LAW ENFORCEMENT AND CIVIL SOCIETY IN RUSSIA

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Some human rights organizations want to show that everything is bad [with Russian law enforcement]. We try to find a constructive niche in law enforcement organs.

-- Alexei Marchenko, Director of the Nizhniy Novgorod Project for Justice Assistance

Russian civil society seemingly is under threat from an increasingly authoritarian government. Russian President Vladimir Putin has criticized unspecified civil society organizations for not “defending the real interests of people,” for prioritizing foreign funding, and for “serving doubtful group and commercial interests,” and a variety of state policies seem designed to hinder the work of non-governmental organizations (NGOs), particularly those that criticize the government. The Kremlin seems particularly concerned about NGO activity after the so-called “rose,” “orange,” and “tulip” revolutions in Georgia, Ukraine, and Kyrgyzstan.

The role of state law enforcement agencies – police, secret police, prosecutors – in this process is generally conceived of as negative in two respects. First, Russian law enforcement bodies are seen as either instigators of these repressive tendencies, or as pliant tools of national and regional authoritarians. Second, Russian law enforcement structures, even when not directly encouraged by politicians to repress societal forces, are depicted as responsible for widespread human rights’ violations in their everyday practices.

There is no denying that this picture of Russian law enforcement is at least partially, if not substantially, true. There are countless documented examples of both types of behavior by law enforcement agencies. This article takes these negative facts as given, but seeks to call attention to a more positive phenomenon taking place in cities across Russia: the direct engagement of civil society organizations and law enforcement, particularly the police, in joint efforts to improve the performance and change the norms and values of state officials involved in administering justice. These efforts, moreover, have persisted and in some cases even gathered steam despite the general weakening of democracy under Putin’s presidency.

This article thus seeks to add a little gray to the generally black picture painted of the relationship between Russian civil society and law enforcement. Theoretically, I describe a causal mechanism generally neglected in the burgeoning literature on national and transnational civil society, specifically how NGOs can work cooperatively with the state at the “street-level” to try to strengthen the rule of law and ultimately democracy. Practically, these efforts are important, not only because of the many problems with Russian law enforcement, but also because there are “uncivil society” actors, in particular extremist groups, working just as hard to transform law enforcement in illiberal and anti-democratic directions.

In the first section I situate the cooperative approach of some NGOs toward the state within the broader literature on civil society. In the second and central section I describe several such actual projects in the law enforcement sphere in Russia and evaluate their utility. In the third section I briefly discuss “uncivil society” groups that also engage Russian law enforcement, and evaluate the threat from this sector. The concluding section summarizes the main argument, and notes some comparative lessons about the difficulty of rule of law and security sector reform.

CIVIL SOCIETY AND STATE REFORM

There is currently a fairly broad, if not universal, consensus in the democratization literature that an active civil society is a key component of a strong liberal democracy. Civil
society, following Juan Linz and Alfred Stepan, is “that arena of the polity where self-organizing groups, movements, and individuals, relatively autonomous from the state, attempt to articulate values, create associations and solidarities, and advance their interests.” Civil society is thus situated in a space between the state and private individuals and the family, a space also occupied by “political society” and “economic society.”

Marc Morjé Howard notes that although there is some overlap between the three arenas of society, civil society is distinct in that actors in civil society neither seek power, as in political society, nor profit, as in economic society. Although NGOs are the most common type of civil society organization to be studied, a variety of religious, social and community organizations also fit in this arena.

Howard, consistent with other recent literature on civil society, stresses two ways in which a strong civil society helps promote and strengthen democracy. The first argument is that participation in civil society teaches citizens the norms and values associated with liberal democracy, such as tolerance and compromise. This perspective, associated in particular with the work of Robert Putnam, is labeled “Civil Society I” by Michael Foley and Bob Edwards. A second argument about the importance of civil society concentrates not on civic norms, but on the relationship between civil society and the state. The “Civil Society II” approach stresses the role of autonomous social organizations as a potential counter-weight to an over-reaching state. Similarly, the literature on transnational activists stresses networks that work to oppose anti-liberal and anti-democratic behavior on the part of governments.

Recent literature advances what might be called the “Civil Society III” argument. This approach stresses the possibility of a more positive relationship of mutual assistance and partnership between the state and civil society, and thus contrasts most sharply with Civil Society II. Thomas Carothers notes that this approach is gaining ground in democracy assistance programs: “civil society programs at both the national and local level in transitional countries now typically seek a productive dialogue with state institutions and view state and civil society as partners more than opponents.” Similarly, the literature on “security sector reform” (discussed below) notes the importance of civil society serving not only as a “watchdog” of the government, but also as a “resource” for the government.

Marcia Weigle has developed this argument most fully in the Russian context: Russian civil-society activists do not see themselves as a permanent opposition to an authoritarian-oriented state. They adhere to a ‘strong state – strong society’ model: The institutionalization of state power is a prerequisite for civil society development, and a strong civil society is vital to ensuring the state’s democratic orientation. The ‘weak state – weak society’ model of the Yeltsin era only exacerbated problems of civil society development.

