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*E. Gataulina***AN UNEASY FATE OF CHILDREN'S RIGHTS WITHIN RUSSIAN CIVIL SOCIETY:  
BETWEEN ENCOURAGING A CHANGE AND SERVING AS A "SCAPEGOAT"**

This article addresses the role of international children's rights norms within the civil society in Russia after the collapse of the Soviet Union. It distinguishes different perception of children's rights during a phase of hybrid institutionalization (1991-1999) and an authoritarian consolidation (2000-2017). The findings are based on empirical research of NGO-community in the field of child and family protection that took place in spring-summer 2014 in Moscow and Izhevsk and focused on advocacy-NGOs dealing with the problem of ("social") orphanhood. In the Yeltsin's period, the Russian state clearly admitted to its international obligations to protect children's rights and brought about or at least tolerated numerous initiatives aiming at the elimination of "social orphanhood". Russian NGOs and activists – often inspired by international actors – fulfilled the role of agents of children's rights change in this process. Whereas the state welcomed child rights-based approaches to solving the orphans' problem at the *discursive level*, it failed to implement effective reforms to de-institutionalize the existing system of boarding schools and to protect families in crisis situations (*operational level*). After 2000 the situation has changed in several ways. Transnationalization processes that began in the 1990er have been gradually shrinking as a consequence of a conservative turn and a changing self-perception and self-manifestation of Russia. In this regard, the year of 2012 has been a watershed due to the adoption of the law about "foreign agents" and the cutting down of UNICEF's activities in Russia. In this period, the attitude to children's rights within civil society took modified forms. Nowadays there is a clear dividing line between the child-centred, reform-oriented NGO-community and the so called anti-juvenile movement supporting „traditional family values“. However, even within a reform-oriented NGO-community the perception of child rights norms is ambiguous. The question is whether "local pro-change groups [are] able to leverage international support in such a way as to eventually triumph over their domestic opponents" [60. P. 7].

*Keywords:* children's rights, Russian NGOs, anti-juvenile movement, social orphans, norm transfer, social patronat.

**1. Introduction**

International children's rights regime is a complex body of international norms and institutions to promote children's rights. The origins of the very idea of child rights can be traced up to the beginning of the 20th-century – even before the Geneva Declaration of the Rights of the Child (1924) and the UN Declaration on the Rights of the Child (1959) [43, 75]. A Swedish writer Ellen Key ("The century of the child", 1900), a Polish pedagogue and doctor Janusz Korczak ("How to love a Child", 1919), a British activist Eglantine Jebb (founder of the NGO "Save the Children") and last but not least a Russian pedagogue Konstantin Ventzel belong to the pioneers of child rights. Their progressive views paved the way for the paradigm shift from the child as an object of protection to the child as a rights-holder.

The Russian revolutions in 1905–1907 and 1917 opened a window of opportunity to progressive thinkers who hoped to participate in the building of new forms of political and societal life. Among the most active groups were the followers of humanistic pedagogy and person-centred education who promoted the principles of free education and continued the teachings of Lew Tolstoi. Konstantin Ventzel – an editor of the magazine "Free education" and a founder of the school "The House of a free child" – was the leader of this movement. He proclaimed a fight against „the chains of invisible slavery“ and called upon a pedagogic revolution as a radical reform of education that would enable the creation of a "new type of a person" [10]. In 1918 Ventzel published his famous "Declaration on the Rights of the Child" that exceeded any existing vision in Europe of what child rights were. Ventzel advocates the creation of conditions that enable every child to develop his skills and become a free thinking, independent individuum instead of being a passive consumer of state protection measures [78. P. 12]. He appealed to political parties and offered a draft to a coming education reform even though admitting that:

“there is still no political party that would put the rights of the child on the top agenda, that would recognize their basic and principle priority, that would realise that only the full implementation of the rights of the child would enable the full implementation of the rights of the adult generation (...)” [78. P. 15].

Ventzel presented his declaration at a conference for cultural organisations in Moscow where it was criticized for being “unacceptable” because of its anti-collectivistic character and finally declined [53, P. 42-43]. Further ideological development in the USSR left no chance for individual-oriented ideas of child rights and free education. According to the official ideology, a person of a “new type” should perceive him- or herself as a part of a collective and not as an independent rights-holder. Philip Veerman calls it a “tragedy of the Soviet Union” that the initial ideas of freedom and egalitarianism ended up in the repression of any individuality [77, P. 285].

