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Complaint-making as political participation in contemporary Russia
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ABSTRACT
Prior to December 2011, instances of widespread collective mobilization were relatively rare in contemporary Russia. Russian citizens are more likely to engage in a different means of airing grievances: making an official complaint to the authorities. This article considers how complaint-making, as a variety of political participation, may contribute either to authoritarian resilience or to political liberalization. The political significance of complaints made to the Commissioner for Human Rights of the Russian Federation is examined. Since it is the broader political context that shapes the significance of complaints, in the absence of meaningful elections individualized appeals to the state are unlikely to promote democratic change, although they may allow for redress of individual rights violations.

In recent years, a vocal minority of Russian citizens has engaged in spontaneous public protests on issues ranging from new social security policies and corruption in traffic policing and property rights violations by developers, and electoral fraud (Evans, 2012; Robertson, 2009). Strategy 31, a coalition of opposition groups has highlighted the state’s infringement of the freedom of assembly by attempting to organize a series of demonstrations in Moscow’s Triumfalnaya Square (Lipman, 2010; RIA Novosti, 2010). The Defenders of the Khimki Forest protested the construction of a highway through a forest near Moscow (Evans, 2012). Indeed, some observers predicted that protests are likely to grow as a result of popular dissatisfaction with the government’s handling of the economy (Lipman, 2011; Whitmore, 2010).

Despite these high-profile examples, public acts of collective mobilization were rare in contemporary Russia prior to December 2011. Citizens of post-Soviet Russia remained remarkably quiescent despite well-documented violations of political rights and problems with public services. Given that grievances are common but protests were not – and that protests appear to be a measure of last resort – how have Russian citizens expressed their dissatisfaction with state policies and rights violations? This article examines a more widespread and less politicized means of airing grievances: making an official complaint to the authorities. There is ample evidence that complaint-making is a more common means of expressing dissatisfaction with the government and bureaucracy than protest, but the political significance of complaint-making as a variety of political participation is less clear. Do citizen complaints have an effect on Russia’s political system and, if so, what is it?

Complaining about the government – even officially – appears to be universal in all regimes, democratic and authoritarian, yet the political impact of complaint-making is under-theorized. Two broad, and somewhat contradictory, sets of assumptions about citizen complaints emerge from two different scholarly literatures. First, scholars who study the extensive system for receiving and processing complaints in the Soviet Union and in contemporary authoritarian regimes, such as China, point out the importance of complaints as a means of ensuring political stability by addressing public dissatisfaction and monitoring implementation of policies at lower levels of government. Second, comparative political scientists focused primarily on democratic governments look at systems for addressing complaints, including the widespread use of ombudsmen to investigate citizens’ grievances, and argue that these processes serve as a check on government authority and an avenue for
increased accountability. Moreover, scholars note that increasing the responsiveness and accountability of state officials may offer a means of democratizing politics. The juxtaposition of these two sets of analyses raises the question: when do complaints facilitate the state’s dominance of society and when do they increase citizens’ control over a state?

Viewing contemporary Russian politics through the lens of these two literatures highlights the ambiguous role of complaint-making by Russian citizens. Is it a source of regime legitimation and perpetuation, used by a nondemocratic political elite to identify bureaucratic inefficiencies and to simulate political responsiveness? Or is it a means of political liberalization, drawing attention to the government’s violation of constitutionally-endowed rights and freedoms and a means of rectifying abuse of power? If the impact of largely similar complaint-making processes depends on political context, having different effects in different political environments, how can we evaluate its role in Russia?

This article examines these questions by looking carefully at the institution with the most significant authority to investigate citizen complaints: the Commissioner for Human Rights (Upomnomochennyi po pravam cheloveka) of the Russian Federation. The data for this study are drawn from detailed annual reports by the Human Rights Commissioner’s office, scholarly literature on complaints in a variety of regimes, and media reports. The first section examines the two relevant literatures on complaint-making. Next it considers complaint-making by Russian citizens to the Commissioner for Human Rights, including a brief review of the institution’s history and an overview of statistics on complaints. The third section offers a preliminary assessment about the political impact of complaints to the commissioner. I conclude by considering whether complaint-making through the office of the Commissioner for Human Rights contributes to regime stability or liberalization in Russia. Although the commissioner’s office frequently voices sharp criticism of the Russian government and offers a useful avenue for addressing individual and procedural complaints, its work is constrained by the broader political context in which other varieties of participation are circumscribed and the ultimate mechanism of accountability – elections – do not serve to create a competition and responsiveness among the elite.

1. The political effects of complaints

Do official systems for collecting and investigating citizens’ complaints contribute to political stability and regime survival or political change and regime liberalization? Scholars have answered this question differently depending on the type of a regime in question.

1.1. Complaint-making in the Soviet Union: reinforcing the regime

Authoritarian regimes, by definition, discourage autonomous activism by citizens. Instead, these regimes prefer top-down systems of public mobilization in order to achieve objectives chosen by the political elite, not the public. Underdeveloped systems of public feedback can create an obstacle to authoritarian governance, however. For example, the regime’s technocratic goals of economic development and modernization could be derailed by self-interested bureaucratic actors who manipulate their office for personal gain. A political system perceived as inefficient or unfair could lead to public dissatisfaction with the potential to disrupt the status quo.

Public complaints serve a useful purpose for the political elite in an authoritarian system in the following ways:

- highlighting areas of inefficiency in the administrative apparatus;
- revealing corrupt practices or arbitrary conduct by lower level officials;
- creating the appearance of regime responsiveness and accountability to the public; and
- addressing public dissatisfaction in a way that pre-empts collective action.

