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Quasi-Compliance: An Examination of Russia and the European Court of Human Rights

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Abstract

The European Court of Human Rights (ECtHR) has been described as the ‘crown jewel’ of international institutions due to its unique influence within Europe.¹ Though its jurisprudence is progressive, it retained the world’s largest territorial jurisdiction for 26 years.² This included authoritarian states such as the Russian Federation, which was a willing participant in the ECtHR from 1998 until 2022. During that time Russia demonstrated ‘quasi-compliance’ to the Court, meaning it typically paid dues and instituted individual ECtHR judgements but refrained from extensive reform *de facto*. Though the ECtHR by no means transformed Russia’s human rights practices, the state’s quasi-compliance to the Court had a limited yet meaningful impact in areas under Russian law. The Court’s ability to influence authoritarian states such

as Russia suggests that the ECtHR model could be effective at the universal as well as regional levels.

The Question

Europe’s regional system for human rights protection is unique. Following the horrors of the Holocaust, European leaders reevaluated status-quo mechanisms for human rights protection and sought to instill ^{liii}greater international accountability.³ Established in 1950, The European Convention on Human Rights (ECHR) is the world’s “most advanced” mechanism for human rights protection and enforcement.⁴ The ECHR names and protects 16 rights, including political rights such as freedom of assembly, social rights, and respect for family and private life.⁵ Unlike other human rights treaties which emphasizes on reporting, the ECHR favors enforcement.⁶ The ECHR’s enumerated rights are enforced by the European Court of Human Rights (ECtHR) located in Strasbourg, France. The Council of Europe (CoE) oversees this enforcement. The ECtHR’s effectiveness in enforcement has transformed the ECHR from a mere “treaty of international law” into “an instrument of European public order, or *order public*.”⁷

The ECHR framework utilizes unparalleled intervention in state sovereignty. Article 1 of the ECHR states that all contracting parties will “secure to everyone within their jurisdiction” the

¹ Lawrence Helfer, “Redesigning the European Court of Human Rights: Embeddedness as a Deep Structural Principle of the European Human Rights Regime” *European Journal of International Law*, Volume 19, Issue 1 (February 2008): 125–159, 125.

² Jacobs, Ovey, and White, *The European Convention on Human Rights*, 7th edition, (Oxford University Press 2017): 18.

³ Wadham et al, *Blackstone’s Guide to the Human Rights Act 1998*, 7th edition, (Oxford University Press 2015): 3.

⁴David Armstrong, Theo Farrell and Helene Lambert, *International Law and International Relations, Second Edition*. (Cambridge University Press, 2012): 174.

⁵ European Convention on Human Rights, 1950. (www.echr.coe)

⁶Armstrong, *International Law*, 174.

⁷Armstrong, *International Law*, 167.

convention's enumerated rights.⁸ All member states are expected to develop domestic mechanisms for human rights protection.⁹ However, if an injured party exhausts all domestic remedies, they may appeal to the ECtHR for justice. In appeal proceedings, the ECtHR may find in favor of the injured party and announce the nature of the violation. Further, it can award monetary compensation to the victim, ask states to reopen proceedings, remove statutes of limitations, reform legislation or administrative policies, and even initiate constitutional changes. In 1998, the CoE enacted Protocol 11 which strengthened the ECtHR's influence by making the acceptance of the right of individual petition mandatory.¹⁰ In practice, the ECtHR serves as a supra-supreme court that may intervene in national jurisdiction when it deems human rights have been violated.

The ECtHR's interventionist model has been relatively effective in Europe. Despite the ECtHR's tendency to intervene, member states have complied with the ECtHR's rulings in "the vast bulk of cases."¹¹ The ECtHR has successfully influenced a variety of European policies pertaining to prisoners' rights, abortion, and the death penalty.¹² Europe has been described as a "figure of exception" to the skepticism, which typically characterizes international human rights law.¹³ Some

scholars have explained this 'European exceptionalism' as rooted in the conceptions of community stemming from the European Union. According to this theory, the EU's facilitation of European integration socialized European states into accepting the primacy of the European collective over individual nations.¹⁴ Though this theory is plausible, it fails to explain the willingness of non-EU states to join and comply with the ECtHR. The ECtHR has 46 contracting parties, while the EU only has 27 member states.¹⁵ This raises the question: Why would a state like Russia apply for membership and comply with the Strasbourg Court?