After a long pause during the Soviet period the idea of child rights came back to Russia with the negotiating about, and finally the ratification of, the UN Convention on the Rights of the Child (UN CRC). As a detailed history of the negotiation process shows, Soviet politicians took an active part in the developing of this document though no Soviet civil societal actors were represented in Geneva [16]. However, this is not surprising taking into account the very absence of an independent civil society in the UdSSR.

The passage of the CRC in 1989 marked the triumph of the rights-based approach and led to the shift in policy approaches and global and local debates on child protection [25, P. 37; 24, P. 323; 30, P. 2]. The CRC offers domestic civil society actors a totally new frame for advocating policy changes and organizing the work with their constituencies. In Russia the ratification of the CRC coincided with the collapse of the Soviet Union and the emergence of a new democratically oriented regime that, however, turned to a consolidating autocracy a decade later. In the following article I analyse the ways Russian NGOs perceive international norms and ask whether these norms serve as a discursive frame for domestic activists when dealing with the problem of social orphanhood. Furthermore, I trace the emergence of an opponent movement who develops alternative frames such as “traditional family values” and resist any child rights-based reforms.

## 2. Theoretical background

The spiral model of human rights change of Risse, Ropp and Sikkink offers a frame for explaining why domestic civil societal actors (CSA) interact with an international community and what effects these interactions bring about [61; 62]. Especially within authoritarian regimes, where communication channels between the state and the civil society are blocked, such interactions offer an opportunity to transmit the information about human rights violations to the global arena and, thus, to bring pressure on the rights-violating states from outside [35, P. 93ff]. They also serve as an empowering mechanism for local activists: through exchange with transnational advocacy networks domestic CSA can increase their legitimacy and promote human rights change within their country. Benjamin Stachursky offers a concept of transnationalization as a catch-all to describe different types of global-local interactions and identifies three dimensions of international support, namely, the discursive, organizational, and material one. It means that domestic actors adapt a wider transnational human rights discourse and renegotiate the content of norms “to make them effective and resonant”, adapt specific organizational forms and structures and, finally, use material possibilities such interactions open to them [65, P. 75-77]. Through rooting internationally formulated human rights norms in local public discourse, NGOs and other CSA can promote political and societal change and serve thereby as *vernacularizers* and *localizers* of global norms on the ground [1, C. 47]. The anthropologist Sally Merry define *vernacularization* as a “process of appropriation and local adoption of globally generated ideas and strategies” [45, P. 441]. However, the transfer of such controversial and culturally sensitive norms as child rights may bring about divisions within the NGO-community and even lead to the emergence of oppositional conservative coalitions. Such coalitions resist any changes in the “traditional” power structure within their society and, therefore, aim at discrediting the human rights language and at promoting a hostile attitude against human rights NGOs. They offer counter-frames to achieve these goals and may consist of both state and non-state actors. Using the example of Russian civil society actors advocating in the field of social orphanhood, this article seeks to find out whether Russian reform-oriented NGOs can serve as *vernacularizers* and *localizers* of global norms and how and why the anti-juvenile-movement tries to discredit the very idea of children's rights.

## 3. Methods

A broad range of data collected during the field research in spring-summer 2014 was utilized for this study. Most of the insights gathered for assessing the role of children's rights norms within the Russian civil society were taken from semistructured qualitative interviews with open-ended questions [e.g. 45, P. 12]. The majority of the persons interviewed were NGO-leaders, activists and legal experts in the field of children's

rights. In order to systematically organize and analyze the expert interviews, I have coded and interpreted my data following Kuckartz's recommendations for qualitative content analysis with MAXQDA software [39]. All interviews have been anonymized so that the analysis reveals neither the exact position nor the name.

#### 4. Results

The beginning of the child rights change in Russia overlaps with the radical political, economic and social transformation after the collapse of the Soviet Union in 1991. Russia inherited international obligations of the USSR that ratified the UN Convention on the Rights of the Child in 1990. Following Joachim Lauth, I call the period 1991–1999 an institutionalizing phase because it is characterized by the introduction of new democratic institutions after the liberalizing phase of perestroika [42]. The fall of the “iron curtain” allowed, on the one side, the transfer of several elements of children's rights regime. On the other side, context-specific factors caused by “side-effects” of the transformation led to the deterioration of the situation of children and families. Under these ambivalent circumstances, young Russian NGOs, supported by international donors, tried to contribute to the implementation of child rights through their service-delivery and advocacy work. Whereas the existing literature foregrounds mostly the negative effects of foreign assistance [28; 46; 69; 70; 33], I have identified multiple windows of opportunity for change in the field of (social) orphanhood.

