civil liberties.

In 2001, Karinna Moskalenko became the first Russian lawyer to successfully plead a case at the European Court of Human Rights. Committed to advancing human rights protection in Russia, she founded the Center of Assistance to International Protection in Moscow in 1994. From 1999 to 2007, she served on the Expert Council of the Commissioner for Human Rights in Russia.

Since 2024, she has been working as the head of the UN Group of Independent Experts on the Human Rights Situation in Belarus.

The Moscow Times spoke with Moskalenko about the international mechanisms still available to Russian citizens and her current human rights mission in Belarus.

This interview has been edited for length and clarity.

The Moscow Times: How can Russians protect their rights on the international level in 2025?

Karinna Moskalenko: The fact that Russia has left the Council of Europe is a major loss for the country — especially the loss of such an important mechanism as the European Court of Human Rights. For more than two decades, Russians had gotten used to the idea that even if they couldn't find justice at home, they could still turn to an international court whose rulings were binding for Russia. The very existence of this mechanism significantly supported human rights and the rule of law in the country.

This is how it worked: people would file complaints with the European Court, the Court would issue rulings binding on Russia, and this made it possible to overturn previous decisions, amend laws and change legal practices at the national level. It worked — and over time, it worked very well. We started doing this in 1998, when Russia came under the jurisdiction of the European Court. We only stopped quite recently, since violations committed by Russian authorities before September 16, 2022, are still within the Court's jurisdiction.

Many Russians now believe they have no alternative international judicial body. But they do: a similar, quasi-judicial mechanism called the UN Human Rights Committee. Russians can file complaints through a comparable procedure and receive protection at the international level. Few people know this. Many underestimate it — largely because of the myth that while European Court rulings are binding, the Human Rights Committee's decisions are merely recommendations. That's not true. Not at all.

Since January 1, 1992, Russia has fallen under the competence of the UN Human Rights Committee. To this day, complaints against Russia under international law continue to be reviewed. The Committee's decisions carry significant weight.

In recent years, we haven't worked much with these complaints, largely because the process at the European Court had become so well-established — and it also awarded financial compensation. The Human Rights Committee also recognizes violations, but leaves it to the state to determine appropriate compensation, without specifying the amount.

So in recent years, the Human Rights Committee has been less widely used; filing with the European Court seemed simpler. But now, Russians have no other option. If they can't find justice in their own country and their fundamental rights — those protected both by the European Convention and the International Covenant on Civil and Political Rights — have been violated, they still have the right to appeal. The state is obligated to accept the Committee's jurisdiction for such appeals.

Do cases take longer than in the European Court? It depends, but the Committee still provides a real opportunity to seek justice at the international level. And this applies to everyone under

Russian jurisdiction — not just Russian citizens, but all people who fall within Russia's jurisdiction.

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Many lawyers, my colleagues, have argued that [the UN Human Rights Committee] is ineffective — that Russia wasn't even enthusiastic about complying with the European Court. Still, those rulings were generally implemented. Now we need to make the UN mechanism work. The UN remains the last international forum for Russia. That means there is some level of interest from Russia's authorities too. We can already see that Russian authorities respond to some complaints. As long as the agreements granting Russia participation in these mechanisms haven't been denounced, Russia remains part of the system. We will work to ensure compliance with the decisions. There are various mechanisms, forms of appeal and ways to restore violated rights. These shouldn't be ignored. We must insist on our rights and work to have them restored. That's why I believe the international legal path is not closed for Russia.

MT: How realistic is it today to hold those responsible for human rights violations accountable, and what are the biggest obstacles?

KM: There is an increasing focus at the international level — including within the United Nations — not only on identifying and documenting human rights violations or acts classified as crimes against humanity, but also on ensuring accountability for the perpetrators of these violations. Various mechanisms are being established to address this.

As I've been appointed the head of the UN Group of Independent Experts on the Human Rights Situation in Belarus, I'll give you this as an example.

What is our work? Establishing facts, collecting documents and evidence and then finding mechanisms to ensure that those responsible for human rights violations — or violations that qualify as crimes against humanity — are held accountable. This is a large-scale effort. It didn't begin this year. Previously, a similar group of experts worked under the UN High Commissioner for Human Rights, publishing reports and analyzing findings.

Since last year, a new independent mandate was established by a resolution of the UN Human Rights Council. It focuses more closely on the responsibility of the state and especially when violations are systematic and widespread — the hallmarks of crimes against humanity — if they can be shown to result from official state policy. Or, more specifically, from an unlawful policy.

We're currently working to identify the responsible individuals and document further violations that have occurred since May 2020 and continue today. We hope to make progress in the coming year. In principle, these mandates can be extended for up to six years, though the Human Rights Council must vote on it every year.

One of the key tasks of our mandate is to establish contact, engage with, and if possible, cooperate with the authorities of the country we are studying — in this case, Belarus.

In September, I spoke at a session of the Human Rights Council and switched to Russian because Belarusian representatives always speak Russian. I wanted to show them that from the high UN platform, we spoke the same language.

I invited [the Belarusian authorities] to cooperate — to begin, perhaps with conferences and roundtables, to discuss the issues within our mandate. We extended a hand and they had a good opportunity. They did not respond. They don't even reply to routine matters requiring a government response. That doesn't speak in their favor.

For instance, we made inquiries about several documented deaths in custody. Every state has an obligation to protect the right to life — the alpha and omega of international law. We asked them to respond: what were the causes of death, how were the cases investigated, was responsibility established? Maybe some cases could be explained. But they didn't even reply to that basic question.

We aim to open a dialogue with the Belarusian authorities. Even their allies at the UN Human Rights Council acknowledge that such dialogue is essential. Without it, the process reaches an impasse: we present evidence, they deny, and nothing progresses. Therefore, it is crucial that they listen to us, provide our mission with relevant information, and offer explanations for their actions. If they choose not to engage, they are missing an important opportunity and it is truly regrettable.

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