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Anti-Corruption Law Doesn't Cover Presidential Legislation

By Alexandra Odynova

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A crown jewel of President Dmitry Medvedev's anti-corruption drive is a 2009 law that gauges whether other legislation can be exploited by corrupt officials.

But the law was never used to double-check Medvedev's police reform — the most-discussed legislation of last year — and it has failed to produce any visible results, with the Justice Ministry keeping checks under wraps or not holding them at all.

Indeed, all legislation originating from Medvedev's desk has been immune to the anti-corruption checks — a fact that surprised even the president when he learned about it this week.

Curbing corruption is a hallmark of Medvedev's presidency, and reforming the notoriously corrupt police force has been a crucial step toward that goal. Medvedev signed the law on police reform, drafted at his request, in December after months of public discussion.

But when Transparency International asked the Justice Ministry whether an anti-corruption check was held into the bill, it received a negative reply, said Yelena Panfilova, head of the anti-corruption watchdog's Russia office.

The ministry said in a curt statement that the police bill was not subject to a check because it was introduced by the president — who is the "head of state," not a "state authority."

"The law does not sanction the Justice Ministry to carry out anti-corruption checks on bills introduced by the president to the State Duma," the ministry said in its February statement, available on Transparency International's web site.

The law, indeed, only orders checks into presidential decrees, not bills. But Panfilova said the police legislation was not actually created in the Kremlin and was thus eligible for a check.

"The law on police wasn't drafted by Medvedev but by an expert group of the Interior Ministry," she said.

The ministry's stance means that dozens of bills submitted by Medvedev over the years — many of them anti-corruption measures — have never been checked.

And perhaps they should have been. A check by Transparency International indicated that at least 17 provisions of the new police law were open for abuse, most of them because of vague phrasing that outlines the duties and powers of police officers. Examples include the right to confiscate suspected counterfeit items — without any guidelines on how to justify the suspicion — and the right to provide paid security services, which means police de-facto are competing with private security firms.

The watchdog handed its report to Medvedev on Tuesday and released it online Wednesday. The president has not commented on the matter.

A request for comment sent to the Justice Ministry on Monday remained unanswered Wednesday.

Even when the Justice Ministry does conduct checks — as was the case with a bill on state tenders, another much-publicized law that was passed in April — the results remain a mystery because they are not made public.

"The Justice Ministry said the law doesn't allow them to release the results," Panfilova said, adding that this was a violation of the constitutional right to the freedom of information.

Transparency International has filed a challenge over the ministry's silence in court, she added.

The Justice Ministry reported on its web site that it checked 3,704 federal decrees and legislative acts last year and found corruption-prone loopholes in 115 of them, including 71 bills submitted to the State Duma, 44 governmental decrees and two presidential orders.

But the report does not elaborate on the loopholes or the measures taken to remove them. The 2009 law only authorizes the ministry to issue recommendations on how to fix the flaws, but other institutions are not obliged to follow.

The issue was brought to Medvedev's attention during a Tuesday meeting with the Kremlin human rights council, whose chairman, Mikhail Fedotov, said the president was surprised to learn that he was immune to corruption checks.

"The president said that he didn't know that the president's bills don't pass checks," Fedotov told journalists after the closed-door meeting in Kabardino-Balkaria's capital, Nalchik.

Medvedev ordered that a bill be drafted to fix this loophole, adding that rights groups, including the Kremlin rights council, should also be allowed to handle the checks, Fedotov said.

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