The problem of social orphanhood embraces three phases [cf. 36. P. 3]:

- 1) pre-institutional phase (prevention of family collapse);
- 2) institutional phase (alternative forms of care);
- 3) post-institutional phase (the situation of full age orphans after leaving residential care).

Whereas the child population in Russia has been dramatically decreasing since 1991<sup>1</sup>, the number of newly registered orphans exceeded 100 000 per year and reached the mark of 111 200 children in 1998 [48. P. 21]. The total number of registered orphaned children and children left without parental care reached ca. 750 000 in 1998<sup>2</sup> [59. P. 39]. Between 80 and 90% of them are so-called social orphans whose parents lost their child custody. Around 180 000 of (social) orphans lived full-time under state residential care, whereas another 220 000 children who officially had no orphan status also lived in care institutions because their parents were not able or willing to take care of them [84. P. 11]. Poverty, alcoholism and disability were among the most widespread reasons for the decision to charge the state with the upbringing one's own children as no supporting network was available for families in difficult life situation. State residential institutions emerged in the soviet time and can be compared with asylums or total institutions that Goffman defines as “a place of residence [...] where a large number of like-situated individuals, cut off from the wider society for an appreciable period of time, together lead an enclosed, formally administered round of life”<sup>3</sup>. As a famous Russian legal scientist claims, the current institutional system in Russia takes its roots in the years after the revolution of 1917:

“There was another concept that children did not need a family... that parents can actually spoil everything because we need soviet citizens whose education is based on the Soviet and communistic ideals.” (Interview with a legal expert, 2014).

Not only ideological but also economic reasons stimulated the development of collective institutions for children:

“There was a necessity to save the state's economy [...] using labour forces. We had to free men and women in order they could work. [...] around 1930s everything was changing. Special houses were built in Moscow [...] houses without kitchens. A canteen was downstairs. Children are being cared for by the state, to feed them you also go to the canteen, you'll also find some place to wash your clothes. The main and the only goal is to work! But this idea with children has fortunately failed. [...] but still the orphanages were established, and the system developed further. Because the whole politics of the communistic party was objected at controlling a family, controlling the country. In general, it is clear, if children were deprived of their parents, they had to go to an orphanage. Let them be there – we will rear them in a proper way. These were very strong economic and ideological reasons because we needed a new type of people” (Interview with a legal expert, 2014).

<sup>1</sup> In the period between 1991 and 2005 the total number of children in Russia decreased from 40 Mio. till 26,1 Mio. [22].

<sup>2</sup> This number does not include homeless and neglected children without an official “orphan” status [e.g. 66, 67].

<sup>3</sup> See Goffman, Erving (2009: xxi): Asylums. Essays on the Social Situation of Mental Patients and Other Inmates.

NGO reports such as "Trajectories of despair: Misdiagnosis and maltreatment of Soviet orphans" [12] and "Abandoned to the State: Cruelty and Neglect in Russian Orphanages" [32] revealed multiple and serious child rights violations in state residential care in the 1990<sup>th</sup> such as punitive psychiatric medication, physical and sexual abuses and emotional deprivation [see also 49].

Numerous Russian NGOs participated in transnationalization processes in the institutionalizing phase and were inspired by international community to develop solutions concerning all three aspects of social orphanhood [1; 19; 27; 64; 73]. Their projects aimed inter alia at supporting families with children in difficult life situations (especially in case of disability), offering a safe asylum for street children and developing alternative family-based care forms such as a family village Kitezh or SOS-Kinderdörfer. Whereas the most of NGOs project remained local initiatives with narrow coverage, some of them have been transferred to other regions and revealed an enormous potential to de-institutionalize the existing care system and prevent the further growth of the number of social orphans.