Even when they rely on elaborate mechanisms of repression, leaders of authoritarian regimes need some way to assess public attitudes. After the Bolshevik revolution, Lenin encouraged complaint-making, stating that the party should “teach the people the immense value of practical complaints, bringing about as they do desirable and serious results” (Leninskii Sbornik XXI, p. 227, as cited in Boim, 1974, p. 516). Fitzpatrick summarizes the Soviet dilemma in regard to public feedback, stating, “The Soviet regime was wary of allowing citizens to express uncensored opinions about matters of public import in public. At the same time, it was extremely anxious to know what people were thinking” (Fitzpatrick, 1999, p. 164). The Soviet state gathered information on public sentiment using secret police reports, often compiled by eavesdropping on citizens and officials; and newspapers (Fitzpatrick, 1999, p. 165; Bittner, 2003).

Citizens are not the only subjects of surveillance. Ultimately, the regime cannot achieve its goals unless discipline is maintained throughout the state hierarchy. Friedgut captures this dynamic, stating, “Every Soviet student of public administration learns in the first pages of his textbook Lenin’s dictum that ‘practice in the localities is the test of the center’s leadership’” (Friedgut, 1978, p. 461). The complaints process thus offers the opportunity for “two-way surveillance” – citizen’s surveillance of the bureaucracy and the regime’s surveillance of citizens (Fitzpatrick, 1999, p. 177). Bader and Brompton suggest that in the Soviet system “the complaining citizen serves as an important source for obtaining information on departures from legality, on arbitrary acts, and on abuse of power by agencies of public administration (Bader and Brompton, 1968, p. 80).

Historians have examined the Soviet regime’s use of complaints during some of the most critical political developments in the USSR. Fitzpatrick chronicles the active use of complaints by Soviet citizens who saw themselves as unfair victims of
policies against kulaks (Fitzpatrick, 1999, pp. 199–121) and Kang-Bohr describes how complaints played a role in legitimizing Stalin’s purges (Kang-Bohr, 2005, p. 150).

Of course, there were clear limits to the kind of citizens’ complaint that was acceptable to the regime. Those complainants articulating “anti-Soviet” opinions or framing their grievance in ways not consistent with Leninist ideology could be subject to arrest or some other penalty. Soviet authorities were also less positive about collective complaints which could be characterized as gruppovshchina (Fitzpatrick, 1999, p. 176), or unsanctioned collective action, instead preferring to deal with individuals. Looking at the 1960s, Friedgut found that the majority of complaints in the Soviet Union were related to housing and pensions (Friedgut, 1978, p. 466). In 1958, due to the high number of complaints sent to Moscow over the heads of local officials, the Central Committee issued a decree “On the serious shortcomings in the examinations of the letters, complaints, and declarations of the working people” (Bittner, 2003, p. 282). In this way, “the regime represents itself before the public as solicitous of their welfare and for safeguarding their rights” (Boim, 1974, p. 510). Indeed, Soviet officials trumpeted that the rich tradition of letters to the editor in which citizens made complaints and suggestions demonstrated the vibrant nature of Soviet democracy (Fitzpatrick, 1999, p. 175).

Examining the final Soviet decades, Bogdanova further explores how the state claimed to demonstrate “care” (zabota) for citizens through the complaints process, and considers the way in which these practices influenced political culture, potentially over the long term. She argues that the institutionalization of a system of complaints and appeals reinforced Soviet legal norms and political passivity. Bogdanova states, “Throughout its entire existence, Soviet society retained a pronounced asymmetry in the distribution of rights between citizens and the state. The state’s many promises to take care of its citizens enabled the state to balance the existing asymmetries in the distribution of rights between citizens and the state and keep the system in a state of relative stability” (Bogdanova, 2006, p. 12).

Clearly the Soviet authorities tolerated, or even encouraged, complaints, but did the complaints process benefit citizens? A number of Sovietologists – albeit with scant evidence – judged the complaints system to be reasonably effective at addressing individual citizens’ grievances (Bader and Brompton, 1968, p. 80; Boim, 1974, p. 509; Fitzpatrick, 1999, pp. 165, 175). State responsiveness occurred within parameters that were strictly circumscribed by Soviet ideology, however. The regime was receptive to claims demanding more careful implementation of existing policies, and less tolerant of critical demands for new policies. A dynamic of ideologically-contextualized responsiveness occurs in other authoritarian systems as well. Reviewing almost fifty years of complaints in China, Luehrmann (2003) shows that Chinese political officials actively solicited instances of public dissatisfaction through the complaints process see also (Dimitrov, 2010). Luehrmann concludes that in China state institutions for complaint-making promote a sense of “citizen efficacy, regime legitimacy, and system stability” (Luehrmann, 2003, p. 846). She adds, “Ironically, petitioners, in abiding by the institutional rules of the system, often strengthen regime institutions” (Luehrmann, 2003, p. 865). Paradoxically, complaints may assist the regime in enhancing its durability, and do not necessarily undermine the regime’s authoritarian characteristics.

1.2. Complaints as a vehicle for political liberalization

Complaint-making by citizens is not a practice limited to authoritarian regimes. Many advanced democracies have institutions that allow citizens to communicate their grievances to political officials. Several literatures in comparative politics examine this kind of state–society engagement, such as citizen “contacting” (Zuckerman and West, 1985) and the institution of the ombudsman (Rowat, 1968; Stacy, 1978; Kuczko-Statlmayer, 2008). Scholars who examine established democracies, as well as states which have undergone recent regime change, tend to see complaint-making as a means of further democratization. Complaints reinforce political liberalization by allowing for the impartial adjudication of grievances and empowering citizens in their interactions with state agencies. Complaints contribute to democracy in the following way:

- defending citizen rights guaranteed in the constitution and other founding documents;
- ensuring the equal application of the law;
- publicizing rectifying mistreatment of citizens by officials; and
- reinforcing the rule of law over arbitrary rule.

If the merits of complaints by citizens are evaluated by a neutral body in the context of a democratic legal system, over time complaint-making serves to reinforce democratic principles and law-based interactions among citizens and government officials, further consolidating democracy.