Some observers quite explicitly contrast a “statist” approach to state-society relations with a “liberal” approach, which is seen by some as inconsistent with Russian traditions and political culture.

The literature on Russia in the Civil Society III vein makes an important contribution to the debate about state-society relations in Russia. However, it is rather thin on discussing actual mechanisms of state-civil society interaction. The two modes mentioned most frequently are the provision of social services that state bodies have difficulty providing or shaping legislation at the local or national level.

None of these treatments explicitly discuss the possibility of civil society organizations and actors partnering with state bodies in an attempt to transform the norms and practices of
officials in a more liberal and democratic direction. NGOs work directly with state officials, particularly “street-level bureaucrats,” to persuade them that they can perform their functions better if they adopt certain practices that are consistent with liberal, democratic, or rational-legal norms. Rather than employing standard activist strategies involving “shaming” by disseminating information about illegal or undemocratic practices by the state, NGOs will try to work with state officials by “framing” their efforts as assistance that will promote the successful fulfillment of core organizational tasks. Ultimately, the goal is for civil society engagement to transform an illiberal state into a “civil state.”

The NGO strategy outlined here is thus a “street-level Civil Society III” approach. It targets lower levels of state agencies, and tries to work inside state bureaucracies or alongside state officials performing their normal functions. It is neither “grass roots” work that endeavors to build a large movement of individual citizens, nor is it public advocacy that seeks to target top state officials and other elites who will then push a reform through national legislation. The street-level Civil Society III approach is thus about teaching the state, as opposed to teaching citizens (Civil Society I) or balancing the state (Civil Society II).

Of course, such a strategy will touch only a small number of individuals in one specific area. For any changes in practice or norms to have a larger impact in a country, it needs to diffuse to other actors and areas. There are two possible paths of diffusion, horizontal and vertical, through which they can spread. First, and most simply, the officials exposed to these new norms and practices will interact with others in their agency and other bureaucracies and hopefully spread these ideas. Second, and more ambitiously, is the potential that a successful project will catch the eye of a sympathetic official at a higher level in the state, or in another part of the state, and the practices will be adopted in a greater area than the initial project. Indeed, the most successful projects will plan for the further spread of new norms and practices beyond an isolated experiment from the very beginning. Further, a successful experience with a NGO may make it more likely that previously skeptical state agencies and officials will agree to work with civil society groups in the future. As Wade Jacoby notes, institutions and practices will more successfully transfer to other locales when there are local actors working to “pull in” proposed innovations.

Finally, it is important to stress that not only are different NGO strategies not mutually exclusive, they are often complementary. This is particularly the case with Civil Society II and Civil Society III approaches. For example, arguably elements of the Russian police have been open to cooperation with NGOs precisely because of a perceived need to change their public image brought about by the shaming effects of reports by NGOs and the media about civil rights abuses by the police. Restrictions on media reporting on this issue potentially could undermine Civil Society III efforts to engage the police on liberalizing reforms. Civil Society I, II, and III are all valuable features of successful democracies, and in harshly repressive regimes attempts by civil society to engage the state are either banned or completely quixotic. In Russia, however, opportunities to engage the state productively still remain.

**CIVIL SOCIETY AND RUSSIAN LAW ENFORCEMENT: WORKING TOGETHER?**

Some of the most difficult state sectors for liberal reform are executive branch agencies responsible for internal or external security. By their very nature these bodies are often secretive and closed off not only from society, but even other parts of their own government. Development experts, however, have concluded that in many countries it is impossible to achieve important democratizing and liberalizing goals while leaving this sector of the state...
untouched, given its political power, the resources it consumes, and its proximity to rule of law and corruption issues. This insight has led to a growing attention to “security sector reform.” Security sector reform overlaps significantly, but not entirely, with rule of law reform. Rule of law reform, for example, usually is not concerned with the armed forces, and the judiciary is at best a secondary part of security sector reform.26

Law enforcement agencies, such as the police and secret police, as well as more specialized agencies like customs or drug enforcement, fall under both rubrics. Reform of security services has been difficult, even in contexts in which there are stable state borders and institutions, because of resistance from within the military and police. Rule of law reform also is often resisted by the relevant state bodies, and is a diffuse and long-term goal that faces difficulty in mobilizing either strong public pressure or sustained efforts from the political leadership.27

Russian law enforcement structures present particular problems for those seeking to reform them in more liberal and democratic directions, either from inside or outside the state.28 Law enforcement in the Soviet Union, as embodied by the KGB (Committee of State Security), the MVD (Ministry of Internal Affairs), and the General Procuracy, represented key weapons for maintaining order and upholding the rule of the Communist Party.29 They were relatively privileged and well-funded structures, especially the KGB and the procuracy, and were obviously unaccustomed to collaboration with autonomous civil society organizations. All of them suffered materially and politically in the early 1990s, and many of their officials were inclined to blame the liberal and democratic reforms begun at this time for their misfortunes.30 Further, the MVD, FSB, and procuracy, to varying degrees, are military structures, with the hierarchical and command-driven organizational forms that follow from that type of arrangement. Functionally and culturally Russian law enforcement agencies are unlikely to be predisposed to partnership with liberal and democratic elements of civil society.