The most prominent example is the "social patronat" that has been initially developed in the Moscow centre of patronat upbringing No 19 under the guidance of Maria Ternovskaja. Inspired by the experience of foster care in Great Britain and supported by the Russian Ministry of Education, Ternovskaja and her colleagues created their own model of supporting birth families (*krovnye sem'i*) in crisis situation (social patronat) and accompanying foster families who bring up 'orphaned' children (patronat upbringing). The core of their model constitutes the division of responsibilities over the child between guardianship agencies, „authorized organizations" (state and civil society organisations) and parents (birth or foster ones) [e.g. 3]. Firstly, this concept allows to prevent a family collapse and, therefore, a separation of children from their birth parents through client-oriented services (e.g. psychological, juristic, socio-medical help). Secondly, authorized social organisations take the responsibility to prepare foster parents and select "proper" parents for each child under residential care including those children who traditionally count as "difficult to place" (children over three years old and children with disabilities). A further accompanying of foster families includes medical, psychological and social services such as helping to prepare documents, consulting in case of adaptation problems, etc. One patronat mother who brought up over 40 'orphaned' children tells that such support is vital and inevitable, especially when one takes difficult children from correctional boarding schools (*internats*). One of her foster children, for example, began to tear her hair and knock with her head against a wall when the foster mother tried to teach her writing and reading which she had not learnt yet at the age 12 [20. P. 45]. Psychological training and consultations helped this woman a lot to deal with such reactions in the future. Another example refers to a boy who was thrown from the seventh floor by his drunk mother and became paralyzed but thanks to the patronat model found a loving foster family who relied on encompassing supporting services of a responsible patronat centre [9]. The division of responsibilities over the fulfilment of child's rights and the involvement of professional organisations allowed to cease the state monopoly over the child welfare system in Russia that NGOs have been constantly denouncing in their appeals to the international community [50; 51]. By the end of the 1990<sup>th</sup> years, the patronat model had been communicated through numerous conferences and training programs for residential staff and, finally, adopted into regional legislation in Kalinigrad (1997) and later in Moscow (2001). Without direct reference to international child rights norms, the patronat model, nevertheless, represents an excellent example of *vernacularization* of global ideas in a local context. Encouraged by the British baroness Caroline Cox who conducted research in Russian boarding schools for disabled children and revealed serious rights violations [12; 13], Ternovskaja and her followers developed a unique patronat model that reflects Russian peculiarities and continues the Russian tradition of bringing up of orphaned children in patronat families [56. P. 40; 58. P. 12-13; 71. P. 46-47; 85. P. 110]. This child-centred reform-oriented approach aimed at a gradual de-institutionalization of residential care and a reorganization of current care institutions into centres of patronat upbringing. However, no stable coalition or network of *agents of child rights change* has been created in the 1990<sup>th</sup> unlike it happened in Argentina or other Latin American countries [23-25]. In spite of new windows of opportunity, Russian civil society actors did not manage to promote systematic changes in the field of social orphanhood in the institutionalizing phase. Nevertheless, they paved the way to a federal reform that could potentially challenge the residential system inherited from the Soviet Union.

With the beginning of the authoritarian consolidation in 2000 [68] and especially since the mid-2000's, transnationalization processes began gradually to diminish due to state restrictions and the shift of the donors' focus to other parts of the world. At that time, Russian reform-oriented NGOs in the field of child and family protection undertook several attempts to build a coalition in order to advocate for a chil-

dren's rights change. The movement "Civil society – for Russia's Children" is the most prominent example. Encouraged through UNICEF and the Soros Foundation, this NGO-Coalition was supported by the new President Vladimir Putin and unified over 600 NGOs under the motto of children's rights (Interview with an NGO-activist, 29.07.2014). Its founders aimed at establishing a constant deputy group "DeLo" (children's lobbying or *detskoje lobby*) in order to promote policy changes that reflect interests of children [11]. Founded in spring 2002, "Civil society – for Russia's children", however, did not emerge into a stable advocacy network and exists till today solely as an information platform. Some former members explain its decline due to the decreasing interest of its leader Ella Pamfilova who – as some activists suppose – was appointed from above and did not manage to combine her functions as a head of the Council for Civil Society and Human Rights with her responsibilities as a leader of the NGO-Coalition (Interview with NGO-activists, July 2014 and Mai 2017).

