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Anton Burkov

**The Impact of the European Convention
on Human Rights on Russian Law**

Legislation and Application in 1996-2006

With a foreword by Françoise Hampson



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This book analyzes the practice of Russia honoring her legal obligations under the European Convention of Human Rights (ECHR): to secure to everyone within its jurisdiction the rights and freedoms defined in the Convention (Article 1 of the ECHR). The study comes to the conclusion that the impact of the ECHR on the Russian legal system, in terms of its implementation by domestic courts, is unsatisfactory. The jurisprudence of the Supreme Court and Supreme Arbitration Court is an attempt to *demonstrate* to the Council of Europe that the ECHR is being applied, rather than to *implement* the ECHR. In contrast, the jurisprudence emerging from decisions of the Russian Federation's Constitutional Court and district courts indicates a better understanding of the spirit of the ECHR. Still, the rare instances in which domestic courts implemented the ECHR were, more often than not, prompted by applicants' arguments based on ECHR case-law, rather than by the courts.

The book suggests methods of ensuring a more effective implementation of the ECHR's provisions within Russian national law. It develops recommendations on how to assess the Russian government's compliance with judgments of the European Court of Human Rights, and how to interpret explanations submitted by Russia to the Secretary General of the Council of Europe on her implementation of the ECHR.

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The author:

Anton Burkov, DipJur (Urals State Law Academy), CandScJur (Tyumen' State University), LLM (University of Essex), has been a doctoral student of law and TNK-BP Kapitza Scholar at the University of Cambridge since 2005. In 1998-2007, Burkov worked for the Urals Centre for Constitutional and International Protection of Human Rights of the NGO *Sutyajnik* as a staff attorney and project coordinator. In 2001-2002, he was a visiting scholar at Columbia University, New York. Burkov has published five books and more than 20 articles in Russian- and English-language law journals.

The foreword author:

Françoise Hampson is Professor of Law at the University of Essex, and an expert for the UN Sub-Commission on the Promotion and Protection of Human Rights.

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