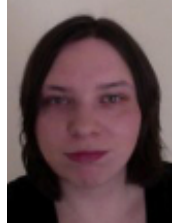


# While the Czech Republic makes progress in tackling corruption, the rule of law in Russia continues to decline

 [blogs.lse.ac.uk/euoppblog/2014/02/05/while-the-czech-republic-makes-progress-in-tackling-corruption-the-rule-of-law-in-russia-continues-to-decline/](https://blogs.lse.ac.uk/euoppblog/2014/02/05/while-the-czech-republic-makes-progress-in-tackling-corruption-the-rule-of-law-in-russia-continues-to-decline/)

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*The rule of law is a fundamental part of any functioning democracy. As [Justine Doody](#) writes, issues of political corruption, judicial impartiality and the separation between elites and the legal system have been historic challenges for both the Czech Republic and Russia. Using recent data to compare developments in both countries, she argues that while the Czech Republic has made important progress in tackling corruption, Russia's legal system is becoming increasingly subject to political influence.*



On 13 June 2013, the Czech prime minister's chief of staff, Jana Nagyova, was arrested and charged with corruption and abuse of power. The arrest was part of a wider probe by Czech police that took down lobbyists and politicians, which netted a haul of \$7.8 million in seized cash and gold, and led to the collapse of the Czech government. The massive corruption scandal shocked the Czech public and it has had political repercussions which have lasted well beyond [the election](#) held to replace the government in October 2013. The police investigation that uncovered the scandal, as well as the subsequent political fallout, provide evidence of a new willingness to tackle the Czech Republic's long-standing corruption problem, which could have positive effects for the country's future.

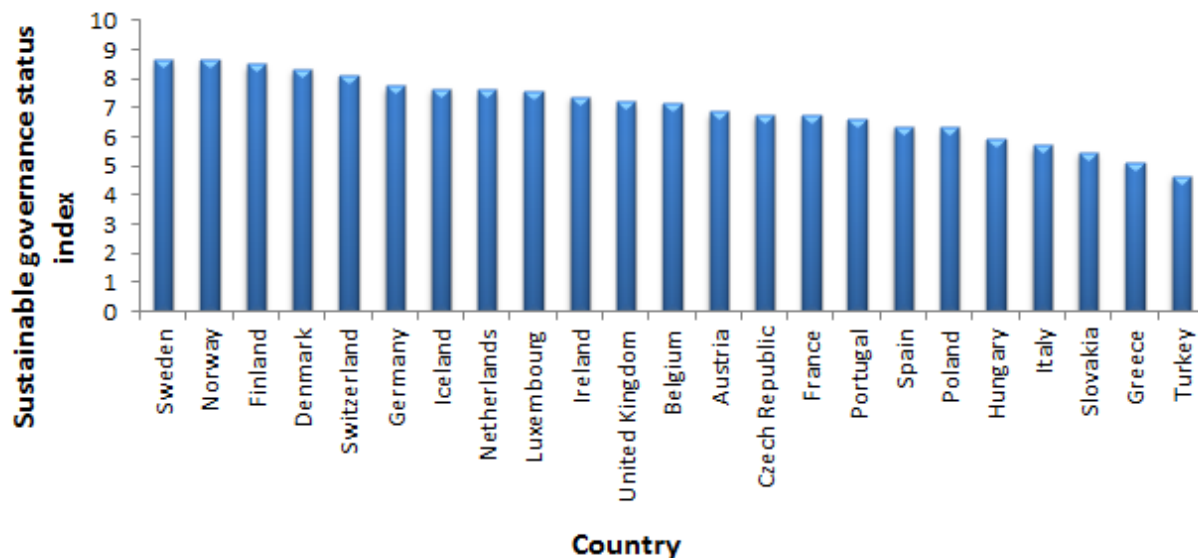
The [Bertelsmann Stiftung's Transformation Index](#) (BTI), which tracks the progress of developing and transition countries towards democracy and a socially responsible market economy, ranks the Czech Republic 2nd in its 2014 Status Index. This indicates that the country has made great strides in political and economic transformation since the fall of the Communist regime in 1989. However, [the BTI is concerned](#) that there "is a lack of political will to introduce effective integrity measures and establish an independent anti-corruption office."

Compared with other OECD countries, however, the democratic institutions and practices in the Czech Republic do not come top of the list. The Bertelsmann Foundation's [Sustainable Governance Indicators](#) (SGI) project ranked the Czech Republic at 18 in its 2011 Status Index, a survey of governance in 31 OECD countries. Although scoring in the middle of the index as a whole, the Czech Republic was the highest placed transition country in the SGI Status Index. Even so, the SGI worried that "cases are not investigated when leading political figures may be implicated", and it concluded that the "acceptance of corruption by politicians has led to repeated reluctance to implement tough legal measures." The Chart below shows the SGI Status Index scores for European countries.



Czech President Miloš Zeman and Russian President Vladimir Putin, Credit: Presidential Press and Information Office (CC-BY-SA-3.0)

**Chart: SGI Status Index scores for European countries (2011)**



**Note:** The SGI Status Index score (from 0-10) is compiled on the basis of a number of factors related to the sustainability of a country's performance. These include factors relating to democracy, social affairs, security, resources, and the economy. The full figures and calculations are available at [sgi-network.de](http://sgi-network.de)

### Czech legal system shows signs of new independence

Corruption and links between organised crime, business and the political world have long been accepted features of the Czech political landscape. Former Prime Minister Petr Nečas's party, the right-wing Civic Democrats (ODS), has been linked in the media and in the public imagination to the influential and shady businessmen known as the 'Godfathers'. The raid that brought down Nečas's government was part of a police investigation, directed by the public prosecutor, into organised crime.