Whereas children's rights unified reform-oriented NGOs at the beginning of 2000th, they gradually cease to serve as a common reference point as endogen conditions in Russia have been changing. Unlike in the 1990th when Russia was open to international exchange and eager to transfer global norms, the new phase is characterised by a growing anti-Western rhetoric and an accentuation on "traditional Russian values" opposed to global norms that have been "forced" from outside. The restrictive NGO legislation (the laws of 2006 and 2012), the prohibition for international NGOs to continue their work in Russia (e.g. UNICEF, USAID) and the isolation course especially after the annexation of Crimea in 2014 have a direct impact on advocacy strategies of reform-oriented NGOs and their self-perception and self-presentation. At the current point one can observe a decoupling of the content and form of children's rights norms. Whereas all reform-oriented NGOs put the best interests of the child in the focus of their advocacy demands and, therefore, share adherence to the *content* of children's rights, their perception of children's rights as *codified norms* varies substantially (see Table 1).

Table 1

#### Decoupling of the concept of child rights within a reform-oriented NGO-Community in Russia

Concept of child rights	Perception of reform-oriented NGOs of international child rights norms		
	Child rights as a core concept	Child rights as one standard among others	Denial of a „normative vocabulary“
Form (codified international norms)			
Content (principles of the UN CRC)	Practical implementation of the principles of the CRC and child-centred advocacy work		

The first group are NGO-activists who have been socialized in the 1990<sup>th</sup> and actively participated in transnationalization processes initiated through the international child rights community (seminars, exchange and training programs, grants). From their point of view, child rights should articulate a political and social space concerning children. Politicians should be guided not by a good will or compassion when taking decisions concerning children, but are obliged to respect and fulfil children's rights as international commitments of their state. Professional staff and all adults dealing with children should respect child rights such as the right to protection from violence as well. These activists publish educative materials to explain the application of global norms within Russian context and fulfil in this way the role of *vernacularizes* [6; 26; 56]. The second group acknowledge children's rights as a part of their "value system" and as *one* reference point among others. Representatives of this group point to the necessity to develop "more universal" and "more general" principles that reflect not only rights, but also needs of a child (Interview with an NGO-activist, 15.07.2014). These actors are active in a social protection sphere and admit that the norms of the CRC are (at least) vague known among social workers but not perceived as directly applicable in concrete cases. Activists from the second group are internationally connected as well but with the focus on exchange in a social sphere. Finally, the third group of NGO-activists – though sharing a child-centred approach to reforms – refuses to use the very "vocabulary" of international norms. When decrying deficits concerning orphaned children on the local level, one activist, for example, denied operating with such "terms and words" and just "described the situation" and asked to "undertake measures" when appealing to political decision-makers (Interview with an NGO-activist, 15.05.2014). One characteristic of this group is the absence of a clear position towards children's rights. Its representatives may deny the Convention on the Rights of the Child as something "enforced" from outside, but at the same time refer to this Convention as a legislative standard to be

implemented [17; 21; 37]. These activists are open to learning of international experience as well and visit, for example, social organisations offering community services in West-European countries [e.g. 4]. To become agents of change, NGOs usually expand their service-delivery activities through advocacy work, thus, channelling the interests of their marginalized constituencies (families, orphans) and trying to influence the process of political decision-making. But the history of a child rights change in Russia has shown that any attempts to reform the existing system of orphan and family care face strong resistance from opponents in political and societal circles. The child rights change in the field of social orphanhood – shifting the focus on preventive support measures for birth families and de-institutionalizing the internat system – threatens the very existence of profitable residential institutions in their current form and, furthermore, ceases the monopoly of state agencies over decisions concerning families and children. Like in the field of women's rights where loose coalitions between conservative and fundamental forces have been formed to oppose the implementation of women's rights [65. P. 34], opponents of child rights change in Russia appeared since the mid 2000th and started advocacy campaigns against reforms threatening the internat system and the monopoly of state agencies.