The History of Russia and the ECHR

Russia's 1996 ascendency to CoE membership was met with surprise and skepticism. Similarly, when Russia ratified the ECHR in May 1998, scholars viewed it as a moment of "world historical potential."¹⁶ It seemed counterintuitive that Russia, a Cold War superpower, would grant the "final word" on human rights to a court located in Western Europe. Due to the nature of the ECtHR, this ratification was poised to be a "legal revolution." In ratifying the ECHR, Russia agreed to be regularly supervised by the CoE through internal investigations and reports. Further, Russia ratified Protocol 11 establishing the

⁸ European Convention on Human Rights, 1950. (www.echr.coe)

⁹ Jacobs, *The European Convention*, 40.

¹⁰ Stephen C. McCaffrey, *Understanding International Law, Third Edition* (Carolina Academic Press, 2021): 280

¹¹ Armstrong, *International Law*, 174.

¹² Wadham, *Blackstone's Guide*, 7.

¹³ Rene Provost "Teetering on the Edge of Legal Nihilism: Russia and the Evolving European Human Rights Regime" *Human Rights Quarterly*, Vol. 37, No. 2 (The Johns Hopkins University Press 2015): 289-340, 319.

¹⁴ Armstrong, *International Law*, 178.

¹⁵ "Russia ceases to be party to the European Convention on Human Rights" Newsroom, Council of Europe September 16, 2022 (<https://www.coe.int/en/web>)

¹⁶ Lauri Malksoo "Russia, Strasbourg, and the paradox of a human rights backlash" in Laurie Malksoo and Wolfgang Benedek, eds., *Russia and the European Court of Human Rights: the Strasbourg Effect* European Inter-University Centre for Human Rights and Democratisation. (Cambridge: Cambridge University Press, 2017): 3-25, 3.

“mandatory jurisdiction” of the ECtHR.¹⁷ This was consistent with the 1993 Russian Constitution which “acknowledges the right of citizens to bring complaints to international bodies.” Many were skeptical of Russia’s sudden willingness to embrace Western values. Some argued that Russia was not a “suitable” applicant to the ECHR. One report found that “the legal order of the Russian Federation does not . . . meet the CoE standards.”¹⁸ Russia was accepted in hopes that membership would uplift the status of human rights within the state. In June of 2013, Russia strengthened its commitment to the ECtHR through a resolution which directed domestic courts to “take into account” ECtHR jurisprudence when interpreting Russian law and other international treaties.¹⁹

However, Russia’s actions in Ukraine have weakened its relationship to the ECHR and casted doubt on whether the state ever demonstrated meaningful compliance. Russia’s February 2014 annexation of Crimea had significant implications for Russia’s membership status. In April 2014, the CoE voted to suspend Russia, stating that the annexation was “a grave violation of international law” and contrary to the ECHR.²⁰ The main implication of this suspension was that Russia could no longer vote in the CoE. In July of 2015, while Russia continued to be suspended, the Russian Constitutional Court

(CC) issued a resolution that ECtHR judgements could be subject to constitutional review prior to implementation.²¹ This resolution gave the Russian CC veto power over ECtHR rulings. Though the United Kingdom has since announced similar plans, Russia was the first member-state to engineer a sovereign veto power over the ECtHR.²² Despite Russia’s unwillingness to reverse hostilities in Ukraine, it has remained interested in its CoE membership. In 2018, Russia petitioned³ to be reinstated as a full member of the CoE.²³ Aware of the Council’s financial troubles, Russia threatened to cease further payment to the Council until its membership was reinstated. This “financial blackmail” worked. In 2019, Russia’s membership was restored. However, due to Russia’s 2022 invasion of Ukraine, the reinstatement was short-lived. On March 15, 2022, Russia voted to independently leave the CoE and end ECtHR jurisdiction within the country.²⁴ Interestingly, Russia only initiated this exit after becoming aware that the Council planned to permanently expel it from the ECHR. Russia’s relationship with the ECtHR officially terminated in September 2022. At which point, Russian citizens lost the right of appeal to the ECtHR.²⁵ Though Russia’s invasion of Ukraine was the downfall of its relationship with the ECHR, its willingness to participate and comply with ECtHR rulings until the final moments