A number of scholars have focused on the institution of ombudsman to illustrate the potential democratizing effect of complaints. The ombudsman is an institution created by elites in order to constrain – or at least shame – political officials who violate the rule of law. The first ombudsman was established in Sweden in 1713 “to exercise a general supervision to ensure that laws and regulations were complied with, and that public servants discharged their duties properly” (Rudholm, 1968, p. 17). In the 1950s, the Danish ombudsman began a campaign to publicize and promote the adoption of the institution (Abraham, 1968). The office has now spread to numerous states, many subnational levels of governance, and even international institutions such as the European Union and United Nations (Rowat, 1968, pp. xxiv).

“Ombudsmania” in Eastern Europe followed the collapse of communism. The creation of the office of ombudsman became yet another symbolic way for post-communist states to demonstrate their adherence to democratic principles. The European
Ombudsman Institute has twenty members from the post-communist region, ranging from Poland to Uzbekistan (European Ombudsman Institute, 2012). Vangansuren, arguing that the institution is particularly necessary for states in this region, offers three reasons: the broad range of complaints from citizens undergoing “transitional crises,” the weak rule of law and lack of neutral public officials, and the scarcity and significant expense of private lawyers (Vangansuren, 2002, p. 17). Vangansuren also suggests that the presence of an ombudsman in post-communist states strengthens civil society by reaffirming the status and priorities of citizen associations (2002, pp. 19–20).

What both of these literatures share is a vision of complaint-making as a means for citizens to influence political outcomes – and as a variety of political participation (Kweit and Kweit, 1986; Friedgut, 1978). In this sense, political participation is any activity intended to influence the government policy, personnel or practice in such a way that either supports or opposes the status quo (Conge, 1988; Verba et al., 1978). The question remains, however, of how to think more systematically about the effect of citizen complaints on political continuity or liberalization. In democracies, the durability and effectiveness of the ombudsman have been attributed to its independence from administrative offices and from the legislative branch and its access to government documents (Marx, 1968, p. 257). The role of the broader political context in shaping the overall effectiveness of the complaints process outside of advanced democracies is a question that has received less attention.

2. Complaints and the Commissioner for Human Rights in Russia

Complaint-making is a significant type of political participation in contemporary Russia. Citizens have a variety of avenues for submitting complaints, including the State Duma, the Public Chamber (Obshchestvennai Palata), the President’s Council on Human Rights (Sovet po razvitviu grazhdanskogo obshchestva i pravam cheloveka), and the Prosecutor General’s office, in addition to a variety of regional and municipal agencies responsible for particular services. For example, the administration of the city of St. Petersburg includes an Office of Appeals and Complaints and lists fifteen heads of the city administration who offer monthly public reception hours. According to the website, in the first quarter of 2012 the office received 13,468 written complaints and a growing number of complaints by phone, mostly related to public utilities and housing (Administratsiia Sankt-Peterburga, 2011). Lussier’s research shows that citizens “contacting” political officials about their problems and needs is the most common form of non-voting participation in Russia (Lussier, 2011, pp. 310, 313).

Russian citizens also see these personal communications as more effective than other types of participation, including protesting or taking part in electoral campaigns (Lussier, 2011, p. 315). The number and variety of complaints, demonstrated by the data from the office of the Commissioner for Human Rights, also are notable because of Russians’ low level of political participation, even by the standards of other post-authoritarian regimes (World Values Survey, 2011). Low participation is seen as both a legacy of the Soviet experience and the result of a number of formal and informal restrictions on political activities, including bureaucratic obstacles to registering NGOs and holding demonstrations (Robertson, 2009; Howard, 2003), laws on extremism, and the self-censorship of the media (Human Rights Watch, 2009).

Of course, “[c]omplaining presupposes a complaint” (Miewald and Comer, 1984, p. 22). In contemporary Russia, citizens have no shortage of issues to complain about – and complaining about the powerlessness of the people in the face of the state is a perennial theme in Russia’s political culture (Ries, 1997). In surveys Russians routinely express dissatisfaction with their living standards and economic and political conditions. In a September 2011 survey by the Levada Center found that 59 percent of Russians are dissatisfied with their lives in general (Levada Center, 2011). Polls also indicate high levels of concern about the economy and frustration with corruption and poor social services.

In order to consider the significance of complaints as a variety of political participation, this section will examine one major avenue for citizen complaints – the office of the Commissioner for Human Rights of the Russian Federation. In many ways, as a federal-level office with broad oversight for constitutional rights and freedoms, the commissioner’s office serves as the pinnacle of complaint-making in Russia. The Commissioner also publishes extensive annual reports that serve as a yearly benchmark of violations of human rights in the Russian Federation. As a federal-level institution, the commissioner can present his report directly to the president, parliamentary deputies, and other officials.

The position of Commissioner is provided for in the 1997 federal law “On the Commissioner for Human Rights of the Russian Federation.” Thus far, three individuals have occupied the office (Gilligan, 2010). In January 1994, the State Duma elected Sergei Kovalev as Commissioner for Human Rights, a position that he held while also serving as a deputy in the State Duma and as the Chair of the Human Rights Commission under the President of Russia. Kovalev had been a leading Soviet dissident, serving time in a Soviet labor camp for his activism, and human rights advocate, lending him great credibility as a commissioner (Gilligan, 2004). After his sharp criticism of the state’s prosecution of the war in Chechnya, however, the Duma dismissed Kovalev from the office of Commissioner in March 1995 (Prava cheloveka v Rossii, 2010). The newspaper Nezavisimia Gazeta charged that Kovalev “focused all his efforts only on Chechnya – or more precisely only on the Chechens” (RFE/RL Newsline, May 30, 2001).