Social patronat has become the first "victim" of reform-opponents. Since its establishment in 1994, the model of social patronat has proved to be a highly effective measure to prevent social orphanhood and to place children already left without parental care in foster families. Till 2008 over 40 regions had passed local legislation regulating this model. A working group consisted of patronat practitioners and representatives of the Ministry of Education has developed a set of legislative amendments to institutionalize the status of patronat at the federal level (Interview with an NGO-activist, 15.07.2014). As the Ministry of Education does not belong to the subjects of legislative initiative, it addressed the Russian government to introduce this draft to the State Duma [38]. As it turned out, this law package has never been introduced to the Duma. Instead of that, a group of politicians – the most prominent of whom were the Duma deputies Ekaterina Lakhova and Pavel Krashennikov – started an unprecedented campaign to discredit social patronat and its proponents as foreign agents who enforce norms that contradict "thousand years old Russian traditions" [15; 53-55; 79]. The contrasting of "Russian traditions" and "harmful Western innovations" has become a leitmotif of the first anti-reform campaign. Though state representatives initiated this campaign, they managed to involve "a part of civil society actors" to protest against social patronat (Interview with an NGO-activist, 15.07.14). As Duma deputies, Lakhova and Krashennikov were able to introduce their own law draft "On guardianship" (*"Ob opeke I popechitel'stve"*) directly to the State Duma. This draft *de facto* prohibited an involvement of professional organisations (both state and non-state) into a decision-making and accompanying process concerning birth and foster families. After an unsuccessful first attempt in 2005, Lakhova and Krashennikov tried it again in April 2007. In spite of numerous attempts of patronat proponents to protect this model and notwithstanding the support of several politicians of patronat, the draft of these deputies was quickly passed by Duma in the second and third reading on the 9<sup>th</sup> and 11<sup>th</sup> April 2008 respectively [7, 8, 72]. Finally, the President Vladimir Putin signed the federal law FZ-48 "On Guardianship" on 24<sup>th</sup> April 2008. According to one activist, the passage of the law FZ-48 "has thrown Russia 20 years back" and zeroed 14 years of patronat experience, thus, creating conditions that prevent any reform in the field of social orphanhood (Interview with an NGO-activist, 15.07.14).

The second wave of an anti-reform-protest rose up in 2011-2012 parallel to mass protests against the falsified Duma elections on December 4, 2011. At that time two law drafts – on public control in residential institutions for orphaned children and on social patronat (in its modified form) – were introduced to the State Duma. Whereas the patronat draft was criticized by reform-opponents themselves as "raw" and in need of further revision, the draft on public control was a long-expected victory of child rights activists who advocated for the opening of residential institutions since 1990<sup>th</sup>. The closeness and opacity of internats and children's homes was the main reason for child rights violations there, NGO-activists claimed. At that time, a new figure – Sergey Kurginyan – became a leader of a public campaign against reforms threatening the internat system. Unlike Lakhova and Krashennikov, Kurginyan had no official position in political circles but his views were very close to the ideological position of the Kremlin [63. P. 110]. After organizing several demonstrations against „white ribbon activists“ to support Putin, Kurginyan – a leader of the movement "Essence of Time" – joined the anti-juvenile movement in Mai 2012 [e.g. 80]. This movement unifies opponents of any child-oriented reforms and speaks for "traditional family values" that are "threatened" through the adaption of Western norms. Originally the term "juvenile justice" means a branch of justice concerning minor offenders. Such branch existed several years until the Russian revolutions in 1917 before it was banned by a new com-

munist regime [81; 82]. The conservative movement decoupled this term from its original meaning and made it to an all-encompassing concept for any ideas that put the current distribution of power in Russia under question. Juvenile justice has become a synonym for the intervention into private life of families and for questioning the authority of parents. When analysing demands of the anti-juvenile movement, one reveals an inner discrepancy between what it criticizes and what it demands. On the one side, its representatives criticize the work of guardianship agencies that use a separation of a child from his birth family as the most wide-spread instrument when dealing with a family in a crisis situation. In this point they share the opinion of reform-oriented NGOs who criticize the repressive character of guardianship agencies as well. However, anti-juvenile activists present the mistakes of guardianship agencies as a “harmful Western influence” whereas reform-oriented NGOs stress their low level of professionalism and the absence of supporting social network for families. Paradoxically, though criticizing guardianship agencies, the anti-juvenile movement resists any attempt to reform the current system. Instead of supporting families to overcome crisis situations, anti-juvenile activists aim at closing the family from *any* interference from outside, thus, leaving it alone with its problems and leaving a child without a chance to be protected in case of a violation of his rights.

After Kurginyan became a face of the anti-juvenile movement, he could link pro-Putin anti-Western demands with the general concerns of many people about their children. Using children was an effective move to attract broad masses that were far from politics but suddenly went on streets to protest against the laws on social patronat and public control in residential institutions for orphans. Finally, both drafts have been postponed and later declined by the Duma. A well-known child rights activist and former dissident Boris Altshuler asks:

“Who is interested in this delay when establishing a crucially important public mechanism of children boarding institutions’ transparency? Who is unhappy with this law which, as it seems, has nothing to do with parenthood and preservation of the blood family? As it turns out, it does. More than that, this law is vital for saving the Russian family”[5].

