

**REGIONAL PERSPECTIVES ON HUMAN RIGHTS:  
THE USSR AND RUSSIA,  
PART TWO—POST SOVIET RUSSIA**

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**Post-Soviet Russia**

Since 1991, there have been two major phases in Russian history, corresponding roughly to the decades of the 1990s and the 2000s. Under President Boris Yeltsin (1991-1999), Russia attempted a rapid transition to a market economy and liberal democracy. Economic “shock therapy,” the transition from a planned and centralized economy to a privatized market economy in one leap, proved to be traumatic for most of the population of the Russian Federation. On the positive side, these initial years of post-Soviet Russia saw the creation of a new system of laws, a dramatic rise in political participation, the birth of new human rights institutions at the national level, and the establishment of non-governmental organizations (NGOs). Yet, the political transition, liked the economic one, proved to be very turbulent, perhaps inevitably in a situation where a country with Russia’s authoritarian past attempts to introduce a multi-party democracy. The country’s political culture seemed a poor fit for its new democratic constitution. Parliament (the State Duma) and president fought pitched political battles that threatened the stability of the new regime, and Russia often seemed on the verge of plunging into total chaos.<sup>1</sup>

In this climate of political instability and economic hard times, Russia witnessed an upsurge in crime, organized crime, corruption, and a general culture of lawlessness. Citizens felt that their country had been set adrift, and it is not surprising that quite a large proportion of them felt nostalgic for certain elements of the old Soviet system, especially its economic security and predictability, in particular the existence of a social welfare safety net. Yes, the old system had produced shoddy goods and services, including its health care, but it had managed to meet the minimum needs of its citizens. Voices were heard calling for more “order” and less “freedom,” a word that was increasingly associated with lawlessness. Despite all this, the 1990s were a relatively favorable time for the promotion of human rights in the Russian Federation.

Russia under President Vladimir Putin (2000-2008) saw the adoption of laws that significantly reduced the civil and political rights of Russia’s citizens and increasingly narrowed the scope of

activity of opposition parties and of NGOs. One casualty of the Putin years was the separation of powers, as the Duma became the handmaiden of the executive branch, while Russia’s judiciary failed to maintain its independence and defend the rule of law. What is more, under President Putin power was increasingly concentrated at the center, and that power, in its various branches and agencies, was riven by corruption. Abuse of power became routine. The mass media was increasingly controlled by the state. Russia, in other words, slid back to a one-party system.<sup>2</sup>

Chechnya, the breakaway republic in the south of Russia, and the scene of two wars in the 1990s and early 2000s, became synonymous with human rights abuse in Russia. The Second Chechen War, which began in September 1999, was marked by summary executions and “disappearances” of Chechen civilians. The situation in Chechnya and the terrorist attacks in Russia that were inspired by the war have engendered feelings of suspicion and hostility, often taking the form of discrimination and outright racism, towards people from the Caucasus and Central Asia.

One feature of the new authoritarianism was a marked government animosity toward NGOs, especially those with connections to the West. Here Moscow seemed to fear the manifestation in Russia of the democratic Orange Revolution that took place in Ukraine in 2004-2005, which featured active NGO involvement. Since those events took place, Western foundations and programs have been regarded with heightened suspicion by the Moscow government and have had their rights curtailed. A federal law passed in January 2006 altered the rules for the registration and operation of NGOs in Russia. The law was sharply criticized internationally, not least because of its potential negative effect on the monitoring of human rights in Russia. In October 2006 the government invoked this law to suspend the activities of numerous foreign NGOs, and another crackdown followed in 2007.<sup>3</sup>

The Russian public, meanwhile, did not appear to object to its government’s efforts to roll back political rights. Public opinion polls conducted since the mid-1990s indicate that the Russians have become mainly concerned with securing their social and economic rights – such as a secure job, a guaranteed minimum wage, education, health care, old age and disability security – as a means to ensure their basic survival. In other words, they have been intent on reclaiming some essential guarantees provided by the old Soviet system. The same opinion polls indicate that political rights – freedom of speech and religion, the right to vote, free access to information, and so on – are highly valued by only a minority of citizens.<sup>4</sup>

The Putin era thus witnessed a kind of tacit agreement between the state and the people. The people want order, above all else,

and have been willing to sacrifice their civil and political rights and freedoms in exchange for the government maintaining general order in the country, including the provision of basic economic needs. The global rise in oil and natural gas prices at the start of the 2000s has enabled the Russian government to deliver on its end of this bargain.

### **The United Nations Decade for Human Rights Education**

The Russian Federation is a signatory to six out of the nine basic UN treaties on human rights. These are: the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Elimination of all Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), and the Convention on the Rights of Persons with Disabilities (2006), which Russia has signed but not yet ratified. Russia has yet to sign the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990) and the International Convention for the Protection of All Persons from Enforced Disappearance (2006).<sup>5</sup>

Signing an agreement is one thing, however, while observing the letter and the spirit of a treaty is quite another. The Russian Federation's compliance with all of these human rights treaties has been widely criticized. Russia is often accused of failing to honor its obligations in the realm of human rights, even to meet the minimum requirements of spreading information inside the Russian Federation about the principles of the human rights treaties it has signed.

In 1994, the UN General Assembly adopted the Plan of Action for the United Nations Decade for Human Rights Education, 1995-2004. Acting on UN recommendations, many states proceeded to adopt national Human Rights Education (HRE) plans. The government of the Russian Federation, however, failed to inform the public, including educators at all levels, about the Decade; nor did the relevant government ministries and departments take appropriate steps to implement the UN plan. Russia essentially sat out the Decade for Human Rights Education. In the words of a report published by the Moscow School of Human Rights in 2008: "Not only is Russia uninvolved in world HRE campaigns, but the documents adopted by international organizations are hardly known in Russia. They have not entered scholarly or practical usage. Their contents have not become a part of humanitarian education and public consciousness of Russians. Russian state structures at the federal level are not doing anything to bring such human rights documents to the attention of the public at large and introduce this public to the world of universal and European values."