¹⁷ Provost, “Teetering on the Edge,” 293.

¹⁸ Rudolf Bernhardt et al., “Report of the Conformity of the Legal Order of the Russian Federation with Council of Europe Standards” 15 Hum. Rts. L. J. 249, (1994): 287.

¹⁹ Provost, “Teetering on the Edge,” 310.

²⁰ “Citing Crimea, PACE suspends voting rights of Russian delegation and excludes it from leading bodies” Parliamentary Assembly News, Council of Europe, October 4, 2014 (www.pace.coe.int/en/news/4982)

²¹ Malksoo, “Russia, Strasbourg,” 9.

²² Wadham, *Blackstone’s Guide*, 3.

²³ Milena Ingelevič-Citak “Russia Against Ukraine Before the European Court of Human Rights. The Empire Strikes Back?” *Polish Political Science Yearbook*, vol. 51 (2022): 7–29, 18.

²⁴ “Russia Quits Europe’s Rule of Law Body, Sparking Questions Over Death Penalty” *The Moscow Times: Independent News from Russia*, March 10, 2022.

²⁵ “Russia ceases to be party to the European Convention on Human Rights” Newsroom, Council of Europe September 16, 2022 (<https://www.coe.int/en/web>)

prior to the Ukraine invasion is peculiar and worthy of further analysis.

Contending Positions: Evidence Supporting Russian Compliance

Scholars debate whether Russia ever demonstrated meaningful compliance to the ECHR. In my view, the ECtHR influenced Russia, albeit in limited instances. Russian policy pertaining to capital punishment was the most immediate impact of Russia's ECHR ratification. Although Russia never ratified ECHR Protocol 6, which explicitly outlaws the death penalty, it committed itself to a reduction of capital punishment as a condition of its CoE membership.²⁶ In 1996, President Yeltsin issued a decree "for gradual reduction of the application of the death penalty..." In 1999, the Russian CC followed suit and imposed a moratorium on capital punishment. In 2009, the CC again affirmed that the death penalty could not be imposed in Russia because of the country's international commitments. This *de jure* pause on capital punishment was one of the ECHR's most controversial impacts. When Russia announced its plans to withdraw from the ECHR in March 2022, former President Medvedev celebrated the exit as an opportunity to restore the death penalty.²⁷ This reveals that Russia consciously sacrificed the death penalty to remain a member of the ECHR.

Russia again demonstrated its loyalty to the ECtHR in the controversial case *Markin v. Russia* (2011). *Markin* was the first time the ECtHR overruled a decision by the Russian CC.²⁸ Though Russia had lost ECtHR judgements before, *Markin*

provoked the greatest pushback from the Russian elite. The case's legal proceedings began when Markin, a serviceman in the Russian army, was denied parental leave because of his gender. The Russian CC ruled against Markin, citing Article 38(1) of the⁴Russian Constitution which designates special protection for "motherhood," but not fatherhood. Markin appealed the CC's decision to the ECtHR, claiming that it violated the ECHR's prohibition on sex discrimination. The ECtHR agreed with Markin, overruled the CC's decision, and ordered Russia to pay damages.²⁹