The interviewed NGO-activists explain the mass support of the anti-juvenile movement due to the ignorance (*nevezhestvo*) of those followers who do not recognize its inner inconsistency. They also stress that this movement is supported by unknown but very powerful forces who are interested in the preservation of the current internat system and generally of the current power distribution in the Russian society. The campaign against the law prohibiting physical violence within a family makes it even more obvious. In spite of the international obligation of Russia to prohibit violence against children (UN CRC, Art. 19), the anti-juvenile movement succeeded in the reversal of the law that initially criminalized domestic violence [34]. During its advocacy campaign, the All-Russian Parent Union – founded in February 2013 and headed by the wife of Sergei Kurginyan – gathered over 200 000 signatures against the initial law. This parents’ movement declared that beating of children is merely a sign of light-mindedness and, thus, should not be criminalized [83].

## 5. Discussion

The emergence of an anti-Western rhetoric and the discrediting of human rights NGOs is by no way a specific Russian phenomenon. Similar processes can be observed in other parts of the world like Egypt, Turkey or Kirgizstan [e.g. 29; 65; 74]. Appeals to protect parental rights as opposed to children’s rights build a basis for pro-family organisations even in Western countries with “Family Watch International” as a prime example [14; 31]. The above examples of advocacy campaigns supporting *and* discrediting child rights-based reforms in Russia are far from encompassing *all* activities in the field of child protection. The pro and contra advocacy-campaigns around the reform of residential institutions<sup>4</sup> (the Decree RF No 481 from 24.05.14) and the reform of social services delivery (federal law No 442 from 28.12.2013) have not been included in this analysis as it would, otherwise, explode a format of a journal article. The cases analysed above illustrate how highly politicized a reform passage and implementation turns to become when it comes to changing power distribution models on a domestic level. This article also sheds light on the gap in the studies on human rights implementation concerning NGO-strategies when adapting and continuing their advocacy work under hostile domestic conditions. Distancing oneself from the “norm language” (the form) with the concurrent promotion of norm principles (the content) is one way for NGOs to deal with this challenge.

<sup>4</sup> See more: Kulmala/Rassel/Chernova, 2017; Kulmala, 2017.

## 6. Conclusions

The analysis of civil society actors making advocacy in the field of social orphanhood has revealed the existence of two “camps”. On the one side, a reform-oriented NGO-community is trying to influence the current legislation and promote child rights-based changes even though it partly dissociates itself from the language of international norms. However, the interviewed members of this group admit that “no consolidated NGO-community” exists but merely loose groups that have “more or less close positions” and a quite general consensus that “basically it is not good when children live in large residential institutions” (Interview with an NGO-activist, 15.05.2014). Participation platforms offered by the state such as the Public Chamber or numerous consulting councils serve as a substitution for a strong NGO-coalition and allow individual NGO-leaders lobbying their positions. On the other side, an „aggressive“, „pseudo-patriotic“, “reactionary attuned”, „parent”-community (*obschestvennost'*) has emerged that aims at preventing any child rights-based reform (Interviews with NGO-activists, spring-summer 2014). This camp is either initiated directly from above (e.g. through Duma deputies), or permitted and supported by the state<sup>5</sup>. This conservative community positions itself as an opponent of any Western ideas and norms that it puts under the umbrella-term of juvenile justice and children's rights.

In general, the Russian child and family policy since 2000 is marked by an antagonism of these two camps that virtually resembles the centuries-old conflict between slavophiles and westernizers. The absence of a stable NGO-coalition under the motto of child rights diminishes the chances of reform-oriented NGOs to achieve profound legislative changes. Direct or implied state support of conservative groups enhances at the same time their influence on the decision-making process and prevents the passage of progressive laws (e.g. on social patronat). Nevertheless, child rights-based NGOs can count on several positive shifts in the Russian child and family policy such as the reform of residential care institutions and of the system of social services. Analysing the children's rights change in Russia, I have identified several distinctive features within this domestic context. Firstly, it is the variety of interpretations of child rights that partially leads to the decoupling of the norms' form from their content. Reform-oriented NGOs, for example, perceive international norms either as an established standard or as too removed from reality ideas whereas both advocating for child-centred changes. The conservative movement, on the other hand, decouple the concepts of child rights and juvenile justice from their original meaning and fill them with completely new contents depending on the political conjuncture. Secondly, the state itself does not appear to be a homogenic unity promoting or denying children's rights even though Russia committed itself to their implementation through the ratification of the UN CRC. Instead, political proponents and opponents of child-centred reforms – such as in case of social patronat – antagonize each other in a decision-making process. Consequently, Russia can be placed in the fourth phase of the spiral model of child rights change (prescriptive status of norms) but it partially tends to fall back into the second phase (denying of norms) when it comes to the implementation of specific rights [e.g. 61; 62].

