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2015

*Document Version:*

Publisher's PDF, also known as Version of record

[Link to publication](#)

*Citation for published version (APA):*

Höjdestrand, T. (2015). *Fatherland, Faith and Family Policy: Parental Mobilization against Children's Rights in Contemporary Russia*. ICCEES IX World Congress, Makuhari, Japan.

*Total number of authors:*

1

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# **Fatherland, Faith and Family Policy: Parental Mobilization against Children's Rights in Contemporary Russia**

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**Abstract:**

*Policies related to family, children, and birthrates have since the mid-2000s become increasingly central to the general ideological shift toward nationalism and conservative values in Russia. A symptom of, and a response to, this development is the so-called Parents' Movement; a rapidly proliferating grassroots mobilization in the defense of presumably traditional Russian family values against allegedly Western forms of moral degeneration. The catalyst and main target of the Movement is a current reform of the state structures of child protection in line with the UN Convention of the Rights of the Child. The parental opponents claim the reforms to be a conspiratorial Western attack against Russian "tradition" and its presumed core, the family. Nonetheless the popular appeal of the Parent's Movement also stems from a proliferated distrust in the Russian state administration, which is expected to intentionally exploit the CRC to increase corruption and authority abuse. The recent success of the Parents' Movement, this paper argues, resides in a simultaneous distrust in "Western" models of governance as well as in the Russian state bureaucracy. (Mis)representations of Western systems of child protection are used to draw up apocalyptic scenarios of a domestic future, and as the critique against Russian authorities are expressed in anti-Western terms an explicit challenge of an increasingly repressive regime is avoided.*

## Introduction

The UN Convention of the Rights of the Child (CRC) has over the past decade caused massive controversy in Russia. Clad in the rhetorical garments of “Juvenile Justice,” the notion of child rights has become a main symbolic watershed between a purportedly degenerated Western modernity and an extolled Russian-Orthodox tradition. As in other new nationalisms proliferating in the former Eastern bloc (and, for that sake, also in Western Europe), homosexuality and “gender ideology” serve the same purpose as fundamental tropes. Nonetheless, child rights and Juvenile Justice provide a far more rich material for speculations about the entire strategy of the purported enemy, and questions related to children, family, and social security are, in addition, more tangible features of most people’s everyday lives than e.g. gay parades. This paper aims to explain the controversy by analyzing the different lines of arguments that the opposition against the CRC usually employ, in order to reveal their underlying rationales and understand their implications for current attempts to implement the Convention in Russia.<sup>1</sup>

At first sight, the current focus on child rights may seem somewhat odd, as Russia since its ratification of the Convention in 1990 has been perpetually criticized by the Commission of the CRC and by domestic child-rights advocates for failing to implement it. Many ambitious laws have been taken from the 90s onward, but critics argue that legal instruments have not been sufficiently developed for these objectives to be realized in practice. New laws aimed to guarantee provisions of the CRC are often contradicted by other laws, or have unexpected effects that thwart other types of efforts to secure the protection and rights of children (c.f. Kravchuk 2009, Altshuler et al 2013). Another hurdle is the rigid and frequently ineffective state bureaucracy. Hitherto, a disparate array of state agencies has been responsible for child issues, at different regional and governmental levels and with vast variations in service provision between geographical regions (Schmidt 2009).

The most flagrant failure of the Russian state to live up to international standards of child rights is the exceptionally high proportion of children in state care – an embarrassing contradiction of the ostensible right of children to have a family, and, as pointed out by proponents as well as opponents of child rights, a huge and corrupt industry in which vast state funds are transferred into private pockets. The lingering existence of the orphanage

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<sup>1</sup> Most of the empirical material for this paper comes from the Internet. From 2012 through 2014 I have regularly followed a handful of sites where opponents of Juvenile Justice publish and communicate their opinions, with frequent excursions to other sectors of cyberspace. In 2012, I also managed to interview a dozen of representatives of conservative parental associations.

system can partially be explained by an outdated system of social assistance. Until very recently, it has been organized according to a Soviet logic of subsidies to predefined social categories. Means tested benefits are poorly developed, as are systems for case management, i.e. targeted forms of assistance adapted to the applicants' specific needs. Thus fixed allowances are granted to e.g. single mothers or families with disabled children, while the mandatory support to families facing unexpected crisis situations is a place for the children at an orphanage. The parents are left to sort out their lives on their own accord, with the effect that many children remain in state care. As parents tend to be reluctant to ask for this service voluntarily, the child protecting agencies (*organy opеki i popechitel'stvo*) are frequently called upon only when the family situation has deteriorated into full emergency and the children have to be removed by force.