Though the *Markin* decision sparked widespread condemnation, Russia ultimately upheld its commitment to the ECHR. The CC's longtime chairman, Valerii Zorkin, was especially outspoken, arguing that the ECtHR should not apply to cases implicating Russia's Constitution.³⁰ This backlash inspired the introduction of legislation aimed at removing ECtHR jurisdiction from cases pertaining to the Russian Constitution. Though this proposal garnered support from Russian elites, it never passed. After pushback from human rights groups and the CoE, the CC refrained from supporting the legislation due to "procedural irregularities." Further, Zorkin "backpedaled" from his statements condemning ECtHR's interference in Russian affairs, stating that it was legally "necessary" for Russia to adhere to ECtHR decisions.³¹ In July 2011, the draft legislation was quietly withdrawn, and Russia's Constitution remained squarely within ECtHR jurisdiction. The *Markin* case controversy made Russia comply with the

²⁶ Provost, "Teetering on the Edge," 292.

²⁷ "Russia Quits Europe's Rule of Law Body, Sparking Questions Over Death Penalty" *The Moscow Times: Independent News from Russia*, March 10, 2022.

²⁸ William Pomeranz "Uneasy Partners: Russia and the European Court of Human Rights."

Human Rights Brief 19, no. 3, 2012 (Washington College of Law Journal)

²⁹ Pomeranz "Uneasy Partners," 18.

³⁰ Pomeranz "Uneasy Partners," 19.

³¹ Pomeranz "Uneasy Partners," 20.

ECtHR, despite its overruling of a high court decision.

In addition to complying with high profile judgements and terms of membership, Russian judges have integrated the ECHR into Russian law through domestic court decisions. Since ratifying the ECHR, the Russian CC has repeatedly cited ECtHR jurisprudence in decisions pertaining to civil and social rights.³² Though Zorkin has been outspoken against the ECtHR's "improper" influence, he himself has claimed that over 50 of his CC decisions have been based on ECtHR decisions.³³ Other Russian judges have acknowledged that the ECtHR jurisprudence is an "inspiring model" for emulation.³⁴ This judicial respect for ECtHR jurisprudence may be influenced by the "mere possibility of ECtHR litigation," which has been "sufficient to alter the behavior of Russian authorities" in some limited instances.³⁵ The implementation of ECtHR jurisprudence by Russian judges created a "trend of convergence" during the 21st century between Russian and European human rights norms.³⁶

Further, Russia has consistently demonstrated compliance through its record of court payments. Since Russia became a member-state, the ECtHR has imposed "significant" fines on the state for individual human rights violations.³⁷ These fines, referred to as payments of "just satisfaction," occur when the ECtHR finds

an individual's rights violated by the Russian state.³⁸ Between 2012 and 2022, the ECtHR awarded 2,054,152,582 Euros in "just satisfaction" payments against the Russian Federation.³⁹ Despite the large number of judgements against Russia, its record of payment has been consistently "prompt."⁴⁰ While some scholars have described this monetary compliance as "somewhat satisfactory," others have gone so far as to characterize it as a "generally good record."⁴¹ Russia's commitment to paying financial reparations to the ECtHR and individuals in response to judgements "signals respect" for the European Court and its values.⁴²

Furthermore, the ECtHR has inspired several legislative reforms in Russia. While Russia has ignored several systemic human rights issues, it has nonetheless made a concerted effort to address at least some of the ECtHR's concerns.⁴³ Though Russia has a far from perfect human rights record, the state made "significant progress" in the 21st century following ratification of the ECHR.⁴⁴ Legislative reforms have transformed Russia's "judicial, procedural, civil, and criminal legal landscape," facilitating greater conformity with European human rights standards. In total, Russia has implemented 1,368 ECtHR judgements to an extent that the CoE has deemed "all necessary follow-up measures" have been appropriately taken.⁴⁵ The CoE cites Russian reform in firearm, detention,

³² Pomeranz "Uneasy Partners," 17.

³³ Pomeranz "Uneasy Partners," 20.

³⁴ Provost, "Teetering on the Edge," 322.

³⁵ Provost, "Teetering on the Edge," 324.

³⁶ Provost, "Teetering on the Edge," 325.

³⁷ Pomeranz "Uneasy Partners," 17.