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<sup>5</sup> The All-Russian Parent Union, for example, enjoys the support from the president Putin himself who unexpectedly visited its founding meeting on the February 9<sup>th</sup>, 2013 [18; 44]. It also received a president grant of 3 Million Rubel in 2015 for publishing the Soviet-affiliated newspaper “Steps of history” that is distributed in Russian kindergartens and schools [52].



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*Е.К. Гатаулина***ВОСПРИЯТИЕ ПРАВ РЕБЕНКА В НКО-СООБЩЕСТВЕ В РОССИИ – КАК СТИМУЛ ДЛЯ РЕФОРМ ИЛИ УГРОЗА ТРАДИЦИОННЫМ ЦЕННОСТЯМ?**

В этой статье обсуждается роль международных норм по защите прав ребенка внутри российского НКО-сообщества после распада СССР. При этом отмечается различное отношение к правам ребенка в 1990е годы (период гибридной институционализации) и после 2000 года (период авторитарной консолидации). Выводы статьи основаны на результатах эмпирического исследования, проведенного весной-летом 2014 года в Москве и Ижевске. Фокусной группой служили НКО в сфере защиты детства, которые пытаются лоббировать изменения в законодательстве с целью решения проблемы социального сиротства. В период правления Бориса Ельцина российское государство открыто признавало свои обязательства по защите прав ребенка, которые оно взяло на себя, ратифицировав Конвенцию о защите прав ребенка (1989) и присоединившись к другим международным документам. При этом оно либо само инициировало, либо не препятствовало развитию проектов по борьбе с социальным сиротством. Российские НКО и активисты – часто вдохновленные международными акторами – выступали агентами изменений (*agents of change*) в сфере защиты прав ребенка. Однако хотя российское государство в 1990е годы и приветствовало подходы к решению проблемы сиротства, основанные на международных стандартах и ценностях (*дискурсивный уровень*), оно оказалось не способным осуществить полномасштабные реформы по де-институционализации сиротских учреждений и защите семей в кризисной ситуации (*оперативный уровень*). После 2000 года ситуация изменилась по нескольким направлениям. Процессы транснационализации, начавшиеся в 1990е годы, постепенно сворачивались вследствие консервативного поворота и меняющегося самовосприятия и само-презентации России на международной арене. В этой связи 2012 год можно считать поворотным, поскольку именно тогда были приняты закон об иностранных агентах и закон Димы Яковлева, а также решения о прекращении деятельности ЮНИСЕФ и USAID на территории России. Одновременно наблюдается изменение отношения к правам ребенка внутри НКО-сообщества. На сегодняшний день разделительная линия проходит между НКО, ориентированными на ребенка и нацеленными на реформы, и так называемым анти-ювенальным движением, выступающим за сохранение «традиционных семейных ценностей». Однако и внутри группы НКО, ставящих интересы и права ребенка во главу угла, отношение к международным нормам, таким как Конвенция ООН по правам ребенка (1989), неоднозначно. Вопрос в том, смогут ли реформо-ориентированные НКО использовать международный опыт таким образом, чтобы победить своих консервативно-настроенных оппонентов.

*Ключевые слова:* права ребенка, российские НКО, анти-ювенальное движение, социальное сиротство, трансфер норм, социальный патронат.

Gataulina Evgeniya Kamilevna,  
Master of Arts, PhD student  
Free University of Berlin (Germany),  
Department of Education and Psychology,  
Habelschwedter Allee 45, D-14195, Berlin  
E-mail: e.gataulina@yahoo.de

Гатаулина Евгения Камилевна, аспирант  
Свободный университет Берлина, ФРГ  
факультет образования и психологии  
Habelschwedter Allee 45, D-14195, Berlin  
E-mail: e.gataulina@yahoo.de