Russia has been since 1996 a member of the Council of Europe. As such, it has obligations related to human rights. The Russian Duma in 1997 passed a law establishing a Human Rights Commissioner, or Ombudsman, a position provided for in

Russia's constitution and required of all members of the Council of Europe. The current Ombudsman, Vladimir Lukin, although critical of Russia's human rights record, has argued that Russia's long legacy of authoritarianism and its many economic and other problems and challenges mean that the road toward a satisfactory record on human rights will be long and hard.<sup>6</sup>

The rights group Freedom House gave Russia a score of 5 for both political rights and civil rights (1 being the most free, 7 the least free) for the period 2002-2004; the rating for 2005-2008 was 6 for political rights and 5 for civil liberties.<sup>7</sup> The Economist magazine in 2006 put Russia at number 102 of 167 countries it ranked by the strength of their democratic institutions, calling Russia a "hybrid regime with a trend towards curtailment of media and other civil liberties."<sup>8</sup> Meanwhile, the European Court of Human Rights has seen its docket fill up with cases related to Russia: over one-quarter of pending cases in December 2007 were cases made against the Russian Federation government.<sup>9</sup>

International human rights organizations, as well as rights organizations inside Russia, routinely criticize the Russian Federation for violations of human rights, including: widespread and systematic torture of persons held in policy custody; hazing of new recruits in the Russian Army; violations of children's rights, especially the treatment of children in orphanages; human trafficking, with the majority of victims being women forced into prostitution; racism and violence toward members of ethnic minorities, especially those from the Caucasus region of Russia. Violence against opposition lawmakers and journalists has long been a source of concern, a phenomenon punctuated by cases of murder, the most high profile of which was the shooting death in Moscow in 2006 of Anna Politkovskaya, who had become especially outspoken in her opposition to the conduct of the war in Chechnya, and to the policies of Russian President Putin in general.<sup>10</sup>

There have also been rights abuses related to the business world. The most famous such cases have been the arrest and imprisonment of the former head of the oil company Yukos, Mikhail Khodorkovsky, who was convicted of fraud after he expressed an interest in running for president of the Russian Federation (Amnesty International has labeled him a "prisoner of conscience"); and lawyer Sergei Magnitsky, who was investigating fraud among high-level Russian officials and who died in police custody.

### **Developments in 2011-2012**

Late in 2011 this largely negative picture began to change in a striking way. The trigger was Prime Minister Putin's announcement of his intention to regain the federal presidency (which by law he had to evacuate at the end of his second term, in 2008) by, in effect, exchanging offices with President Dmitry Medvedev. Unrest in the form of public demonstrations ensued, especially in the wake of the disputed December 4, 2011, Duma elections, which were generally seen as rigged in favor of Putin's United Russia party. Two massive protests staged in Moscow later in the month proved to be the first of several such

demonstrations. This and other evidence seems to point to the possibility of a return to real democracy and the rise of a genuine civil society in Russia, spearheaded this time by a Russian middle class that until recently had been silent and willing to go along with the Kremlin's curbing of democratic rights and the accumulation of power in the center.

As David Remnick wrote in a recent *New Yorker* article about the Russian upheaval, "the past few years have seen a proliferation of human-rights groups, media outlets, think tanks, academic departments, election watchdogs, and N.G.O.s not only in Moscow and St. Petersburg but all over the country. Because their efficacy is so limited by the Kremlin, they do not constitute a true civil society; rather they are an archipelago of islands in a vast sea, barely connected to each other and ignored, at best, by the political élite."<sup>11</sup> As in the Arab Spring, the new social media have played a galvanizing role in recent Russian events.

On March 4, 2012, Putin easily won election to the presidency. The fairness of the election has been widely criticized, from the obstructive restrictions placed on the campaigns of opposition candidates to allegations of fraud in the way the votes were counted. In the wake of the election, the protest movement seems to have lost steam. Perhaps the opportunity to relaunch the struggle for human rights in Russia has been squandered. It is too early to tell. But certainly Russian politics has become interesting again.

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1 See Kotkin, *Armageddon Averted*, chapters 5-7, and Epilogue.

2 Anna Politkovskaya, *Putin's Russia: Life in a Failing Democracy*, transl. Arch Tait (Metropolitan Books, 2005); Masha Gessen, *The Man without a Face: The Unlikely Rise of Vladimir Putin* (Penguin, 2012).

3 Human Rights Education in Russia: Analytical Report, pp. 18-19.

4 *Ibid.*, pp. 11-12.

5 See the Russian Federation's status on the human rights treaties at: <http://www.bayefsky.com/bycategory.php/state/143>.

6 Human Rights Education in Russia: Analytical Report, pp. 26-64.

7 <http://www.freedomhouse.org/report/freedom-world/2005/russia>

8 [http://www.economist.com/media/pdf/DEMOCRACY\\_INDEX\\_2007\\_v3.pdf](http://www.economist.com/media/pdf/DEMOCRACY_INDEX_2007_v3.pdf)

9 [www.echr.coe.int/NR/rdonlyres/...5243.../Pending\\_casesGraph.pdf](http://www.echr.coe.int/NR/rdonlyres/...5243.../Pending_casesGraph.pdf)

10 Anna Politkovskaya, *A Small Corner of Hell: Dispatches from Chechnya* (University of Chicago Press, 2003).

11 David Remnick, "Letter from Moscow: The Civil Archipelago," *The New Yorker*, December 19 & 26, 2011.