After this controversial beginning, the position remained empty until 1998 when the Duma, in a highly politicized process of horse-trading, selected Oleg Mironov, a member of the Communist party, as the next commissioner. Unlike Kovalev, Mironov gave up his Duma seat, signifying his distance from partisan politics, but his selection sparked significant controversy (RFE/RL Newsline, May 25, 1998). Critics asked how a communist could serve as a legitimate defender of human

1 Note that in her measurement of this variety of participation, Lussier combines traditional “contacting” with signing petitions (2011, 308).
rights. Mironov struggled with a lack of funding for his office and distrust within the Russian human rights community. Despite fears that he would be inactive, Mironov came into conflict with the government on several occasions for disagreeing with state policies and practices. For example, in 2000 he was prevented from traveling to Chechnya with representatives of the Council of Europe because of his critical stance on the government’s prosecution of the war (BBC, 2000).

In 1998, Mironov reported that at first his office had “no premises, no staff, no necessary documents, or financial resources” and that work was carried out by volunteers in a temporary office (Doklad, 1998). Mironov initially anticipated that he would need 200–250 staff members and 30 million rubles (at that time $4.8 million) to carry out his work (RFE/RL Newsline, June 27, 1998). In fact, the office currently has approximately 20 employees. Mironov also attempted, only somewhat successfully, to expand the role of ombudsmen in Russia, calling for a similar office in each Russian region and special commissioners to protect the rights of soldiers, journalists, women and children. Mironov served until 2003 when his term expired.

When Mironov left the Commissioner’s office in June 2003, the Duma was deadlocked over his successor, with some deputies calling for the office to be closed since it was perceived as duplicating the responsibilities of the public prosecutor and the Justice Ministry (RFE/RL Russia Report, June 26, 2003). Ultimately, reflecting the growing importance of presidential power in Russian political life, President Putin proposed the candidacy of Vladimir Lukin who was then confirmed by the Duma. Lukin was one of the founders of the liberal Yabloko party, served as ambassador to the United States from 1992 to 1994, and later was elected as a deputy in the State Duma. Lukin’s public remarks indicate that he is sensitive to the need for neutrality to make the office of commissioner legitimate to an array of political actors, but he also has stated that the commissioner’s role is to “stir up the traditional bureaucratic machine” (Doklad, 2005). He has advocated for the rights of ethnic minorities and gays and for NGOs’ freedom to organize. Lukin was reappointed in February 2009 by the Duma, at the suggestion of President Medvedev (NewRu, 2009). During Lukin’s tenure, the role of the commissioner as an ombudsman has been further institutionalized by the creation of similar offices in more than 50 of Russia’s 83 federal subjects, although they are not under the jurisdiction of the federal commissioner.

The Russian Commissioner for Human Rights is responsible for evaluating citizen complaints about violations of all rights and freedoms guaranteed in the Russian constitution. Specifically, according to federal law, the Commissioner is charged with:

- considering complaints and claims of violations of human rights and freedoms of citizens;
- adopting measures to rehabilitate rights and freedoms;
- analyzing legislation for its effect on human rights and civil rights; and
- making recommendations to improve legislation and to ensure its compliance with generally recognized principles and norms of international law.

In addition to accepting complaints by mail and through its website, the commissioner’s office also offers reception hours for face-to-face complaint-making as well as telephone consultations. Since the 1993 Constitution of the Russian Federation largely retains the array of social rights traditionally guaranteed under the communist system, as well as enshrines political rights and civil liberties, the Russian commissioner has a somewhat broader scope of work than similar officials in other states. In Chapter 1, Article 7, the constitution guarantees that the Russian Federation shall be a social state, whose policies shall be aimed at creating conditions which ensure a dignified life and free development of man” and “shall protect the work and health of its people, establish a guaranteed minimum wage, provide state support for family, motherhood, fatherhood and childhood, and also for the disabled and for elderly citizens, develop a system of social services and establish government pensions, benefits and other social security guarantees.

Given this scope of activity by the Commissioner, the possible political effects of complaint-making to his office are broad. Effects may range from resolving individual complaints to altering legislation and to educating the public to change the way people perceive and act based on their rights. The work of the commissioner in addressing citizen complaints may act as a safety valve for public dissatisfaction with the government while resulting in relatively little fundamental change or may in fact reinforce and expand the democratic aspects of Russia’s regime.

2.1. Complaints to the Commissioner: How many? What kind?

The annual reports (doklady) produced by the Commissioner offer a window into the volume and variety of complaints that are made by Russian citizens each year. The reports are substantial documents, running to more than 100 pages, which cover not only basic statistics about complaints but also offer an assessment of various subcategories of complaint supported by anecdotal evidence from the complaints themselves. Often the commissioner also selects several issues of concern that arose during that year to examine more carefully. For example, the government’s decision to monetize social benefits previously given as free services in 2005 and the new law on NGOs in 2006 both received focused consideration in the reports. The 2010 report directs attention to issues of discrimination and disability.
There has been some variation over time in how data on complaints is collected and reported. Due to vacancies in the commissioner’s post, the years 1998 and 2004 represent only a partial accounting of complaints. The biggest change occurred when Lukin came to office and began differentiating between what he viewed as actual “complaints” and other kinds of communications with the commissioner’s office, such as suggestions and more general questions. This difference is indicated in Fig. 1 beginning in 2004. In 2004, Lukin also instituted a new five-fold system for categorizing complaints, as demonstrated below in Fig. 2.

The number of overall communications to the commissioner rose steadily, and indeed quite rapidly, until 2006, when the volume began to decline modestly. Actual complaints also appear to begin a slight decline in 2004, although that may be in part a result of the new accounting system, and then increased again in 2009 and 2010 (see Appendix A).