The fact that Czech police pursued the investigation to where it led, even at the risk of undermining a sitting government, shows a new independence among national law enforcement. This new confidence is a promising sign, particularly in light of the fact that in 2011, the Czech branch of [Transparency International](http://transparencyinternational.org) said that the police and the public prosecutor's office were the most likely of all branches of government to be tainted by corruption.

Parliamentary elections held in [October 2013](#) returned the left-wing Social Democrats (ČSSD) as the largest party in the parliament. However, ČSSD performed less well than expected, as did the Czech communist party, which was widely tipped to form part of the new government. Support for both the left-wing parties was siphoned off by a new populist party, ANO, led by the Czech Republic's second-richest man, Andrej Babiš, which surprised observers by coming in second. Babiš campaigned on an anti-corruption message, and the new party's success indicates a desire for real change among the Czech voting public.

It remains to be seen whether ANO's entry into government will bear fruit in terms of reform. The BTI points out that "although the most recent cabinets have placed fighting corruption high on their agenda (top of the agenda of the current government), most have failed to propose concrete anti-corruption measures in public administration, police and politics in general." However, the increased boldness of the police and the public prosecutor, as well as the public appetite for change, bodes well for the Czech Republic's ability to curb its corruption problem and bolster the rule of law in the country.

### In Russia, collusion of the state and the judiciary exercises control over society

The Czech Republic's efforts to apply the rule of law are particularly impressive by contrast with other post-communist countries. On the same day in June that the Czech police were charging Jana Nagyova, the European Parliament issued a [strongly worded resolution](#) on the rule of law in Russia, in which it stated that "there remains serious concern about developments in the Russian Federation with regard to respect for and the protection of human rights and respect for commonly agreed democratic principles, rules and procedures".

Russia placed 77th in the [2014 BTI Status Index](#), and [the report notes](#) that "Serious deficiencies exist in the checks and balances among the executive, legislative and judicial branches ... The judiciary is independent in principle, but lower-court decisions in particular are often influenced by corruption and political pressure." [SGI's BRICS report](#) in 2012 gave Russia a score of two out of ten on the question, "To what extent do independent courts control whether government and administration act in conformity with the law?", indicating that "Courts are biased for or against the incumbent government and lack effective control."

Political authorities, including former President Dmitry Medvedev, have named corruption and contempt for the rule of law as one of Russia's major challenges. But little has been done to break the close collusion of the state and the judiciary in exercising tight control over Russian society. Trials such as those that convicted [businessman Mikhail Khodorkovsky](#) and [politician Alexei Navalny](#) have seemed to have been predetermined, in a judicial system in which less than one percent of defendants are found not guilty.

In the case of the Bolotnaya Square anti-Putin protests in May 2012, the courts have been used to undermine the freedom of assembly. Although independent reports said that the demonstration was marred by violence carried out by the Russian police, demonstrators remain under arrest and awaiting trial. One protestor, Mikhail Kosenko, was sentenced in October 2013 to indefinite detention in a psychiatric facility, in a verdict harshly reminiscent of the use of psychiatric treatment for political aims in the Soviet period.

### **Russia taking steps to bring its judiciary under even closer control**

Meanwhile, some political authority figures have remained free from challenge by the courts, despite having clear cases to answer. In autumn 2010, then President Medvedev removed the influential mayor of Moscow, Yuri Luzhkov, from his position. The press published officially sanctioned accusations of corruption and mismanagement, orchestrated to make the government appear tough on corruption. However, no criminal charges were ever brought against Luzhkov. His removal served the political aims of the government, and the allegations of corruption were never intended to result in any real effort to root out graft within the city administration.

Much less than working to increase the independence of the court system, Russia's administration is taking steps to bring the judicial system under even closer control. In October 2013, the government announced plans to amend the constitution in order to merge two of Russia's top courts, the Supreme Arbitration Court and the Supreme Court. The Arbitration Court, seen as the most independent of Russia's three highest courts, would be subsumed into a new Supreme Court located in St Petersburg, and its judges would have to undergo a new "accreditation" process. Seven judges from the Arbitration court [have resigned in protest at the move](#).

When Russia joined the WTO in 2012, observers hoped that the need to comply with international norms would improve Russia's adherence to the rule of law at home. But these hopes have not been realised. The European Parliament stated in its [resolution of 13 June](#) that "the further development of EU-Russia relations continues to be held back by Russia's failure to fully embrace democratic values and strengthen the rule of law".

SGI notes that "Russia needs massive inflows of foreign direct investment, access to advanced technologies and the transfer of managerial practices", which "implies a need for stable and constructive relations with both the European Union and the United States". Unless it takes steps to improve its implementation of the rule of law, Russia may find that its economic future is dimming.

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

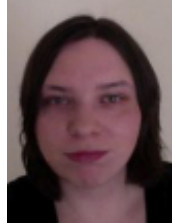
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## About the author

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Justine Doody is the English-language editor of *China Analysis*, an analytical survey published by the European Council on Foreign Relations in cooperation with the Asia Centre in Paris. She is also an editor for Europe-Central Asia Monitoring and a writer for the Bertelsmann Stiftung's SGI News and BTI Blog. She has an MA from the School of Slavonic and East European Studies at University College London.



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