³⁸ Provost, "Teetering on the Edge," 310.

³⁹ "Russian Federation: Country Fact Sheet" Council of Europe Website, Department for the Execution of Judgments of the European Court of Human Rights,

Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation)

⁴⁰ Provost, "Teetering on the Edge," 311.

⁴¹ Pomeranz "Uneasy Partners," 17.

⁴² Provost, "Teetering on the Edge," 311.

⁴³ Provost, "Teetering on the Edge," 311.

⁴⁴ Provost, "Teetering on the Edge," 302.

⁴⁵ "Russian Federation: Country Fact Sheet" Council of Europe Website, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation).

and due process legislation as “main achievements” of the Strasbourg Court.⁴⁶

Examples of ECtHR judgements that impacted Russian legislation are numerous. The most significant legislative strides have pertained to detentions and due process. For example, in response to *Putintseva v. Russia* (2012), the laws that allowed discretionary use of force were repealed and replaced by a new provision in the Military Police Statute. This required alternative measures prior to resorting to firearms.⁴⁷ Following the judgment in *Bednov v. Russia* (2015), Russia enacted legislation reforming state detention practices and established a time-limit for detention proceedings. *Arshinchikova v. Russia* (2011) inspired legislative reforms that greatly reduced ‘nadzor,’ a practice in which closed cases are subject to multiple challenges. In addition to circumstantial reform resulting from individual challenges, Russian prison conditions have improved “in many areas” due to increased funding for the judiciary and justice system.⁴⁸ Though Russia has fallen short of addressing all the concerns cited by the court, it has demonstrated responsiveness to ECtHR judgements in at least some instances.

Contending Positions: Evidence Against Russian Compliance

Despite these moments of optimism,

it would be wrong to characterize Russia’s relationship to the ECtHR as one of total compliance. Though Russia may have demonstrated progress during its tenure, it was by no means a model member-state. The CoE has listed Russia, Turkey, and Ukraine as the “least cooperative” member states with “the most substantial implementation problems.”⁴⁹ The ‘ambiguity’ inherent to Russian law has meant that at times, *de jure* reforms have not always resulted in *de facto* change.⁵⁰ The CoE cites Russian detention, due process,⁶ free assembly, and inter-state conflict as problems necessitating “ongoing supervision” of the Russian Federation.⁵¹ Russia’s actions in conflict with neighboring countries such as Chechen, Georgia, Moldova, and Ukraine have generated concern from the ECtHR as well as the international community. The CoE is still actively monitoring instances of disappearances, killings, torture, unlawful detention, and discrimination by the Russian government. Russia’s failure to address these issues on a systemic level has led some to describe the state’s relationship with the ECtHR as wholly dismissive and “turbulent.”⁵²

Russia has limited the Court’s influence by erecting boundaries against ECtHR jurisdiction. The July 2015 resolution, which subjected ECtHR rulings

⁴⁶“Russian Federation: Main Achievements in Member States” Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation)

⁴⁷“Russian Federation: Main Achievements in Member States.”

⁴⁸“Russian Federation: Country Fact Sheet” Council of Europe Website, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation).

⁴⁶“Russian Federation: Main Achievements in Member States” Department for the Execution of

Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, 2022.

(www.coe.int/en/web/execution/russian-federation)

⁴⁷“Russian Federation: Main Achievements in Member States.”

⁴⁸ Provost, “Teetering on the Edge,” 323.

⁴⁹ Provost, “Teetering on the Edge,” 324.

⁵⁰ Provost, “Teetering on the Edge,” 340.

⁵¹ “Russian Federation: Main Issues Before the Committee of Ministers - Ongoing Supervision”

Department for the Execution of Judgements of the European Court of Human Rights, Council of Europe. Accessed October 25, (www.coe.int/en/web/execution)

⁵² Pomeranz “Uneasy Partners,” 17.

to review by the Russian CC, reduced the European Court's reach within Russia.⁵³ Further, there have been “documented instances of political intimidation and coercion” aimed at discouraging Russians from filing applications with the ECtHR.⁵⁴ Russian elites have called applicants “anti-Russian” and “public enemies.” These instances of hostility support the position that Russia has fallen short of any meaningful level of compliance.

