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**THE ROLE OF THE OMBUDSMAN IN CITIZENS' LEGAL EDUCATION  
THROUGH MASS MEDIA: IMPLEMENTATION IN PRACTICE**

***Abstract:** The paper deals with the problem of interaction between the Ombudsman and the mass media in the context of legal education. Under the Federal Constitutional Act "On the Commissioner for Human Rights in the Russian Federation", the ombudsman promotes the legal education on human rights, forms and methods of their protection in the ways specified in this Act, including the mass-media resources. The function of the regional ombudsmen is regulated by legal norms of similar character contained in the legislative acts of the subjects (regions) of the Russian Federation.*

*The media which interact with the Commissioner for Human Rights can be divided into three groups: the media funded from the federal budget or the entities' budgets; the media funded by citizens and independent legal persons; and the media funded by the ombudsmen. Only the media from the first group are obliged to publish the official information of the ombudsmen's activity. The newspapers and TV-channels from the second group interact with the Commissioner only if the information is significant and interesting for the audience. Many ombudsmen have their own PR assistants who communicate with the media and provide for the journalists access to information on the ombudsman's activities on human rights protection.*

*The role of federal and regional ombudsmen in citizens' legal education through mass media is exercised by the following activities: the publication of official reports and other documents, the publication of unofficial articles in the newspapers and magazines on a specific problem involving the human rights protection; the creation of ombudsmen's Internet sites or placing relevant materials on the e-resources of the regional governments and parliaments; the participation in TV programs and press conferences for the purpose of providing explanation on the human rights' legislation; the ombudsmen's practical activities aimed at raising the citizens' awareness of the importance of human rights and overcoming the legal nihilism.*

*Unfortunately, the legislation does not specifically indicate what categories of citizens should be educated by the ombudsmen. For this*

*reason, the federal and regional Commissioners for the human rights should choose themselves the most appropriate forms of legal education activities depending on their own knowledge, experience in human rights work and other factors. The lack of an organized system and sometimes the declarative nature of the interaction between the ombudsmen and the media lead to the imitation of a real legal educational activity.*

**Key words:** *Commissioner for Human Rights, Ombudsman, legal education, mass media*

The modern Russia as a member of many international organizations has an obligation to promote the universal respect for human rights and fundamental freedoms. One of the trends of this assistance is to disseminate any information and education in the field of human rights and freedoms of the citizens. Legal education and awareness in this sphere is an essential condition for an effective system of the crime prevention and the foundation of a civil society. Lack of the current development of the civil society, the high level of the crime in our country is mostly connected with the legal nihilism and low legal educational level of the citizens.

For the solution of these problems the President of the Russian Federation approved the "Principles of the government policy of the Russian Federation in the sphere of legal literacy and legal awareness of citizens" (April 28, 2011)<sup>1</sup>. In this document it's noted that the development of the rule of law, the formation of civil society and the strengthening of national consensus in Russia require a high level of legal culture, and these basic values and principles of society, the rule of law, priority rights, it inalienable rights and freedoms, ensuring the reliable protection of the public interest couldn't be fully realized without it.

Paragraphs 6-7 of these "Principles..." fixed that the government policy is carried out in the close collaboration with the civil society. The state should support any activities of nongovernmental organizations (as a form of social partnership) that promote the objectives of public policy and creates the good conditions for the development of legal literacy and legal education of Russian citizens, their awareness of the nature, methods and limits of the exercise and protection of their rights and interests by law in the administrative and judicial procedures as well as citizens' access to the qualified legal assistance. This paramount task isn't only for jurists, the legislator, educational establishments and organizations, and could become viable and feasible in practice by means of

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<sup>1</sup> *Российская газета* [Rossiyskaya Gazeta], № 151. 14.07.2011.

coordinating joint actions and efforts of a society and the state. That's why the increasing of the legal education of the citizens is an important function of ombudsmen also.

According to the Federal Constitutional Law, named "On the Commissioner for human rights in the Russian Federation"<sup>2</sup>, the ombudsman promotes the legal education concerning the human rights, forms and methods of their protection by the means specified in the law, including mass-media resources. This function of the regional ombudsmen is implemented under the similar norms in the acts of the subjects of the Russian Federation<sup>3</sup>.