Comprehensive federal strategies to improve the lot of socially vulnerable families and children appeared only after 2006, when family and children became a top priority of state policy. Supposedly, the improved fiscal situation mattered, but more important is the escalating official focus on patriotism and national reassertion. The buzzword "traditional Russian family values" is as omnipresent and fundamental to official ideology as is "demographic death", as well as the assumption that the latter is caused by an absence of the former. In his annual address to the Parliament in May 2006, President Putin thus gave particular attention to the need of state programs to encourage nativity and support vulnerable children and families. He also instructed the government to find mechanisms to reduce the number of children in state care; a message repeated several times by Medvedev, both as President and Prime Minister (Altshuler 2013). Concomitantly, year 2007 was declared Year of the Child and 2008 Year of the Family, and in the same period broad national strategies were launched on family, youth, and education along with a number of pronatalist policies (most notably the so-called maternity capital). Russia has ratified further transnational conventions, such as the European Social Charter in 2009 and the Hauge Convention in 2011. The protection of children and families has been attended to by, among other things, increased allowances for child support, tax deductions for parents; simplified routines for emergency interventions by the child protecting agencies (2008), a Federal Child Rights Commissioner's office (2009); and stricter legislation on child abuse and neglect (2010). In recent years, a couple of attempts have been made at a comprehensive modernization of the systems of social assistance. These bills (to which I will return) propose targeted forms of support adapted to the specific situation of the applicant, and aim to involve non-state actors as service providers.

Russian child rights advocates consider many of the federal initiatives to suffer from the usual tendency to stop short at declaring intentions. At local and regional levels, however, much work has been invested in concrete projects to improve the social situation of disadvantaged children and youth in line with the CRC. Joint pilot projects between state administrators, Russian child rights NGOs and international aid agencies have introduced systems of foster care, regional Child Commissioners, emergency telephones, youth courts, systems of prevention and probation, and so forth. In the first half of the 2000s, substantial efforts were, in addition, invested in programs aimed to raise the awareness about children's rights and the CRC among the broad public, adults as well as minors.

Many of these activities and reforms were labelled Juvenile Justice, since they aimed to modernize the youth penitentiary system and to establish systems for crime prevention and rehabilitation (CIDA 2009, Komarntiskiy 2012). The ambition was, furthermore, to integrate and streamline the plethora of state agencies dealing with youth at risk, and to formally establish the cooperation between state agencies and the civil sector that already existed in practice. A law package was prepared by the turn of the millennium to realize these objectives, but after many years of perpetual adjustments, it was finally turned down in the Duma in 2010. (Among other things, the bill proposed a new system of federal youth courts, which was found to be incompatible with the Russian Constitution.)

### **“Juvenile Justice – we’re against it!”<sup>2</sup>**

While Child Right NGOs criticize the practical implementation of what they consider to be basically well-intended laws, a more exhaustive critique comes from a quite different sector of civil society: conservative and radically nationalist grassroots groups of “concerned parents.” The Parents’ Movement, as activists often refer to themselves, is basically an offshoot of a “moralist” media crusade against sexual education that was initiated in the late 1990s. In the following decade, a nationwide network of grassroots associations slowly proliferated all over the country, protesting against sex education and defending “Russian tradition and family values.” By 2010, it had become enough large and vocal to catch the attention of mainstream mass media and established political actors.<sup>3</sup>

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<sup>2</sup> The name of one major website gathering opponents against Juvenile Justice: <http://vk.com/stopjuvenaljustice>

<sup>3</sup> The conservative grassroots mobilization against Juvenile Justice should not be conflated with a quite different contingent of Russian pro-family organizations, which is as well-connected internationally as it is within the Russian power elite. E.g. “The Sanctity of Motherhood” (one in a network of overlapping foundations and programs headed by railway boss Vladimir Yakunin and his wife Natalia) and the think-tank “Familiypolicy.ru” (lead by businessman Aleksei Komov and billionaire Konstantin Malofeev) are closely associated with US-based World Congress of Families, a network that also involves Archpriest Dmitry Smirnov and Elena Mizulina, heads