Most significantly, Russia's actions against Ukraine have caused some to question whether the state ever legitimately espoused its ECHR commitments. In addition to the numerous ways in which Russia has violated human rights during the Ukraine conflict, Russia has attempted to weaponize the ECtHR against Ukraine. Just six months prior to its 2022 invasion on July 22, 2021, Russia filed an interstate complaint against Ukraine to the ECtHR alleging numerous human rights violations.⁵⁵ Interstate complaints are exceedingly rare, and this was Russia's first. In the complaint, Russia emphasized that it “would not back down from the fight to protect human rights” and attempted to characterize itself as defending Ukrainians from a corrupted domestic government. The nature of the complaint made scholars believe that Russia did not realistically expect a judgment in its favor.⁵⁶ Rather, it may have been an attempt to transform the Court into a “political weapon” to discredit both ECtHR and Ukraine. This perhaps is evidence that Russia never treated the ECtHR with respect.

Analysis

Russia's relationship to the ECtHR is best described as one of ‘quasi-compliance.’ Though there is compelling evidence against the ECtHR's effectiveness in Russia, one cannot ignore the ways in which Russia has consciously chosen to comply and remain a member-state. While Russia refrained from addressing systemic human rights problems, it did make payments of ‘just satisfaction’ and institute individual ECtHR judgements. Until the Ukraine invasions, many scholars believed the ECHR was facilitating progress in Russian law.⁵⁷ Though the state has at times criticized the Court and failed to address major problems, it made a concerted effort to remain a member of the CoE, only withdrawing upon learning of plans for its expulsion. Russia's quasi-compliance with ECtHR may not be so different from the United Kingdom.⁵⁸ Russia and the United Kingdom have both demonstrated occasional non-compliance, spoken out against ECtHR decisions, and initiated plans to uphold domestic law above Strasbourg jurisprudence. Though Russia and the UK undoubtedly have very different human rights records, they share this lukewarm relationship to the ECHR. The limited instances in which Russia has been a willing and compliant member-state necessitate this middle-ground description of quasi-compliance.

Russia's interest in membership and quasi-compliance to the ECHR is perplexing. Russia has never been a member of the EU and has long been “ambivalent” as to whether it defines itself as European.⁵⁹ In spite of this acquiescence, Russia has chosen

⁵³ Malksoo, “Russia, Strasbourg,” 9.

⁵⁴ Provost, “Teetering on the Edge,” 323.

⁵⁵ Milena Ingelevič-Citak “Russia Against Ukraine Before the European Court of Human Rights. The Empire Strikes Back?” *Polish Political Science Yearbook*, vol. 51 (2022): 7–29, 7.

⁵⁶ Ingelevič-Citak, “Russia Against Ukraine,” 9.

⁵⁷ Provost, “Teetering on the Edge,” 291.

⁵⁸ Malksoo, “Russia, Strasbourg,” 13.

⁵⁹ Provost, “Teetering on the Edge,” 291.

to join the ECHR, which boasts the most advanced compliance mechanisms in the world and demonstrate a 26-year record of quasi-compliance. This choice is likely due to Russia's desire to maintain a reputation as protective of human rights. Russia has consistently used human rights rhetoric as a mask for its actions. Even during Russia's attack on Ukraine, it attempted to characterize its purpose as morally just, going so far as to file an interstate complaint against Ukraine for alleged human rights violations. Russia's persistence to maintain a positive image has been compared to the way indulgences were used in medieval Europe: "by paying money for one's sins one can actually keep committing them or... commit more of them."⁶⁰ Russia has complied with certain ECtHR rulings in order to maintain a positive reputation as an alibi for more detrimental actions. In this way, Russia's quasi-compliance simultaneously served its own self-interest as well as the interests of those who benefited from its compliance.