The main forms of the legal educational activity of the federal and regional ombudsmen through the mass-media are:

- publication of the official reports and other documents, unofficial articles specified on the problem of the human right protection in the newspapers and magazines;
- creation of their own information internet-sites or the placing the materials on the e-resources of the regional governments and parliaments;
- participation in TV-programs and press-conferences devoted to an explanation of the human right legislation, a functional activity of the ombudsman for the improving of the citizen's legal consciousness and the overcoming of the legal nihilism.

It should be noted that in this sphere the federal and regional ombudsmen pay a special attention to the cooperation with the mass-media. The federal Commissioner for the human rights Lukin V.P. has extended the cooperation with media at the national and local levels, using it to monitor the human rights violations and inviting the journalists to publish materials on citizens' rights and freedoms at his Web site.<sup>4</sup> The some regional ombudsmen also think that the reason for their effective activity is the wide interaction with the media. From the point of view of the ombudsman in Sverdlovsk region the press is her main partner in the protection of human rights, and perhaps due to it, the public field of protectoral actions is more effectively than the frameworks of the law which is still not perfect.<sup>5</sup> Many people suppose that if the ombudsman says on TV, so

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<sup>2</sup> Chapter 3, article 1 of the Federal Constitutional Law N1-FCZ "On the Commissioner for Human Rights in the Russian Federation" (February 26, 1997). [http://consultant.ru/document/cons\\_doc\\_LAW\\_108682/](http://consultant.ru/document/cons_doc_LAW_108682/)

<sup>3</sup> In Novgorod region there is Novgorod Regional Law N552-RL "On the Commissioner for Human Rights in the Novgorod Region" (November 3, 2005). <http://region.adm.nov.ru/region/right/man1.php>

<sup>4</sup> Finkel E. Defending Rights, Promoting Democracy: The Institution of Ombudsman in Poland, Russia and Bulgaria. <http://www.ef.huji.ac.il/publications/finkel.pdf>

<sup>5</sup> Мерзлякова Т.Г. [Merzlyakova T.G.] Омбудсманы должны быть с журналистами [Ombudsman should be with the journalists]// Европейский омбудсман [European

the administration is aware of the problem and will solve it, and it could increase the confidence of the people to the power.

Basically, the state and society considers the media resources as the most important instrument of the legal education of the citizens by the following reasons:

Firstly, mass-media give the actual legal information, which allow people to orient in dynamic changing law and present such legal information in accessible and easy for the assimilation forms.

Secondly, mass-media create the public opinion on the legal issues; stimulate the formation of socially active position.

Thirdly, citizens take legal literacy not once, and this knowledge needs the replenishment constantly due to the adoption of new law, judicial practice and etc. (so-called "an inflation" of law). Media are able to keep up with these changes, and promptly inform the people about them.

Media, which interact with the Ombudsmen, can be divided into three groups: funded by the federal budget or entity's budgets; financed by the citizens and independent legal personalities; funded by the ombudsmen.<sup>6</sup> Only the media of the first group are obliged to public the official information of the ombudsmen's activity. The newspapers and TV-channels of the second group interact with the Commissioner only if the last one is able to be informative and interesting for the audience.

The relationship between the Ombudsmen and the media are regulated by the Federal Law "On mass media"<sup>7</sup>, and the Federal Constitutional Law "On the Commissioner of the Human Rights" and specific regional legislation. The legislators have provided certain obligations for the media, which was funded by the federal budget or the budgets of the regions. The periodical mass-media, one of the founders of which are state or municipal authorities, local governments, state enterprises, institutions or organizations which either fully or partially funded through the federal budget or the budget of the regions is not entitled to refuse publishing official documents of the ombudsmen.

But here there is one more important for the media problem: the volume and the periodicity of publication of these ombudsmen's documents. Obviously,

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ombudsman]// [http://euro-ombudsman.org/ombudsmen\\_activities/russia/ombudsman-dolzhn-bty-s-zhurnalistami](http://euro-ombudsman.org/ombudsmen_activities/russia/ombudsman-dolzhn-bty-s-zhurnalistami)

<sup>6</sup> Давтян С.Л.[Davtyan S.L.] Функция Уполномоченного по правам человека по правовому просвещению граждан через СМИ: проблема реализации [The function of the Commissioner for the human rights of the legal enlightenment through mass media: the problem of realization] //Медиаскоп [Mediaskon]. №2. 2011. С.33.

