



RUSSIA'S POLICE REFORM – MEDVEDEV'S TEST?

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President Dimitry Medvedev has made police reform in Russia one of his largest and most important reform projects. The police reform could be seen as a part of the larger anti-corruption program that he launched in 2008. These reforms are long overdue and badly needed; the Russian police force is one of the most notoriously corrupt state bodies in Russia.

The police reform was announced in December 2009 following several scandals involving police officers, among other a random shooting spree in a shopping mall by a police officer, which killed two people. Moreover, the violent suppression of demonstrations in Moscow and St. Petersburg, among other cities, has caused several prominent human rights organizations to come together and protest the actions of the Russian police. In addition, Russian federal human rights ombudsman Vladimir Lukin has demanded police reform. It is interesting to note that Russia, a member of the Council of Europe since 1996, has waited until 2009 to launch a police reform in spite of the well known problems of corruption and violence within the force, and in spite of the fact that the proper functioning of the police force is one of the more important pillars of a democratic society. Therefore, even though the police reform, together with the anti-corruption program, could be seen as one of Medvedev's most important tests as to his reform capabilities, it is also of utmost importance for the democratization of Russia.

The new police law is to replace the current federal law on the police dating to 1991, which is overburdened with amendments and by-laws. The draft law was presented to the Duma in October 28, 2010, and calls for the new law to enter into force on March 1, 2011. The president has appointed the minister of the interior, Rashid Nurgaliyev, and his deputy, Sergei Bulavin, as representatives in the discussions with the Duma.

The aim of the new law is to provide a complete list of the rights and duties of the Russian police. Additionally, Medvedev has proposed a change of name from "militia" to police. The purpose would be to cause a break with Russia's Soviet past. Currently, it is uncertain whether

this name change will take place, taking into account the enormous cost and efforts such a change would require. It has also caused a lot of criticism, mostly based on the argument that changing names is only cosmetic and that it would not deal with the root causes of the dysfunctional nature of the Russian police. Additionally, the size of the police force is to be reduced and salaries for those still on the force to be raised with 30 percent. The overall reform and especially the change of names (if implemented) are expected to be very expensive, ranging to several hundred million rubles. Finance minister Alexei Kudrin announced in September 2010 that approximately 217 billion rubles will be allocated for police reform in 2012–13.

Involving Society in the Reform Process

Interestingly enough, the reform has mobilized the broader layers of Russian society in a previously unseen manner. In an attempt to involve the people and civil society, the draft law was published on the internet (www.zakonoproekt2010.ru) in August 2010, allowing for interested parties to view the draft and to comment upon it. The project generated more than 30,000 comments and caused an extensive debate among bloggers on the Internet. After receiving these comments, a new, and according to some, improved version of the draft was published on the Internet. It is this version of the draft law that was presented to the Duma on October 28, 2010. Nevertheless, amongst human rights activists, legal experts and the political opposition, criticism is still being voiced.

Moreover, a Working Group of Human Rights Organizations¹ has participated in drafting the law. In March 2010, the Working Group of Human Rights Organiza-



tions presented a proposal for police reform in Russia at a joint meeting of the Public Chamber's Committee for Public Oversight of Police, Security and Justice and the Presidential Council for Civil Society and Human Rights. The Working Group organized a series of public hearings and roundtable discussions on the need for police reform in 13 Russian regions from Primorye to the Rostov region, attended by over 250 people, including representatives of the Ministry of Internal Affairs and other law enforcement agencies, non-governmental organizations, political parties, staff of the Human Rights Ombudsman, lawyers and journalists. The Working Group continues to interact with experts from the Ministry of Internal Affairs and representatives of NGOs who continue to develop the new bill.

However, the Russian Human Rights Council, a body under the president, has criticized the draft. The Council considered the draft presented by the president to have so many flaws that it would be easier to start anew and write a completely new draft. Even after some of the online comments were included, the draft was subjected to criticism. Among other things, critics mention the lack of public control over police activities, and the wide powers granted to the police to investigate businesses. The police, for example, can initiate a tax evasion investigation without informing the tax authorities. In Russia, where extortion of businesses and corporate raids are not uncommon, this is indeed a severe loophole in the new law. In addition, the political opposition has announced that it will continue to work on its own draft.

The Content of the Reform

According to the draft presented to the Duma, the main task of the police is to safeguard "the protection of individuals, public and society from criminal acts" rather than focusing on the "prevention of crimes and administrative offences" as was stated in the 1991 law. According to the new law, the president will also be able to send Russian police officers to take part in international peace operations. Moreover, as a result of the reform, people suffering from alcoholism and drug addiction, as well as applicants with criminal records, are prohibited from joining the police force.