The increasing number of complaints from 1998 to 2004 may stem from a variety of factors, including more numerous violations of rights, citizens’ greater awareness of rights, or greater awareness of the commissioner’s office. Economic factors also may influence the overall numbers of complaints. The post-2005 decline in communications coincides with a period of growing economic prosperity and political stability. In 2009, Lukin connected growth in complaints to hardship generated by the financial crisis, noting sharp increases in citizen concerns related to the protection of children, housing rights, and labor rights (Medvedev, 2009). Basic statistical correlations cast doubt on a primarily economic explanation for complaints, however. An effort to correlate data on annual complaints per capita for Russia’s 83 regions from 1998 to 2010 provided by the Commissioner’s office with government statistics on average change in regional GDP per capita reveals a non-statistically significant correlation of only 0.026. A similar correlation between complaints and growth during the previous year also did not yield a significant result.
Fig. 2 illustrates the different types of complaints that are received by the commissioner on an annual basis in the categories including the violation of civil, social, economic, political and cultural rights (Appendix B). Complaints reveal how Russian citizens perceive and experience their rights and freedoms in practice, demonstrating a broader interpretation of rights than one would expect based on conventional meaning of the term “human rights” in the West. The greatest number of complaints, averaging 49.9 percent from 1999 to 2011, has been on what the report refers to as civil (grazhdanskie) or personal (lichnye) rights, specifically violations related to the law-enforcement authorities, the judicial system, the penal system, and passports and regulations. Thus, the agencies of coercive force account for the most significant violations in contemporary Russia.

Social and economic rights also emerge as prominent areas of concern, especially in contrast to political rights. From 1999 to 2011, the percentage of overall complaints in the social rights category averaged 30.8% and those in the economic rights category 15.3%. The social rights that are reported to be frequently violated include the payment of pensions and other social benefits, the need for housing and other municipal services, and access to medical care and education. Complaints related to economic rights most often refer to violations of employment contracts, failure to pay salaries or other compensation violations, the right to equal pay for equal work, and violations of property rights. A significant minority of economic complaints comes from members of the military.

There are a variety of reasons for the prominence of social rights, including their status as valuable achievements of the Soviet period and public discontent due to the decline in living standards during the economic turbulence and social upheaval of the 1990s. Mironov began his work during the tumult of the 1998 economic crisis and the 1998 report is sharply critical of the state’s violation of social and economic rights. It states:

The decisions of the federal government and the Central Bank of Russia, adopted in mid-August 1998, led to the devaluation of the ruble, rising prices, the paralysis of the banking system. The government of Russia has capped federal spending, which worsened social conditions, particularly in health, education, science and culture. This led to the growth of arrears in wages, pensions, and allowances, and a reduction in funding for social programs for state support of the population (Doklad, 1998).

The importance of social and economic rights remains a consistent feature of the annual reports. Writing in 2007, after six years of steady economic growth in Russia, the Commissioner’s report once again highlighted the importance of social and economic rights, charging that the violation of these rights prevents citizens from freely exercising their political and civil rights (Doklad, 2006, p. 16).

In contrast Russian citizens are much less likely to complain to the commissioner about their political rights. Over the period 2003–2011, political rights averaged 2.3% of total complaints. Within this relatively small number, complaints ranged from reports of violation of the right of assembly, when organizations are prevented from holding meetings, demonstrations and other events, to violations of the freedom of speech and the press. A smaller number of complaints are related to the rehabilitation of victims of political repression and violations of the freedom of conscience associated with religious practice. In the 2010 report acknowledges, “political rights are always in demand in the active minority of citizens,” but also warns:

…the low proportion of complaints of violation of political rights should not be misleading: in fact almost every complaint are claims of hundreds if not thousands of people. In this sense very symptomatic of an increase of 3.8% of the number of complaints of violations of freedom of assembly. Nor should we forget the fact that the demand for political rights tends to grow rapidly and unpredictably (Doklad, 2010, pp. 10–11).

Western reports on human rights in Russia have, in contrast, focused almost exclusively on political rights (see, for example, U.S. Department of State, 2011). Evaluating the commissioner’s 2006 report, commentators from the newspaper Vedomosti noted, “In contrast to the US State Department’s annual report on the same subject, it says not a word about high-profile political killings or pressure on the courts and it mentions Chechnya only in passing” (Latukhina and Kornya, 2007, p. 9). In general, the commissioner’s response to communications to his office that encompass requests to “comment on political statements and … to cooperate with political organizations” is to send “clarification of the Commissioner cannot participate in politics” (Doklad, 2010, p. 9). Russian human rights groups occasionally have been critical of the commissioner’s emphasis on social and economic rights and charge that he should play a more active role in protecting political rights. As the same Vedomosti article reported “[R]ights advocate Lev Ponomaryov pointed out that the commissioner, unlike the State Department, did not make use of monitoring conducted by human rights organizations, and that even the experts whom Lukin enlisted have not been allowed to review the document’s text” (Latukhina and Kornya, 2007, p. 9). Ponomaryov added that “Lukin does a great deal but doesn’t meet out much criticism.” Lukin has responded to this charge in general by saying, “I have had and continue to have my own personal opinions, but I did not base the report on them; I based it on the complaints I received from people” (Kozenko, 2007, p. 7).

As noted above, Lukin instituted new broad categories for accounting for types of complaints in 2004 and applied them retroactively to 2003. For the years 1998–2002, the author has estimated the number of complaints in each category based on the earlier accounting system although complete data was not always available.
3. Political effects of complaint-making

What are the political effects of these complaints? Their impact is difficult to judge in part because of the array of possible short- and long-term results and direct and indirect effects of the commissioner’s work. Recognizing these challenges, I propose three ways of conceptualizing effectiveness. First, are specific complaints addressed and applicants’ rights restored? Second, does the complaint process serve to reassert and rhetorically entrench the protection of citizens’ rights as a norm that should structure political practice? Third, are there systemic changes in practices or institutions as a result of complaints that serve to either stabilize or liberalize the regime?