In general, civil society cooperation with Russian law enforcement has been difficult. The FSB retains much of the ethos of the old KGB, and often remains aloof from cooperation even with the MVD, let alone NGOs. The procuracy is also a difficult target for cooperation, although it is more open than the FSB. Of the three main law enforcement organs, the police interacts most closely with the wider society and is the likeliest partner for civil society organizations.31

Given the many obstacles to positive cooperation between Russian law enforcement and civil society, the existence of several tangible success stories is all the more remarkable. It is worth noting at the outset that such joint projects are not premised on the notion that the bureaucrats involved hold strong ideological commitments to liberal democracy, although the presence of a few such individuals can certainly help a great deal. Rather, it is assumed that the motivations of both those who embrace such projects and those who reject them may range from selfishly rational to strongly principled.32

In this section I discuss three cases of the type of state-civil society interaction sketched out above. These cases are the activities of the Saint Petersburg human rights organization “Citizen’s Watch”; several projects of the Center for Justice Assistance, a rule of law reform NGO based in Moscow with projects in Nizhniy Novgorod; and some aspects of the work of the Yekaterina Crisis Center, a domestic violence organization in Yekaterinburg. Taken together, they demonstrate both the promise and limits of the “street-level Civil Society III” approach discussed here.

**Citizen’s Watch: Saint Petersburg**
Citizen’s Watch, or, more literally, Citizen’s Control (Grazhdanskiy Kontrol’), describes itself as a human rights organization with the goal of assisting in the establishment of “parliamentary and civic control” over state law enforcement organs “in order to help prevent violations of constitutional rights by these governmental agencies.” This initial framing of the issue certainly does not sound calculated to appeal to law enforcement personnel, and at first glance Citizen’s Watch seems to be a “typical” human rights organization, using standard shaming tactics to try to call the government to account for violations against individuals and NGOs. This is certainly one aspect of their work. At the same time, however, they have worked hard to build bridges to law enforcement personnel.

Boris Pustintsev, the director of Citizen’s Watch, contends that a key task of NGOs is to “civilize the bureaucracy.” Openly strategic, Pustintsev says that NGOs should try to “corrupt, in the good sense” bureaucrats through the use of personal ties, material incentives, and enhanced prestige. He referred to one official as a “cynic, careerist,” but then, paraphrasing Franklin D. Roosevelt, remarked, “he may be a son of a bitch, but he’s our son of a bitch.” The prospect of foreign travel, for example, may lead an official to get involved with NGOs with international contacts. Pustintsev noted that, despite regressive tendencies in recent years at the national level, more people are appearing inside state bureaucracies who understand that international engagement can help their political career. These people realize, he claimed, that Russia would continue to move “towards Europe,” and that current authoritarian trends would not last long.

Citizen’s Watch has several projects that involve law enforcement, and the police and procuracy in particular. One area of work is joint scientific research (particularly polling) on relations between police and citizens in Saint Petersburg. They received cooperation and support from the Main Administration of Internal Affairs (GUVD) for Saint Petersburg and the Leningrad Oblast, which stated its intention to use this material in training police officers. Significantly, the motivations for this project were clearly inspired by Civil Society III notions about a state-society partnership. Mary McAuley, who was the Ford Foundation Representative in Moscow at the time of the research, noted that the goal of the project was not to generate press articles about the “bad work of the militia.” Rather, the goal was to “find practical methods by which the work of the militia and relations between the militia and citizens can be improved.”

Thus, the foundation that funded the project clearly preferred a framing strategy to a shaming one, one that would facilitate cooperation between civil society and law enforcement in Russia.

Citizen’s Watch has developed good ties with the Saint Petersburg MVD University. A key goal of their work is to make European norms and human rights a larger part of the education of new police officers. To this end they have translated into Russian several important brochures on policing in Western Europe, including The European Code of Police Ethics (Council of Europe), Police Officers Have Rights Too! (Council of Europe and the European Platform For Policing and Human Rights), and The Rotterdam Charter on policing for a multi-ethnic society. Thousands of these different brochures have been requested for training by the University, the local militia, and the central MVD.

Further, for several years Citizen’s Watch has been working with the University to set up a department of human rights. The director of the University initially was skeptical that the MVD would allow such a step, but Pustintsev has met on several occasions with deputy ministers of the national MVD and received agreement in principle. The sticking point has been financing for new faculty lines, with Pustintsev being told at one point to “get money from one of your Western foundations,” which Pustintsev thought was a “funny situation” since President
Putin has publicly criticized these very foundations. Nevertheless, the Mott Foundation has agreed to provide two years of “seed money” for new positions, but no final order mandating the new department has been issued, although Pustintsev remains hopeful.

