

Meeting with Russian Human Rights Ombudsman Vladimir Lukin

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Tags: human rights

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The Ombudsman reported to Dmitry Medvedev on the number of complaints regarding human rights violations in 2011.

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PRESIDENT OF RUSSIA DMITRY MEDVEDEV: Good afternoon, Mr Lukin!

RUSSIAN HUMAN RIGHTS OMBUDSMAN VLADIMIR LUKIN: Mr President, in accordance with the requirements of our constitutional law, I would like to submit the 2011 report on the state of human rights in Russia. As usual, it is based first and foremost on information that we received through 50,000 messages, of which 30,000 were complaints. This is about the annual average. There are sometimes fluctuations, but they are not very significant. If you allow, I will say a couple words about what this aspect of our work demonstrates.

DMITRY MEDVEDEV: Of course, Mr Lukin, please go ahead.

VLADIMIR LUKIN: First of all, I will say that the largest number of complaints originated from the Southern Federal District, the Northwestern Federal District, and Kamchatka Territory (I am referring to the number of complaints per capita). As for the subjects of the problems, the complaints mainly concern personal, civil rights, just as usual: they account for 57 percent of all complaints, and of them 60 percent are complaints concerning judicial protection, fairness of trials. True, the problem with trials is that they are generally considered fair mainly by those who win the cases.

DMITRY MEDVEDEV: Not surprisingly.

VLADIMIR LUKIN: Others file complaints. Therefore we distinguish between the eligible and ineligible complaints.

I should say that a new factor in [judicial process perception] is that people very much support the amendments in legislation that were introduced - primarily on your initiative - and concern humanising legislation on economic crimes. However, the messages we receive show that this new legislation is enforced in very different ways, and there is great momentum, some of the laws are not applied at all.

"Political activity is a good symptom. It means our society is maturing and using all forms of participation in political life, as stipulated by our laws and the Constitution."

There are multiple complaints concerning parole application. I believe this situation should be examined thoroughly.

DMITRY MEDVEDEV: What is the problem?

VLADIMIR LUKIN: The problem is that it is a sophisticated procedure. Some of the difficulties are due to the fact that prison administrations first write a positive reference letter for an individual [petitioning parole] that is sent to the court, but courts often decline petitions for various reasons or delay their judgements.

On the other hand, there is a problem with public oversight. Courts are a separate matter, of course, but public oversight commissions, which exist by law, could monitor why prison administrators write positive or negative reference letters (I think this would be the right thing to do), since people complain that there is a subjective, sometimes even corrupt element in writing positive or negative letters.

One out of four complaints concern breaches in social rights, and among them, 44 percent pertain to housing-related problems.

What's interesting is that the number of complaints concerning environmental problems has grown significantly – by five percent. I suppose this shows people are getting more demanding.

DMITRY MEDVEDEV: Indeed.

VLADIMIR LUKIN: I think the number of complaints concerning low standards of living and healthcare, which have increased as well, is still another proof.

We traditionally receive fewer complaints regarding infractions pertaining to political rights: about two percent (although they grew by 0.6 percent this year; still, there were no radical changes).

I must say that the well-known recent events involving mass expressions of public concern and protest were not included in this report, because those events all happened in December, and naturally, there is some time to go by before we receive complaints, so we are working on these issues now.

DMITRY MEDVEDEV: So, you do receive complaints with regard to these events. Are there complaints about elections – for example, the December [State Duma] elections?

VLADIMIR LUKIN: We have received just a few so far.

DMITRY MEDVEDEV: I understand. After all, people are less likely to address complaints concerning electoral law to the Human Rights Ombudsman, turning instead to the Prosecutor General's Office or the courts.

VLADIMIR LUKIN: The Prosecutor General's Office, the courts, even the Central Election Commission. People turn to us less often, but those complaints originate from groups rather than individual citizens. It may be expected that problems will continue to exist in this domain, since in the last few days the number of filed complaints is steadily growing.

Of course, the Duma election campaign elicited a variety of reactions, and not only from professional members of the opposition.

In my view, the authorities generally responded adequately to these mass protests; we approve and understand their reactions. And the fact that the protests were very tame and civilised certainly speaks well of those who made right political decisions on this matter.

But this was also due to the law enforcement forces, which, in this case, behaved in a very professional manner which I have noted publicly many times – particularly the Moscow police, whose experience in my opinion should be reviewed and applied elsewhere.

And I would like to say that the vast majority of the protests' participants were non-violent and law-obedient, with some very rare exceptions. I must note that when I observed it all, I had some feeling of patriotism, because I am a foreign affairs specialist, and when I observed the same types of events occurring in Greece and many other nations, it seemed that in this case, we are quite a European nation: I think our protests were quite civilised.

DMITRY MEDVEDEV: What's most important is for the foreign media not to mix up Greece and Russia when reporting on these events.

VLADIMIR LUKIN: That's for sure.

DMITRY MEDVEDEV: I think one of the American TV channels claimed to show events in Russia, but they were actually showing footage filmed in Greece, where people were throwing Molotov cocktails and burning things, saying, 'This is what's happening in Moscow'.

As for your statement about the large number of complaints on this subject and political activity in general, this is a good symptom. It means our society is maturing and using all forms of participation in political life, as stipulated by our laws and the Constitution.

After all, participation in political life does not consist solely of voting once every four years for the President, the Federal Assembly, i.e. the State Duma, as it was before, or every five or six years, as it will be now.

Participation in political life involves a far broader set of opportunities, including attending rallies, participating in marches and demonstrations. But it is critical for all of these actions to truly be civilised, as you said, so that all the participants in the demonstrations – the citizens themselves and the law enforcement agencies – strictly observe the law. Then everything will be fine.

I see that your report states the following in the fifth item: "The reported year saw a major decline in the extent of problems pertaining to registering one's place of residence or stay". This means we have had some positive changes.

VLADIMIR LUKIN: Yes, people are complaining [on the subject] less now.

DMITRY MEDVEDEV: If they are filing fewer complaints, it is the first sign that the situation is more or less normal.

VLADIMIR LUKIN: This is the first sign that the situation is getting better.

Granted, I am not the best messenger, because I work with complaints rather than complements, so I pay less attention to that aspect. But there is a whole set of positive factors. For example, AGORA organisation [Interregional Association of Human Rights Organisations] which may not be suspected of any warm attitudes toward the authorities, notes some very positive changes in certain court cases.

On the one hand, people file complaints about judges and continue to complain, but on the other hand, there are elements that garner respect. For example, the courts have begun to take more adequate measures when dealing with aggressive nationalists, Nazis and some other destructive social elements.

DMITRY MEDVEDEV: You also mentioned the practice in cases addressing economic crimes, including practices influenced by draft laws submitted recently on my initiative.

I believe that overall, this practice demonstrates that we have taken the right approach, that for certain types of economic crimes, the punishments must clearly be different than in earlier practice, that preventive measures applied to individuals suspected of committing corresponding crimes should not be overly severe. Usually, these measures should not involve detention and imprisonment.

But I have also received information that this practice is patchy, which is confirmed by your report. The practice must be adjusted with the help of guiding instructions from court plenums, first and foremost from the Supreme Court, and the creation of an adequate practice of applying the corresponding laws.