On the first criterion, the reports have not always offered data on the number of individual complaints that have been addressed, mentioning it some years and not in others. In 1998, the annual report testified that approximately 17 percent of complainants had their problems resolved. In the following years under Mironov, reports estimate that rights had been restored for 16–20% of complainants. The 2007, 2008, 2010, and 2011 reports stated that, with the assistance of the relevant authorities, 31.8%, 32.9%, 32.2%, and 27.2 percent of complaints had been investigated respectively. For 2007, the text of the annual report notes that only 12.9% of the complainants had their rights restored. Reflecting on 2009 in an interview, Lukin claimed that his office was able to help approximately 10 percent of applicants (Rossiiskaya Gazeta, 2010). In a 2010 interview, Lukin estimated his office resolved 7 percent of complaints (Ekho Moskvy, 2011). Thus it appears that the average number of individual complaints resolved is somewhere in between 10 and 15%. This figure may not be surprising given the sheer volume of complaints, many of which are deemed unfounded in law after the first readings. And, as Lukin has frequently noted, the resolution of a single complaint may correct the problem for a whole category of citizens, many of whom may not have put in an official request for redress. Thus, the commissioner’s office does seem to provide a meaningful channel for addressing complaints for a significant minority of applicants. Which types of complaints are most frequently resolved is not clear, however.

Rhetorically, the reports are notable for their critical tone, which is consistent throughout the Yeltsin, Putin, and Medvedev presidencies. In 1998, under the leadership of Mironov, the report stated, “The complaints and appeals of citizens testify that the situation with human rights remains in Russia extremely tense” (Doklad, 1998). In recent years, the reports have repeatedly assessed the protection of human rights in Russia as “unsatisfactory.” In 2005, the commissioner’s report stated, “Against the background of economic growth, the inflow of petrodollars, and increase in the stabilization fund and currency reserves of the country it is especially noticeable that the necessary social and economic transformations were carried out hastily, unprofessionally, and occasionally in quite an inhumane way” (Doklad, 2005, p. 9). The next year, reflecting on 2006, Lukin’s report argued that the growing gap between rich and poor led citizens to believe that the government is not working in their interests (Doklad, 2007). More recent reports have been critical about the reliance on personal power over the attention to the law. In the 2010 report, Lukin writes that the commissioner’s office as a “public institution is designed to protect the legitimate rights of citizens, and, no less, to legitimate society as a whole to become, finally, civil, and not paternalistic” (Doklad, 2010).

While the causality is impossible to prove, the language of human rights has become entrenched in elite politics, most notably in presidential rhetoric, although the effect on Duma deputies and lower level officials appears to be somewhat less apparent. Medvedev spoke out clearly about the rights the disabled, prisoners (in the wake of the Magnitsky scandal), and those citizens living in the North Caucasus. The language of recent reports echoed and reinforced President Medvedev’s concern about “legal nihilism.” Putin also has paid lip service to safeguarding human rights even as Russia is engaged in a war on terror; for example, after the murder of Natalia Estemirova in Chechnya, he called on local police and officials to protect human rights groups (RT, 2010). These examples are anecdotal, but provide evidence of the need to support human rights in public statements as an emerging norm in Russia. In addition, after a negligible start, the commissioner also has been expanding the civic education aspect of his office, running essay contests and producing materials for classroom use on the subject of human rights. These efforts may contribute to changing public discourse on human rights and a changing context for interpreting violations of rights. In fact, the use of the bully pulpit, and the ability to gain media attention and to communicate directly with federal agencies appears to be the most significant political leverage possessed by the commissioner’s office.

Impacts at the systemic level are most challenging to assess. In 2004, the commissioner reportedly made more than 70 recommendations for improving legislation to officials ranging from the president to the committees of the State Duma. However, the report notes, “The Commissioner very often is unable ‘to get through’ to the legislators” (Doklad, 2005). Interactions with the Constitutional Court appeared marginally more effective, as the report notes several instances of laws deemed unconstitutional. Later reports are less specific about interactions with the State Duma and constitutional court.

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3 In other cases, either the petitioner was found to have no legal basis for the complaint or the commissioner concluded that the petitioner had not exhausted other remedies for redress and sent instructions on how to proceed.

4 Sergei Magnitsky was a Russian lawyer who was arrested for tax evasion after accusing government officials of corruption. Held for almost a year without trial, Magnitsky suffered health problems in detention. His supporters charge that he was given inadequate medical care. Magnitsky died in detention in November 2009.

5 Natalia Estemirova was a human rights activist who worked with the organization Memorial and was based in Grozny, Chechnya. In July 2009, she was abducted from her home and shot several times; her body was dumped in a forest. Journalists and rights activists charge that the official investigation failed to identify Estemirova’s murderers.
making the broader impact of the commissioner’s work challenging to judge. In general, the lack of reporting about successful instances of legislative change would seem to indicate a weak role for the commissioner in this area.

Some of Lukin’s broader critiques embedded in the reports argue for a thorough-going reconceptualization of current state–society relations. Lukin has advocated a different model of civil society than that promoted by the state, for example, remarking that: “[H]owever inconvenient it may be for some state institutions, civil society is not meant to be obedient and concordant…” (Doklad, 2006). He also has expressed concern that the complaints process could reinforce the legacy of past political arrangements in Russia:

“[T]he right to appeal is a special form of interaction between subjects, first, and then citizens and the state that has taken root in Russia in the familiar historical circumstances of our state. Autocracy, as well as its successor the totalitarian Soviet regime, carefully “guarded” the country’s population from real participation in state affairs. Elections were, at best, a mere formality; trials are not intended to review cases of complaints against the actions and decisions of officials; the idea of public expediency took precedence over the principles of procedural fairness; and power was incomparably stronger than the law. In such circumstances, to petition … a high official was almost the only way to protect the rights and interests of the applicant (Doklad, 2010, p. 75).