Another key aspect of Citizen’s Watch’s work on changing police norms and behaviors has involved preparing training films to be used in Saint Petersburg and throughout the country. The first film was on observing the rights of citizens in “hot spots,” a project meant to address the problem of police officers returning from short tours of duty (3 months or so) in Chechnya more “trigger happy.” Simultaneously with the film they arranged for every police officer from Saint Petersburg going to Chechnya to get a lecture before departure from a procuracy official on the possible legal and administrative consequences of human rights violations.

A second film was prepared for police officers on the rules for checking documents on the street. Representatives from foreign consulates worked with Citizen’s Watch on the film, motivated by complaints from tourists about theft and extortion by the police. This film has been shown in every police station in the city, and the Swedish consulate told Pustintsev after a year’s experience that the police had become more polite in dealings with tourists and they had received fewer complaints. A third film is in production on the rights of detainees, which was requested by the Saint Petersburg GUVD and will be partially financed by the police, demonstrating how prolonged engagement can persuade the police of the benefits of cooperation with NGOs.

Citizen’s Watch also took a somewhat unusual step for a human rights NGO by hiring a police Colonel, a professor at the Saint Petersburg MVD University, to work for them. Colonel Mikhail Rodionov is their coordinator on police reform. He conducts seminars around the country for police on political extremism. Pustintsev stated that Citizen’s Watch needed someone who “understands police ways.” Rodionov believes that a lot depends on informal and personal contacts when working with any organization in Russia, including the police. Rodionov’s status as a police colonel thus should facilitate these efforts.

Citizen’s Watch organizers like Pustintsev and Rodionov readily admit that the average citizen has yet to witness any significant change in the work of the militia, and that it will take a long time and a lot of work to bring change to this level. Still, Pustintsev believes that minor changes are starting to be felt even at the “street level” in Saint Petersburg due to their training efforts, even if many officers still “get corrupted by the system.” Gradual, long-term change is the best that one can hope for. Pustintsev remarked, “we work now for the good of our grandchildren…at best.”

Center for Justice Assistance: Moscow and Nizhniy Novgorod

The Center for Justice Assistance (Tsentr Sodeystviya Pravosudiyu, hereafter CJA), even more than Citizen’s Watch, has positioned itself as an NGO working cooperatively with the state to improve the rule of law. CJA works “in partnership with government agencies and nongovernmental organizations to design and implement projects that test innovations in the justice system.” CJA is part of the Information for Democracy (INDEM) Foundation, headed by former Boris Yeltsin advisor Georgiy Satarov. CJA initially came about due to the initiative of the Vera Institute of Justice, an international rule of law NGO based in New York, which proposed joint work with INDEM in a center under the INDEM umbrella. CJA has multiple projects in the rule of law area, including with Russian law enforcement. Their work is marked by close collaboration with reformist elements within the law enforcement and legal community at both the national and regional level. Indeed, CJA official Ivan Komaritskiy explicitly noted that they are not “watchdogs,” and that they choose projects that will benefit not only citizens but state law enforcement agencies as well. They have
conducted several experiments in Nizhniy Novgorod that are intended to demonstrate that progressive legal reforms can serve the interests of both state agencies and society.

One of their major efforts was the “Nizhniy Novgorod Project for Justice Assistance (NPSP).” The main goal of the project, which began in 1999, was to reduce the amount of time suspects spent in pre-trial detention. Russian pre-trial detention jails are often highly overcrowded, and exposure to diseases such as tuberculosis is frequent. To improve the situation, the NPSP conducted a pilot project involving police, procurators, the courts, and the prison system. Law students hired by NPSP worked with investigators in the police and procuracy to speed up the investigation of cases, while other legal assistants helped judges prepare for cases. NPSP also created an interdepartmental computer system that facilitated data sharing between the police, procurators, courts, and the prison system.

Overall, the project worked for three years on thousands of cases. The most significant result was that on their cases they succeeded in reducing the time in pre-trial detention compared to those cases in the control group by around 20 days, from around 60 days to about 40. The NPSP calculated that the oblast could save millions of rubles a year on the cost of holding prisoners, money that could be spent on hiring legal assistants. In theory, then, the program could become self-financing.

Alexei Marchenko, the director of NPSP, thought the most interesting aspect of the project was that an NGO was permitted to work on real criminal cases directly with police and procuracy investigators, particularly given that the NGO’s work was based on foreign funding. He suggested that those state officials who showed a willingness to work with them were motivated by a variety of reasons. Some officials, Marchenko claimed, understood that help from outside the law enforcement system would assist them with their problems. Others had a more “mercantile/practical” attitude, welcoming new computers and the free labor provided by NPSP staff. Finally, the support of top officials, such as previous Nizhniy Novgorod governor Ivan Sklyarov and current presidential envoy Sergey Kiriyenko, was important.

Although the reduction in detention time was impressive, CJA officials are doubtful that the project will be picked up for wider usage. The basic problem, according to Komaritskiy, is that the project dealt with two separate agencies, the police and the prison system. The money saved by reducing pre-trial detention saves money for the prison system, but costs money to the police because of the extra personnel required during the investigative phase. Thus, a project that may be rational from the point of view of the state law enforcement system is not necessarily rational for the specific ministries involved.