The new draft would centralize the Russian police force to a larger degree than is the case today. However, there seems to be a lack of political unity concerning the centrali-

zation of the force. Minister of Justice Alexander Kononov has suggested that district police officers should be elected; hence he is underlining aspects of local control and legitimacy, which seems to run counter to the centralization tendencies of the draft. Moreover, the Russian traffic police force is to be cut by 20 percent. The Interior Ministry currently employs 8.6 million individuals.

The duties and functions of police officers are to be regulated in the new law. The draft does contain improvements concerning police arrests as well as the use of weapons and force. For the first time, it is suggested that the police must read a suspect his rights and explain the reasons for the arrest. Should the arrested person be a foreign citizen, the police are obliged to contact that person's embassy. One phone call should always be allowed, as will the right to a lawyer from the moment of detention. Police officers' right to enter private residences will also be restricted, as will the use of private cars while on duty. Officers will also be obliged to wear identity badges. Clearly, this is an attempt to bolster professionalism and to strengthen the rights of suspects. Taken together, it is an important step forward and potentially away from the recurring abuses of power.

In a potentially populist attempt to come to terms with abuse of power, President Medvedev has further called for a call center, or a hotline, to which citizens can call to voice their complaints over illegal police actions.

Prospects for Success

The police reform is the result of heavy criticism of the police force coming from citizens in general as well as from police officers themselves. It is notable that President Medvedev has once again tried to position himself as a modern leader who uses modern techniques such as the Internet and twitter to communicate with society. Moreover, according to human rights activist and former presidential advisor on human rights Ella Pamfilova, the president does indeed engage in a dialogue with legal experts and human rights activists. However, the real challenges that the president is facing is the inefficiency of the Russian state, its reluctance to reform, and its grave systemic corruption and lack of transparency. In a *Newsweek* article, Pamfilova expressed her frustration over the fact that even though the president does appear to understand the need for reform, "the President drowns in the total indifference demonstrat-



ed by his men in power. So even in the cases where our council found common ground with President Medvedev, his system failed him—we saw no outcome from his measures.” Thus, the main challenge comes from within, and the president’s task is to ensure that his words are followed by action. It is now up to civil society organizations to report on any progress, or lack thereof, and to hold the president accountable to his words.

The reform is also being criticized for being overly legalistic. The argument is that the adoption of new laws rarely contributes to a *de facto* change for the better. Clearly, there is substance to the argument that a law in and by itself does not have the power to change a serious situation. Nevertheless, in a modern society that claims to be ruled by law, changing laws is not merely a cosmetic process. It is a necessary first step, although clearly not a sufficient one. The rewriting of a law must be accompanied by education and training, awareness raising campaigns and the strengthening of important support structures such as lawyers and human rights organizations, which can hold the ones in charge responsible for any misconduct or lack of progress of the reform. All necessary channels for exercising public control and extracting accountability must be put in place. Thus, simply reforming the police will not be sufficient in this regard. The reform of the Russian judicial system needs to be continued and a serious reform attempt of the Public Prosecutors’ office (the procuracy) initiated. However, everything cannot be accomplished at the same time. The police reform is an important step although not sufficient in itself. That conclusion is nevertheless not reason enough to disregard the reform.

The police reform has also been criticized for further strengthening the “vertical of power.” Indeed, the centralization and federalization of the Russian police force fits right in with the Russian state system. However, centralization has not necessarily contributed to making the Russian state more efficient – rather the opposite. Although it was clear at the beginning of the century that measures were needed to take control of the Russian state apparatus, and several necessary measures were adopted, it is equally clear that excessive centralization will hamper the system by making it less efficient and less prone to generate adequate information. As a result, this could lead to stagnation and is also likely to increase the gap between the people and the governing elite at the federal level. Concerning police

reform, such a gap can lead to serious consequences such as lack of trust, alienation, corruption and even increasing repression. The exaggerated belief in the power of centralization remains the Russian leadership’s main weakness, and this does pose a real challenge to the success of the police reform.

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Endnote

1. In July 2010 the coalition included 14 human rights organizations in Russia : Human Rights Institute (Moscow), the Memorial Human Rights Commission (Komi Republic), Committee for the Protection of Human Rights (Krasnoyarsk region), AGORA Interregional Human Rights Association (Kazan), Interregional Centre for Judicial and Legal Reform (Moscow), Committee against Torture (Nizhny Novgorod), the Independent Council for Legal Expertise (Moscow), Civic Control (St. Petersburg), Representative Office of Amnesty International in Russia (Moscow), Perm Centre for Civic Education (Perm), Perm Centre Against Violence and Human Trafficking (Perm), Man and Law (Republic of Mari El), Union of Don Women (Rostov region) and Public Verdict Foundation (Moscow).

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