Scholarly opinion on the role of the commissioner and complaints in Russia continues to be divided. After thoroughly reviewing the development of the institution of Human Rights Commissioner, Gilligan argues, “the role of the human rights ombudsman in Russia has grown to occupy a meaningful place in the field of administrative and criminal justice. Not only as a venue that elucidates ongoing patterns of social injustice, but as an institution that directly challenges the decisions and practices of government bodies” (Gilligan, 2010, pp. 578–9). In a broader study of political participation in Russia, Lussier examines conventional and contentious political participation in Russia, including contacting, and its effect on democracy. While she finds some regional variations of the effectiveness of complaints, Lussier concludes that there are few benefits for democratization:

While one would expect that over time those officials who do a poor job of responding to constituent demands would lose votes, it is also possible that public officials could resolve basic local and regional management problems, such as housing and transportation, in a way that voters deem as satisfactory without otherwise increasing political competition, increasing transparency, or extending civil liberties (Lussier, 2011, p. 318).

Without broad public awareness of the issues under scrutiny, complaint-making may not result in the kind of widespread public mobilization that could lead to collective accountability, rather than the resolution of individual grievances. In addition, due to weak party competition in Russia, citizens’ leverage over elected officials is poor. Political elites do not face the threat of electoral defeat due to a lack of accountability and responsiveness, thus limiting the ability of complaint-making to serve a democratizing role.

How does the Russian political context affect the Commissioner’s work? The 1998 report cites obstacles to the development of the commissioner’s office, including the legal nihilism of society, the skeptical attitude of civil servants, and the inertia of government bodies required to work with the commissioner (Doklad, 1998). In 2006, the report noted the particular problems of “transition” states that hinder the commissioner’s work:

...administrative arbitrariness is frequently systemic in nature, the judicial authorities customarily fail to adequately protect the rights of citizens, and sometimes these rights are insufficiently guaranteed by law. Cases when law and justice contradict each other are not rare, and government sometimes tends to assert itself as standing above the law. The public is silent, as best basing its hopes on a “kind tsar” instead of defending its rights with knowledge and experience (Doklad, 2006).

Lukin has been somewhat circumspect about direct criticism of the president’s office, focusing instead on the Duma, courts and administration. In a February 2010 interview published in Rossiiskaia Gazeta, a newspaper generally considered to be the official mouthpiece of the government, Lukin responded to a question as to whether it became easier for him to work with Presidents Putin and Medvedev when their rhetoric began to be more critical of the political status quo. He replied:

Psychologically, yes; and yes, in practice as well. The effectiveness of my task is largely dependent on the various layers of bureaucracy…. If the motivation comes from the highest superiors that you need to listen, that should be responsible to the citizens and their representatives, or, God forbid, we can throw you out – this is essential. The motivation is weak, but it is present (Rossiiskaia Gazeta, 2010).

In addition, Lukin has expressed reluctance to state that the protection of human rights in Russia is declining or improving over any given year. He does, however, argue that the problem is very large, rejecting the idea that resolving the violation of rights is a matter of simply firing a few bad apples in the bureaucracy. Instead, it is a “more entrenched, serious, and complex social problem with long-term challenges and long-term solutions” (Radio Svoboda, 2010). Lukin links the problem to the country’s legal culture, developed in the pre-Soviet and Soviet eras, the long period of servdom, and systematic repression.
4. Regime stability or liberalization?

Citizen complaints offer Russian political leaders a means of taking the public’s temperature on the current state of governance in Russia. The fact that political elites recognize the important function of direct communication with the public is evidenced by practices such as President Putin’s frequent use of radio call-in programs, and former President Medvedev’s on-line blog with comments from the public, and the ease with which government websites now accept communications from citizens. In the absence of public feedback, the government may misstep and alienate citizens, as arguably happened in 2005 with the monetization of social benefits (Wengle and Rasell, 2008) and later in cases of corruption by the traffic police (Lonkila, 2011). Reacting to the protests by pensioners in January 2005, Lukin attributed them in part to “an acute shortage of feedback mechanisms between the authorities and the public” (Tsepliaev, 2005, as cited in Evans, 2006, p. 156).

One drawback of complaints as a meaningful variety of political participation is the individualized nature of the process. Making a complaint is generally an isolated activity based on a personal grievance embedded in a specific context. As compared to other varieties of participation, including institutional means such as lobbying and extra-institutional means such as protests, the opportunity for citizens to act as agents of change through complaints appears minimal. In many cases, complaint-making serves to depoliticize rights violations by engaging the administrative apparatus and to demobilize the public by encouraging individual rather than collective action. The complaints process does not build ties among citizens, generating the social capital that is thought to be the beneficial result of other forms of political and civic engagement (Henry, 2009). As the Commissioner for Human Rights, Lukin has been one of the most important voices in the domestic sphere for upholding the rule of law and for the development of an active civil society. Despite the efforts of the Commissioner for Human Rights, however, making complaints most directly engages the bureaucracy, emphasizing the administrative or technocratic natures of grievances rather than the overall political regime and the policy-making process that contributes to frequent violations of rights.

In the 2007 report, the commissioner recognizes two competing sets of expectations about his office:

Ten years after the establishment of the office of the Human Rights Commissioner, both society and the state are still largely unaccustomed to the institution. Some individuals and organizations often perceive it as an omnipotent supervisory body, while others see it as some kind of cardboard cut-out or useless cog in the machinery of government (Doklad, 2007).

During his time in office, President Medvedev claimed to see the value of complaints. In December 2009, Medvedev accepted the news of a rapid increase in complaints to the commissioner with equanimity, remarking, “This figure, in my opinion, speaks to the fact people pin a certain degree of hope to these requests. You see, if they did not make appeals, if they believe that it is ineffective, or useless, then they would not write” (Medvedev, 2009). It may be that Medvedev saw the potential for legitimizing his own effort, however short-lived, to reform the bureaucracy and modernize the economy by referring to citizens’ dissatisfaction, as illustrated by complaints. In the Soviet period, citizens’ complaints were enlisted in the “struggle against bureaucratism,” a practice not so different from President Medvedev’s pleas for public action in the battle against “legal nihilism.”