A second major project, and one with perhaps greater long-term potential, was called “First Contact.” The basic goal of the project was to “build public confidence in law enforcement by improving the very first contact between police and a crime victim or citizen seeking help.” The pilot project, which ran in Nizhniy Novgorod in 2002-2003, set up “Citizen Assistance Centers” in three of the eight regional police stations in the city. Volunteer students from the local police academy or law schools worked in police stations taking citizens’ statements and complaints. Valentina Kosyreva, “First Contact” project coordinator, said that the first few months were difficult, because the police “thought we were spies,” keeping a complete record of crimes and complaints that would demonstrate how the police suppressed crimes and manipulated statistics. But, she said, the police came to value their work because a more complete record of events helped them make connections and discover patterns that led to better policing.
In addition to their work directly related to crime, the “First Contact” staff also provided more general assistance to people approaching the police. They had good relations with other civil society groups in Nizhniy Novgorod, such as a rape crisis center and an organization defending the rights of ex-prisoners, and could refer people to the relevant NGO or social service organization. They also would provide information on such topics as how to get new copies of stolen documents, such as passports or bankbooks. In general they would give out as much information as possible to help people, whereas in the past the police would not provide that kind of assistance.

The pilot project had several important successes. First, in areas where “First Contact” worked there were better crime data than in other parts of the city. Second, and perhaps more significantly, a series of surveys of citizens appealing to the police in those areas of the city before and after the experiment showed a marked increase in popular approval. If before the experiment 44 percent of those surveyed stated that the police had helped them, that number rose to 69 percent after the experiment. Further, the percentage who felt the police were sympathetic to their situation rose from 34 percent to 72 percent. Respondents after the experiment also were much better informed about the legal and practical aspects of the process of filing a report, and about procedures for subsequent contact with the police on their case.

Members of the police also were surveyed after the experiment, and they were generally pleased with the results of the project. 60 percent of officers said “First Contact” improved the work of duty officers, whereas only 5 percent said it worsened it. Similar percentages also stated that they believed citizens’ satisfaction with the process increased (60 percent), versus 4 percent who believed that the number of citizens satisfied actually decreased.

The prospect for continuation or expansion of the project, as of the end of 2004, was hopeful but uncertain. CJA conducted seminars on the project for both police and NGO audiences in Moscow, Nizhniy Novgorod, and Saint Petersburg, and in late 2004 there was a conference at the MVD to discuss the project. The next step envisioned is to conduct the experiment in Moscow and Kazan with MVD personnel, since some MVD experts are skeptical that the results would be as positive if NGO-recruited student volunteers were replaced by actual police. In the next phase the MVD will pay some of the costs, particularly salaries, whereas in Nizhniy Novgorod CJA covered all of the costs with foundation support. Some aspects of the project can be incorporated into police work at little or no expense, such as having information at police stations concerning which state or private organizations might be in a position to help individuals with certain problems, and these changes would help improve police-society relations. In general, though, the “First Contact” experiment faces the same sustainability problem that many other democracy assistance projects face.

Thus, although both CJA pilot projects had specific, measurable local successes, their long-term impact remains uncertain. At a minimum, they have shown the possibility of working directly, on the job with agencies possessing a reputation for conservatism and hostility toward civil society. As the deputy head of the MVD Investigative Committee, Boris Gavrilov, remarked in an evaluation of “First Contact”:

One additional very important thing the project demonstrated is that in the internal affairs organs there are officials prepared to take on themselves the risk and responsibility to try new mechanisms raising the quality of their work, and concerned with improving relations with citizens. At the same time the project overturned the myth about the militia as an organ which resists all innovation and is not willing to cooperate with societal organizations.
Clearly the MVD has been impressed with INDEM/CJA’s work. Recently they were awarded an MVD contract, together with scholars from the Higher School of Economics, to prepare a code of ethical conduct for law enforcement officials. One aspect of the project will involve experiments with students at the Moscow MVD Academy to teach the new code; the experiments will involve role-playing games that will be video-taped, then later discussed in groups. Satarov believes this method should also be used with current officials. He also noted that it was not they that had approached the state, but the state approached them on this issue. The basic CJA strategy is thus bearing fruit in terms of opening up state law enforcement organs to further cooperation with NGOs.

**Yekaterina Crisis Center, Yekaterinburg**

One area in which one would not expect significant cooperation between law enforcement and civil society organizations is in the area of domestic violence. Russian police are widely believed to be at best indifferent to the problem; one activist states that the police “will rarely investigate a complaint unless the woman has been murdered.” N.A. Latygina, of the Novosibirsk Women’s Crisis Center, maintains that police often do not help with cases of domestic violence. It is hard for her organization to work with the militia, she said, which is a “very closed structure.”