<sup>7</sup> Federal Law N2124-1-FZ "On Mass Media" (December 27, 1991). [www.consultant.ru/document/cons\\_doc\\_LAW\\_115132/](http://www.consultant.ru/document/cons_doc_LAW_115132/).

if it's to be published under the Law, but it will not fit the editorial policy, the media will look for any way to refuse to publish, cause in the Federal Law there is not any indication of the timing of placement such publication. In the first working year of the Russian ombudsmen not all media have expressed the willingness to cooperate with them. Someone unknowingly required paying the publication, someone came up with excuses.<sup>8</sup>

In such cases, the positive decision for the interaction between the ombudsmen and the media could be find only on the way of an equal, mutually beneficial terms. And Commissioners have to understand that the information provided by him or by his press service may be desirable if it is factual, informative, and certainly on the spirit of media.

Another important factor of the effective interaction between ombudsmen and media is concerning the format of information. According to the specialists in the field of advertising and media relations, journalists take a material that is easier to remake, since they work under time pressure.<sup>9</sup> So, the ombudsmen should take it into account preparing press releases and other materials if they want to see it published in time.

Many ombudsmen have their own PR-assistants especially for the communication with the media and the provision of the journalists' access to information about the ombudsmen's human rights protection.

It is known that the purpose of any media activity (commercial or non-commercial), is to provide a financial interests to its founder also. From this point of view the experience of the Novgorodian Ombudsman, who signed a contract with Novgorod regional TV for the provision of the distribution of legal educational information on the human rights is very valuable. And in 2011, according to this commercial agreement there were 7 live-programs which are called "Dialogue" on the topical issues, including military service, the availability of legal aid to the citizens, protection of human rights of prisoners and other<sup>10</sup>.

Unfortunately the legislation doesn't specifically indicate what categories of the citizens should be educated by the ombudsmen. That's why the federal and regional Commissioners for the human rights should choose themselves the forms of a legal educational activity based on their knowledge, human rights, work experience and other factors.

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<sup>8</sup> *Лукин В.П.* [Lukin V.P.] The report of the Commissioner for the Human Rights (2011). <http://www.rg.ru/2012/03/06/doklad-dok.html>

<sup>9</sup> *Назайкин А.Н.* [Nazaikin A.N.] Медиарелейшнз на 100%: Искусство взаимодействия с прессой.[Mediarelations on 100%: the art of interaction with press]. М., 2010. С. 151.

<sup>10</sup> The official reports (2006-2011) see: <http://region.adm.nov.ru/region/right/docladny.php>

The analyses of the publication, TV and radio-programs showed that many ombudsmen percept the legal educational activity abstractly. They think that the single press-conference or publishing an article could increase the level of legal literacy very rapidly and productively. Obviously, it's just the "imitation of legal education".<sup>11</sup>

Some ombudsmen tried to change this situation by publishing their own newspapers and magazines, which are not registrated officially as mass-media resources. The circulation and periodicity of these media are so insignificant, that's very difficult to solve the problem of the legal education. For example, the ombudsmen in Saratov region publishes the informational digest (volume 28 pages and only 300 copies) called "Authorized to protect..."<sup>12</sup> twice per year with the explanation of the most interesting cases and couldn't be named as a source of legal education.

The problem of real implementation of the legal educational function of the ombudsmen can be decided a little by the using of internet recourses. Federal and some regional ombudsmen have got their own sites with the special column.<sup>13</sup> However, from almost 60 ombudsmen, only one third of them gets such sites. Also another one third part of ombudsmen publish their materials on the internet sites of regional parliaments and governments<sup>14</sup>, which is allowed by the Federal law "On the providing the access to the information about the activity of the state power organs and municipalities"<sup>15</sup>. Probably, this situation can be explained not by the deficiency of financial abilities of ombudsmen, but their unwillingness to become informative opened. Thus, only 11 regional ombudsmen participated in the special program of assistance to create the site free of charge.