It is the broader political context that shapes the significance of political participation through complaints in Russia today. However – and, prior to December 2011, that context seemed to elevate the attractiveness of complaining over other kinds of activism while at the same time limiting the overall effectiveness of complaints. Electoral machinations among the elite have reverberated in ways that undermine other varieties of participation – such as voting, participating in campaigns, and policy advocacy. In the 2011 report, Lukin acknowledges the systemic nature of the problem, stating “the Commissioner is inclined to explain many of the violation of human rights and freedoms of the fact that their defense is not always perceived by the public authorities and local self-government as a priority, much less a major problem” (Doklad, 2011). He recommends “developing and expanding the responsibilities of the Institute for Human Rights Commissioners” as one way to “stimulate officials to care about the rights and interests of individual citizens – this is what binds them to the letter and spirit of the Constitution” (Doklad, 2011).

In the 2011 report, Lukin also cautions that citizens’ dissatisfaction is beginning to take on a more political form and to be directed at the state as a whole, rather than specific individuals and agencies. It may be that Russians now recognize that complaining is a strategy which may result in individual redress on social issues, and therefore may promote limited accountability, but without the additional incentives of electoral competition citizens’ choice to participate in politics by making a complaint is unlikely to generate broader political change.

Acknowledgement

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<table>
<thead>
<tr>
<th>Year</th>
<th>Total complaints</th>
<th>Total communications (including complaints)</th>
<th>Percentage change from previous year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998a</td>
<td>30,392</td>
<td>6978</td>
<td>NA</td>
</tr>
<tr>
<td>1999</td>
<td>34,424</td>
<td>22,815</td>
<td>9.5%</td>
</tr>
<tr>
<td>2000</td>
<td>32,477</td>
<td>24,985</td>
<td>20.2%</td>
</tr>
<tr>
<td>2001</td>
<td>28,617</td>
<td>30,056</td>
<td>11.3%</td>
</tr>
<tr>
<td>2002</td>
<td>27,577</td>
<td>33,455</td>
<td>9.5%</td>
</tr>
<tr>
<td>2003</td>
<td>32,043</td>
<td>36,634</td>
<td>(−17%)</td>
</tr>
<tr>
<td>2004b</td>
<td>29,064</td>
<td>48,231</td>
<td>(9.9%)</td>
</tr>
<tr>
<td>2005</td>
<td>26,197</td>
<td>51,832</td>
<td>(−2.8%)</td>
</tr>
<tr>
<td>2006</td>
<td>26,197</td>
<td>48,235</td>
<td>(−11%)</td>
</tr>
<tr>
<td>2007</td>
<td>25,604</td>
<td>47,147</td>
<td>(−3.6%)</td>
</tr>
<tr>
<td>2008</td>
<td>25,604</td>
<td>54,056</td>
<td>(16.1%)</td>
</tr>
<tr>
<td>2009</td>
<td>26,197</td>
<td>56,801</td>
<td>(−9.3%)</td>
</tr>
<tr>
<td>2010</td>
<td>25,604</td>
<td>54,336</td>
<td>(−9.8%)</td>
</tr>
<tr>
<td>2011</td>
<td>25,604</td>
<td>54,336</td>
<td>(−4.3%)</td>
</tr>
</tbody>
</table>

* Counted from May 1998.

b Counted from February 13, 2004. In 2004, with the arrival of Vladimir Lukin as commissioner, the annual reports began to offer separate statistics for overall communications and complaints to the commissioner’s office.

Appendix B. Type of complaints to the Commissioner for Human Rights, 1998–2008.a Percentages of overall complaints.

<table>
<thead>
<tr>
<th>Year</th>
<th>Civil rights</th>
<th>Social rights</th>
<th>Economic rights</th>
<th>Political rights</th>
<th>Cultural rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>1998</td>
<td>26</td>
<td>30.9</td>
<td>15.7</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>1999</td>
<td>36.7</td>
<td>30.9</td>
<td>14.3</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>2000</td>
<td>51.1</td>
<td>29.3</td>
<td>14.8</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>2001</td>
<td>53.8</td>
<td>33</td>
<td>16.3</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>2002</td>
<td>48</td>
<td>34.4</td>
<td>19.9</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>2003</td>
<td>42</td>
<td>34.9</td>
<td>18.9</td>
<td>1.6</td>
<td>0.5</td>
</tr>
<tr>
<td>2004</td>
<td>44.7</td>
<td>34.3</td>
<td>18.4</td>
<td>3.4</td>
<td>0.4</td>
</tr>
<tr>
<td>2005</td>
<td>46.7</td>
<td>32.3</td>
<td>15.5</td>
<td>3.6</td>
<td>0.36</td>
</tr>
<tr>
<td>2006</td>
<td>50.1</td>
<td>32.3</td>
<td>13.9</td>
<td>3.2</td>
<td>0.03</td>
</tr>
<tr>
<td>2007</td>
<td>51.9</td>
<td>30.6</td>
<td>13.9</td>
<td>3.3</td>
<td>0.5</td>
</tr>
<tr>
<td>2008</td>
<td>55.3</td>
<td>25.3</td>
<td>12.9</td>
<td>3.1</td>
<td>0.6</td>
</tr>
<tr>
<td>2009</td>
<td>52.8</td>
<td>27.5</td>
<td>15.3</td>
<td>3.7</td>
<td>0.7</td>
</tr>
<tr>
<td>2010</td>
<td>57.7</td>
<td>25.1</td>
<td>15.2</td>
<td>1.8</td>
<td>0.9</td>
</tr>
</tbody>
</table>

* In 2003, the commissioner changed the categories for rights presented in the annual reports. For that reason, the data provided for 1998–2002 are estimated based on the author’s classification of the description of complaints in the substance of the report.

References