Given these obstacles, it is somewhat remarkable that in Yekaterinburg the Yekaterina Crisis Center, a domestic violence NGO, has had moderate success in working with the local police. In a brochure on its activities the center has a section listing their “friends and associates.” The list includes the British and American consulates in Yekaterinburg, a university sociology department, a family planning center, and, surprisingly, the Yekaterinburg police. A cooperation agreement between the police and the center was signed in 2001 and, according to one activist, was the first such agreement between the police and an NGO in Yekaterinburg.

One aspect of the joint work between the police and the center was a training program for “beat cops” (uchastkovy) in the city on the issue of domestic violence. The training was provided by psychologists from the regional MVD academy. The Yekaterina Crisis Center also prepared training manuals for police officers on the issue, and conducted training for police supervisors from Yekaterinburg and other surrounding cities. Finally, they opened a joint center at one police station in the city where a lawyer and a psychologist were available several times a month for consultations on domestic violence issues.

Another part of their collaboration was the preparation of stands and posters to place in police stations with information about domestic violence, including attached brochures with additional information. The “Life Without Fear” campaign featured a brochure partially authored by a local police colonel who was head of the police juvenile service and a consultant to a national project on violence against women. The brochure has a substantial section on the legal and criminal aspects of domestic violence, and instructions to beat cops about how to handle domestic disputes and domestic violence. The importance of being polite and supportive to victims is stressed, and some simple recommendations about appropriate phrases is included: “I’m worried about your safety,” “I’m worried about the safety of your children,” “it will only get worse in the future,” “you deserve better,” “we are prepared to help you if you decide to change your life for the better.” Although these steps may seem small, compared to the standard police response to domestic violence in Russia it represents a major step forward.

Like the cases in Saint Petersburg and Nizhniy Novgorod, the relative success of domestic violence NGOs in Yekaterinburg in working with the police was largely dependent on
the personal commitment of a small group of people and the ability to find someone inside the police sympathetic to change. In this case one key officer seemingly played an important role, based on her own personal commitment to the issue. The officer had the opportunity to travel to both the United States and the United Kingdom on police exchange programs, and to observe how the police work on domestic violence issues in these countries.

Other Projects

The three organizations highlighted here do not, of course, represent the only examples of law enforcement-civil society engagement in Russia. There are many other examples of similar work. Project Harmony is a U.S.-based NGO that between 1994-2002 ran police exchanges between multiple American and Russian cities, with a particular emphasis on community policing issues. The Moscow Center for Prison Reform has successfully worked with the Ministry of Justice, which oversees the prison system. The Saint Petersburg “Strategy” Center has worked with the local police and prison system, conducting human rights training and organizing conferences on extremism bringing together law enforcement personnel and human rights groups. Representatives from civil society organizations serve on pardon commissions in multiple regions. Women’s NGOs played a role in working with the Duma and the Presidential Administration, as well as foreign governments such as the United States, in pushing through legislation to crack down on human trafficking. Throughout Siberia there are NGOs working with state law-enforcement organs on such issues as juvenile offenders and rehabilitating former prisoners. Most of these projects have a strong Civil Society III component.51

It is also worth mentioning the ombudsman institution in Russia, which exists both at the national level as well as in 29 regions. Although this institution is a state one mandated by the Constitution, it also has a strong civil society element and works closely with human rights organizations. Both the previous national ombudsman (formally the Commissioner for Human Rights), Oleg Mironov, and the current one, Vladimir Lukin, have made one of their priorities highlighting human rights deficiencies in law enforcement structures, shaming the police and other law enforcement agencies for gross violations of human rights and pressing these agencies to punish violators in their midst. At the same time, there are also efforts to engage the MVD in more positive cooperative efforts to change the behavior of its personnel. For example, the MVD and the ombudsman’s office co-sponsored a conference in November 2004 on “Human Rights and Civil Society,” and they also concluded a memorandum of cooperation that includes provisions for joint inspections of regional police departments, as well as civil society cooperation with the MVD.52

Progress and Pitfalls

The story so far has highlighted some positive developments in state-civil society relations in the law enforcement sphere. Of course, Russian law enforcement agencies still remain corrupt, lack public trust, and are often guilty of torture and other serious violations of human rights.53 Most serious from a human rights point of view, of course, is the situation in Chechnya, where gross human rights violations are frequently committed by law enforcement structures such as the MVD and the FSB.54 These pathologies are well-known, and will not be remedied in a few years by a handful of NGOs.

The work of the NGOs profiled here, although admirable, also is marked by some of the deficiencies noted in the literature on democracy assistance and Russian civil society.55 To varying degrees, the projects relied heavily or exclusively on foreign funding, their fortunes were dependent on a small number of committed and well-placed individuals, and the long-term sustainability of the work was in doubt. In the cases of Citizens’ Watch and the Center for
Justice Assistance, in particular, the criticism that they are more attuned to the wishes of foreign funders than Russian citizens has some validity. But it surely would be a mistake to insist on one model of NGO activity. One role foreign foundations and organizations like the Council of Europe can play is bankrolling domestic reformers, who can then press the state to pursue liberal and democratic reforms. It is not obvious that a large domestic membership is needed for the kind of work pursued by CJA and Citizen’s Watch, but successful projects do benefit broader society. The relevant counterfactual question is whether Russian civil society would be stronger without foreign funding and the input of experienced international NGOs, and few observers have answered that question in the affirmative.

