

Ground-Breaking Analysis of Russian Human Rights Activism through the European Court of Human Rights

Freek van der Vet: *Finding Justice at the European Court of Human Rights. The Dynamics of Strategic Litigation and Human Rights Defense in the Russian Federation*. Helsinki: Publications of the Department of Social Research 2014: 18. 180 pp. ISBN 978-952-10-9136-0.

In *Finding Justice at the European Court of Human Rights*, Freek van der Vet examines the work of Russian human rights defenders taking cases to the European Court of Human Rights (ECTHR) to prosecute grave violations of basic human rights to physical wellbeing. Aside from introductory chapters, the major components of the dissertation are four discrete research articles on various aspects of this human rights work.

The dissertation displays a deep and broad command of literatures on human rights, Russian civil society, international relations, and social movements, and will be of interest to scholars in all of these fields. Based on six months of

interview-based field research in Russia, the Netherlands, the UK, and Finland, the analysis complicates our traditional understanding of human rights activists. Van der Vet follows in the footsteps of other authors, adding flesh on the bones of the concepts of translation and vernacularization of global human rights norms. Early literature in the field of transnational human rights activism, such as Margaret E. Keck and Kathryn Sikkink's book *Activists Beyond Borders* (1998), focused on the process of socialization of global human rights norms into non-Western locations in a fairly unidirectional manner. Later work, such as Sally Engle Merry's *Human Rights and Gender Violence* (2009), focused on how these norms become adapted and change to fit local specificities, through the work of domestic human rights activists who work as "translators" of a sort. Van der Vet's work goes one step further, at least in the second article of the dissertation, by arguing that human rights defenders working on violations of human rights in Chechnya have themselves helped to shape and change the way in which the ECTHR interprets violations of the right to life in the context of Chechnya. They have also contributed to changing some of the procedures of the Court to react to emergency human rights situations.

Throughout, van der Vet emphasizes that human rights advocates are political actors who must make difficult choices in the emphasis of the work that they do. Sometimes, in order to achieve their political rights advocacy goals, they are forced to limit the extent to which they are fully guided by or fully satisfy the wishes of victims of violations. In particular, NGOs often face a dilemma in their international legal work, between using the Court as a remedy for individual victims and using cases strategically to set precedents on particular classes of violations.

Another key claim made in both the first article on claim-making and legalism, and the final article on ways in which human rights defenders protect themselves, is that by taking a legal approach to human rights questions, human rights defenders manage to protect themselves somewhat from persecution through creative use of existing laws to make legitimate political claims that the state cannot easily deny. This is an intriguing insight into the benefits of dancing a fine line between political advocacy and legal work in an increasingly repressive political system. Although I harbour some doubts about the long-term possibility of using law in a system with a tremendous lack of rule of law,

the implications of these findings are enormous for human rights practitioners in all kinds of contemporary semi-autocratic systems that nonetheless shroud themselves in a veneer of legal constitutionalism.

The third article focuses on the political advocacy and transitional justice role fulfilled in the work of Russian human rights organizations with the ECtHR and other Council of Europe structures. Russia and the Soviet Union have been under-studied as cases of transitional justice in political science literature. Moreover, traditional legal studies literature on international courts has not intersected much with transitional justice literature. Van der Vet argues that case rulings from the ECtHR may be providing a version of transitional justice in informal ways that fall outside the more traditional lens of truth and reconciliation commissions or trials of political leaders. This is a fascinating phenomenon, and I agree with the author that this reporting and recording of “truth” from the perspective of victims is a key role the ECtHR plays – one that was likely unforeseen when the Court was created.

A final contribution, in the fourth article co-authored with Laura Lyytikäinen, is an examination of the tactics used by

human rights defenders to protect themselves in two separate areas of contention. This is a detailed look at various repertoires that opposition activists and human rights defenders use in their interactions with government actors and the police. It contributes considerable nuance to our sense of what opposition activists in authoritarian regimes do.

This fourth article is also important for literature on human rights activism in Russia, in that, whether intentionally or not, the authors blur the lines of our typical view of human rights activists as being either innocent and heroic or naïve and quixotic in their actions. In fact, they show that there is a great deal of strategic calculation and craftiness involved in their activities. In particular, the portrayal of different groups of protestors in a crowd adopting different protest tactics is very savvy and creative.

It is a shame that van der Vet and Lyytikäinen neglected to conduct a more sustained comparison of the pros and cons of the very different tactics these two activist groups employ: street protest versus quiet litigation. In terms of risk as well as rewards, these two different sets of repertoires could have been compared with very interesting results that might have drawn

out some recurring themes of theoretical debate in the activism / social movements literatures that are discussed in the introductory chapter of the dissertation.

Nevertheless, this dissertation stands as a path-breaking analysis of how a particular breed of human rights defenders in Russia makes use of law, both domestic and international, to fulfil a number of important political aims. This is a significant contribution to theory on human rights in Russia, civil society, repertoires of contention in social movements, and the impact of international courts.

Lisa McIntosh Sundstrom