Therefore, the lack of the organized system, and sometimes the declarative nature of the ombudsmen - media interaction, lead to the imitation of a legal educational activity. The implementation of a real legal education through the media by the Commissioner for human rights is only possible in a systematic way. Now, there are only a few regional ombudsmen, who can

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<sup>11</sup> Давтян С.Л.[Davtyan S.L.]. P.35.

<sup>12</sup> See <http://www.saratov.gov.ru/government/organs/ombudsman/publication/detail.php?ID=52293>

<sup>13</sup> Site of the federal ombudsman: <http://ombudsmanrf.org/>

<sup>14</sup> For example, information about the ombudsman in Novgorod region Galina Matveeva can be founded in the site of regional administration <http://www.region.adm.nov.ru/region/right/> Children's ombudsman in Novgorod region Elena Filinkova has her own site <http://novgorod.rfdeti.ru/>

<sup>15</sup> Federal Law N8-FZ "On the providing the access to the information about the activity of the state power organs and municipalities"(February 9, 2009). <http://www.rg.ru/2009/02/13/dostup-dok.html/>

confirm that they were able to establish a legal education through the media on a regular basis. The solution to this problem depends, not only on the implementation of a set of legal, financial and creative measures, but also on the willingness of the Commissioners to establish a constructive relationship with the media.

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### **ФУНКЦИЈА ОМБУДСМАНА У ПРАВНОЈ ЕДУКАЦИЈИ ГРАЂАНА ПУТЕМ МЕДИЈА: ПРИМЕНА У ПРАКСИ**

*Овај рад се бави проблемом међусобног односа између омбудсмана и средстава јавног информисања у контексту правне едукације грађана путем медија. Према одредбама савезног уставног Закона о Комесару за људска права у Руској Федерацији, улога омбудсмана је да промовише и унапређује правно образовање грађана о људским правима, облицима и методама заштите људских права на начин прописан овим Законом, што укључује и средства јавног информисања. Функција регионалног омбудсмана регулисана је правним нормама сличне садржине у законодавним актима сваке области (субјекта) Руске Федерације.*

*Медији који остварују сарадњу са Комесаром за људска права могу се поделити у три групе: медији који се финансирају из савезног буџета или буџета федералних јединица; медији које финансирају (приватна) физичка или независна правна лица; и медији које финансирају омбудсмани. Само су медији из прве групе у обавези да објављују званичне информације о активностима омбудсмана. Штампани медији и телевизијске станице из друге групе медија сарађују са Комесаром за људска права искључиво уколико он може да пружи информације које могу бити значајне и интересантне за широку публику. Многи омбудсмани имају своје помоћнике за односе са јавношћу који комуницирају са медијима и пружају новинарима одговарајуће информације о активностима омбудсмана у области заштите људских права.*

*Улога савезног и регионалних омбудсмана у остваривању функције правног образовања грађана путем медија обвја се кроз следеће активности: објављивање службених извештаја и других докумената, објављивање незваничних чланака у новинама и часописима о специфичним проблемима у области заштите људских права; креирање интернет*

сајтова у циљу обавештавања грађана или постављање материјала на интернет сајтове регионалних влада или скупштина; учешће у радио-телевизијским програмима и на конференцијама за штампу у циљу пружања информација или објашњења о прописима из области људских права, и непосредне активности у циљу подизања свести грађана о важности познавања људских права као и превазилажења правног нихилизма.

Нажалост, овај закон не прецизира које категорије грађана треба едуковати па је тако савезном и регионалним омбудсменима остављена могућност самосталног избора најприкладнијих активности у циљу правне едукације грађана у зависности од њихових знања, искустава у раду на људским правима и других фактора. Због одсуства организованог система едукације а понекад и због декларативне природе односа између омбудсмана и медија, стиче се утисак да се њихова међусобна сарадња своди на пуку имитацију правих активности образовања грађана о њиховим људским правима.

**Кључне речи:** Комесар за људска права, омбудсман, правно образовање, средства јавног информисања.