Finally, despite the general impression that civil society work has become more difficult under Putin, particularly since the Yukos affair, at least in the area of cooperation between law enforcement and NGOs there is little feeling of imminent threat among those activists with whom I spoke. Indeed, some argued that this type of work in this specific area has become easier, or has only really started to take root in the last few years, and that NGOs are increasingly approached by law enforcement personnel seeking joint work. Top police officials, judging from their rhetoric, realize they have a serious problem with popular attitudes about law enforcement and that cooperation with civil society represents one mechanism for trying to improve this situation. The current Minister of Internal Affairs, Rashid Nurgaliyev, has called for strengthening cooperation between the police and human rights organizations, and the chief of the MVD’s organized crime directorate (GUBOP) has stated that “we are prepared for cooperation, in essence, with any social organization, all the more so with the most authoritative civil society organizations.”

“UNCIVIL SOCIETY” AND RUSSIAN LAW ENFORCEMENT

Although there are certainly some positive signals, it is also the case that liberal civil society organizations have serious competitors for the affections of the police from “uncivil society” groups. By “uncivil society” I mean civil society elements that advocate hatred of specific groups (racial, ethnic, religious, sexual orientation, etc.), and often violence against members of such groups. Although some authors seek to definitionally exclude such groups from civil society, such a move seems illegitimate based on the Linz/Stepan definition used in this article.

Events in recent years, such as violent, occasionally fatal attacks on ethnic minorities, and the murder of a prominent Saint Petersburg scientist and human rights activist (Nikolai Girenko, who had served as a prosecution witness in hate crimes trials), allegedly by a neo-Nazi group, have renewed fears about the possible rise of extremist groups in Russia. One alarming feature of these groups is evidence that they have sympathizers among Russian law enforcement organs. The harassment of dark-skinned Russian citizens and foreigners by the police is well-known, but there is also basis for concerns about more organized contacts. For example, the head of the neo-Nazi Freedom Party in Saint Petersburg is a former police officer. In Krasnodar the police have cooperated with Cossack groups in harassing and driving out migrants from the North Caucasus. There are even reports that members of some extremist groups have trained at official MVD facilities. John Dunlop provides dozens of examples of links between the extremist Russian National Unity (RNE) and active or former members of the police, secret police, and military.

This evidence of connections and ideological sympathy between extremist groups and Russian law enforcement is certainly alarming, although it is hard to know if this is a relatively
isolated phenomenon or a signal of widespread antiliberal and extremist beliefs among law enforcement personnel. Sociologically, though, it is not hard to imagine that members of extremist groups may share important characteristics with many young cops – male, ethnically Russian, and relatively poor and uneducated. Multiple former and current police officers in Russia noted in interviews that Russian police are very poorly paid and that they have great difficulty retaining cadres, which means that they have to take almost all applicants. In the Soviet period the pay for police was relatively higher and service was more prestigious, so joining the police was more competitive and personnel did not turn over so frequently. Dunlop notes that the poor material conditions of current and former power ministry officials is seen as a key motive in their joining the RNE. More broadly, Simone Chambers and Jeffrey Kopstein argue that “uncivil society” groups frequently draw on economically disadvantaged sectors of society.

At least tentatively, then, there are reasons to think that “uncivil society” extremists may have some hope of making inroads in law enforcement structures, particularly among young officers at low levels of these structures. Given that these are the very same officials who interact most frequently with ordinary citizens, the street-level activities of some civil society organizations working with law enforcement structures seems particularly important. For example, the work being done by Citizens’ Watch to give lectures on extremism to police seminars, and to change the educational curriculum of cadets, may help inoculate at least some young cops against illiberal and anti-democratic ideas.

CONCLUSION

This article has argued that one way civil society organizations can contribute to liberalization and democratization is to engage directly state officials in an attempt to reshape their practices and norms, to “teach” the state to be more “civil.” I highlighted a “street-level Civil Society III” strategy that relies on framing civil society cooperation with state structures as assistance that will help low-level bureaucrats better perform their core organizational tasks. I focused on several cases of NGOs interacting directly with law enforcement structures in Russia to try to subtly reshape how these organizations fight crime in ways that will promote liberal or democratic values and practices. Although the goals of the projects varied, what united the work of the different groups was a belief that a cooperative relationship with the state may bear greater fruit than more confrontational practices that involve shaming state organizations and officials. In reality, it is likely that multiple groups pursuing different strategies is the best approach to state-civil society relations.

Such efforts by their very nature will only touch a small number of individuals. Motives for cooperation by law enforcement personnel, as demonstrated above, ranged from the strongly principled (concern about domestic violence) to the crassly material (new equipment, the possibility of a trip to the West). But new values and practices, once instilled, can diffuse both horizontally to state officials of comparable rank, and vertically to higher placed bureaucrats who can push for broader adoption of certain practices. These efforts may also lay the groundwork for greater cooperation by state agencies with other civil society organizations.