Conclusion

Russia's record of quasi-compliance to the ECtHR is perhaps evidence that the Strasbourg model should be implemented at

the universal level. Though the ECtHR defines itself as distinctly European, its model could be beneficial to the international community. If the ECtHR could influence Russia in a marginal way, this suggests it has the potential to influence other superpowers such as the United States. Though Russia has demonstrated that powerful states may not always comply with the ECtHR, there is nonetheless potential for quasi-compliance. In my view, quasi-compliance makes implementation at the universal level worthwhile. Russia's commitment to the ECHR did not prevent the Ukraine invasions, but it did influence Russian state practices in other ways. Though the ECtHR's effectiveness has been limited, it has allowed Europeans a legitimate avenue to remedy grievances, therefore making a meaningful impact on at least some individuals' lives. No international institution or court will be 100% effective at preventing conflict. However, institutional models that generate responsiveness from its members and help at least some individuals are worthy of respect. The ECtHR's impact has been modest, but it remains a worthwhile model for the international community to consider implementing at the universal level.

Bibliography

Armstrong, David, Farrell, Theo and Lambert, Helene, *International Law and International Relations, Second Edition*. (Cambridge University Press, 2012).

Bernhardt, Rudolph et al., "Report of the Conformity of the Legal Order of the Russian Federation with Council of

Europe Standards" *15 Hum. Rts. L. J.* 249, 287 (1994).

"Citing Crimea, PACE⁸ suspends voting rights of Russian delegation and excludes it from leading bodies" Parliamentary Assembly News, Council of Europe, October 4, 2014 (www.pace.coe.int/en/news/4982)

European Convention on Human Rights, 1950. (www.echr.coe)

⁶⁰ Malksoo, "Russia, Strasbourg," 6.

- Helfer, Lawrence, “Redesigning the European Court of Human Rights: Embeddedness as a Deep Structural Principle of the European Human Rights Regime” *European Journal of International Law*, Volume 19, Issue 1 (February 2008): 125–159
- Ingelevič-Citak, Milena. “Russia Against Ukraine Before the European Court of Human Rights. The Empire Strikes Back?” *Polish Political Science Yearbook*, vol. 51 (2022): 7–29
- Jacobs, Ovey, and White, *The European Convention on Human Rights* (7th edition, OUP 2017)
- Malksoo, Laurie. “Russia, Strasbourg, and the paradox of a human rights backlash” in Laurie Malkoo and Wolfgang Benedek, eds., *Russia and the European Court of Human Rights: the Strasbourg Effect* *European Inter-University Centre for Human Rights and Democratisation*. (Cambridge: Cambridge University Press, 2017): 3-25
- McCaffrey, Stephen. *Understanding International Law, Third Edition* (Carolina Academic Press, 2021)
- Pomeranz, William. “Uneasy Partners: Russia and the European Court of Human Rights.” *Human Rights Brief* 19, no. 3, 2012 (Washington College of Law Journal): 17-21.
- Provost, Renee. “Teetering on the Edge of Legal Nihilism: Russia and the Evolving European Human Rights Regime” *Human Rights Quarterly*, Vol. 37, No. 2 May 2015, (The Johns Hopkins University Press): pp. 289-340
- “Russia ceases to be party to the European Convention on Human Rights” Newsroom, Council of Europe September 16, 2022 (<https://www.coe.int/en/web>)
- “Russian Federation: Country Fact Sheet” Council of Europe Website, Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation)
- “Russian Federation: Main Achievements in Member States” Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, 2022. (www.coe.int/en/web/execution/russian-federation)
- “Russian Federation: Main Issues Before the Committee of Ministers - Ongoing Supervision” Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe. Accessed October 25, (www.coe.int/en/web/execution/russian-federation)
- “Russia Quits Europe’s Rule of Law Body, Sparking Questions Over Death Penalty” *The Moscow Times: Independent News from Russia*, March 10, 2022.

Wadham et al, *Blackstone's Guide to the Human Rights Act 1998*. (7th edition, OUP 2015)