It is worth remembering that these are still relatively early days for rule of law and security sector reform in Russia. Some important modes of state-society cooperation in law enforcement, such as civilian review boards, are only starting to come on the agenda. Citizen’s Watch has been pushing the Saint Petersburg GUVD for two years to establish one, with the
assistance of a national parliamentary deputy who has held hearings on the issue, but the head of the GUVD believes the issue is “premature” given ongoing reform of the MVD. Even in consolidated liberal democracies civilian oversight of law enforcement encounters many challenges. In Ontario, Canada, for example, a civilian oversight program that was seen as a model for others was substantially weakened due to police opposition and budget cuts. In Latin America, where liberalization and democratization efforts began earlier and arguably with fewer obstacles, we see many similarities with Russia in terms of the development of the rule of law, and problems with law enforcement.

The extent of law enforcement-civil society cooperation in Russia does not seem radically behind that achieved in postcommunist Central and Eastern Europe, even in the most democratic countries such as Poland and Hungary, although Russia clearly lags behind these countries in terms of rule of law and security sector reform. For example, in Poland NGOs have translated Council of Europe documents to use in police training, inspected prisons, worked to shape national legislation, and cooperated with law enforcement on human trafficking and domestic violence education. In Hungary work on pre-trial detention and prison monitoring has been one focus, although it seems better institutionalized than in Russia. In the case of Poland, Andrzej Kremplewski notes that “having gone through a stage of documenting human rights violations, we have now entered the toilsome and strenuous stage of ‘organic work’….Changing consciousness and ways of thinking is the most important task here…. The police have started to understand that strong ties with the community are valuable in police work.” This evolution sounds similar to a move from a predominately Civil Society II approach to a more Civil Society III one.

One reason rule of law and security sector reform is so difficult in many countries is because, as Stephen Holmes reminds us, “legal reform is a branch of state building.” Although many commentators believe that Vladimir Putin has gone too far in his effort to build a strong state, there are good reasons to doubt that he has made much long-term progress in this respect. Absent state accountability (a “civil state”), it is too easy for state officials to use their position and state resources for their own ends, which ultimately weakens the state. Meaningful state accountability is still a long way away in Russia, if it will ever arrive; all of the groups profiled here realize that the process will take generations. But if a civil state is to be built in Russia, it will take multiple modes of state-civil society interaction to achieve this goal, including the willingness of civil society groups to get down in the trenches with state officials and try to change their beliefs and practices at the street-level, one bureaucrat at a time.
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6 The current state of Russian democracy is obviously controversial, but this debate is beyond the scope of this article. A recent comprehensive assessment is: Michael McFaul, Nikolai Petrov, Andrei Ryabov, eds., Between Dictatorship and Democracy: Russian Post-Communist Political Reform (Washington, D.C.: Carnegie Endowment for International Peace, 2005).

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20 Street-level bureaucrats are those who provide government services directly to the public, and therefore frequently interact with average citizens: Michael Lipsky, Street-Level Bureaucracy: Dilemmas of the Individual in Public Services (New York: Russell Sage Foundation, 1980).


23 I thank Stephen Hanson for this phrase.


25 Many Russian human rights NGOs do valuable work of this nature; one particularly noteworthy example is “Public Verdict”: http://www.publicverdict.org/.


29 The procuracy is responsible for criminal investigation and prosecution, and for monitoring state agencies’ compliance with the law.


31 Several NGO representatives noted that the police were more open than the procuracy, and no one discussed NGO projects with the FSB: Author’s interviews with Georgiy Satarov, INDEM, Moscow, 22 December 2004; Ivan Komaritskiy, INDEM/CJA, Moscow, 22 December 2004; Boris Pustintsev, Citizen’s Watch, Saint Petersburg, 19 December 2002.


34 Interview with Pustintsev, 19 December 2002; Interview with Pustintsev, 24 December 2004. All further comments attributed to Pustintsev are from these two interviews.


36 “Naseleniye i militsiya v bol'shom gorode”: Kruglyy stol, 19.
37 “Problem y zashchity prav cheloveka v uchebnykh programmakh Sankt-Peterburgskogo universiteta MVD Rossii: Kruglyy stol (Shbornik materialov) (Sankt-Peterburg: Sankt-Peterburgskiy universitet MVD Rossii i Grazhdanskiy Kontrol’, 2004).

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61 Diamond, Developing Democracy, 223; Howard, Weakness of Civil Society, 40-41.


63 Weiler, Human Rights in Russia, 89-95.


65 Author’s interview with Yevgeniy Vyshenkov, Agency for Journalistic Investigations, Saint Petersburg, 17 December 2002; Author’s interview with anonymous MVD Colonel, Nizhniy Novgorod, April 2003; Author’s interview with anonymous MVD Colonel, Moscow, April 2003.


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