The main impetus for the growth of a few dozens of scattered parental grassroots groups into a nationwide and vociferous movement was given by the issue of Child Rights, which was introduced to the conservative agenda in the mid-2000s. The trigger seems to have been the public awareness campaigns about the CRC and Juvenile Justice at the time (c.f. Riabichenko 2010), but perhaps sexual education was no longer enough topical to serve as a unifying trope – in practice, the battle had already been won. State policy was less keen on support to programs on reproductive health than Western funders, but during this period the latter tended to transfer their priorities to less affluent parts of the world than Russia. Moreover, certain advocates of reproductive health were now engaged in child rights and “Juvenile Justice,” a term as catchy as it is malleable. The conservative opposition has never displayed much interest in youth criminality, be it that they, as advocates of tough-measures everywhere, reject any mitigation of repressive sanctions. Instead they use the term *yuvnal’naia yustitsiia*, its nickname “YuYu”, or just the adjective “juvenile” (combined with “technologies,” “mafia,” “authorities,” “revenge”, etc.), as a convenient all-purpose category for a variety of supposedly Western-originated measures, policies, sociocultural trends, and actors that are perceived to erode parental authority over children, and/or infringe on the integrity of the family vis-à-vis the state.

Mostly, alleged juvenile threats are constituted by law bills, but they can also be understood as sex education, liberal protests against obligatory religious education in schools, feminism, gay parades, and so forth.<sup>4</sup> In the first years of the campaign, the ostensible target was the aforementioned draft laws on Juvenile Justice, but debaters (mostly Orthodox journalists, pedagogues, and priests) usually abstained from jurisprudential details in favor of dystopic depictions of the purported motives behind the bill and its anticipated effects on society at large. In the past five years, a number of jurists have joined the regular team of conservative publicists and the discussion is more focused than earlier on detailed analysis of

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of the commissions for family questions of the Patriarchy and the Duma respectively, and well-known pro-natalist demographer Anatoly Antonov (co-funder of the WCF). These Russian elite organizations are primarily engaged in opposition against abortions and homosexuality, and have, in contrast to “anti-YuYu” grassroots, neither taken any initiatives against Juvenile Justice nor criticized state policy in other respects (c.f. Højdestrand 2015).

<sup>4</sup> As expected, the conservative opposition demanded bans on homosexual “propaganda” long before the first prohibition in Ryazan in 2006, and homosexuality is inscribed into the Juvenile Justice narrative insofar that if tolerance to it is implemented in Russian law, it will become constitutive of a new normativity that parents must oblige to. Gender equality is seen as a “juvenile technology” for the same reason but received relatively little attention before 2011, when an old draft law about gender equality was taken to a second reading in the Duma (cf. Riabichenko 2013b). It did not pass, but a recent bill, “On the prevention of domestic violence,” might turn gender more topical in the near future.

new draft laws, decrees, policies, and so forth (cf. Letkova 2011, ARKS 2015 for a list on the most topical ones during the past five years).

### **General critical points against the CRC**

The CRC as such is far from always explicitly addressed in the rhetoric against Juvenile Justice, but the thoroughgoing bones of content are identical to criticism that has been voiced against the Convention all over the world since it was drafted in the 1980s. Firstly, this concerns the idea of children having separate rights from those of their family and parents, which Russian conservatives consider to be alien to national tradition and, moreover, to be forcibly imposed upon the country by a Westernized international community. Secondly, rights specifically entitled to children must by definition be guaranteed by the state, which, according to the opponents, thereby will substitute parents as ultimate educators and protectors of children. This challenges the autonomy of the family and the right to privacy granted by the Russian Constitution.

None of these objections are unique to Russia. A number of states have made reservations to provisions of the CRC because they are not considered compatible with national culture, religion, or law (Schabas 1996, Cohen 2006). Usually, this pertains to the image of the child as autonomous, “being,” as emphasized primarily in articles 12 to 17 (the right to free expression, information, choice of religion, association, and privacy), while most other articles of the Convention and older international treaties to a larger extent construct children as dependent, “becoming.” Therefore, alternative treaties have been created, such as the African Charter on the Rights and Welfare of the Child, which emphasizes not only rights but also children’s duties to their families and the local community’s responsibility for individual children. Social scientists agree that Western views and interpretations tended to have the final say during the preparation of the Convention, despite strong efforts to the contrary (Harris-Short 2001, Cohen 2006), and that the resulting conception of “child” and “childhood” are difficult to realize in poor socioeconomic contexts with other ideas than the modern Western ones about family obligations and individual autonomy (Montgomery 2010, Brown 2001).

In the West, the CRC is controversial mainly in the United States, which was very active in its drafting (in particular of the abovementioned controversial articles) but remains the only country in the world that has not ratified it. Ostensibly, the US Constitution is the main obstacle, but there is also a strong opposition against it from the politically influential Christian right. One line of arguments concern the status of US and international law



respectively, while another, as elsewhere, objects to the prevalent construction in the CRC of children as “autonomous beings,” although more emphasis is laid on state-citizen relationships than on ethnocentrism and cultural integrity (Kilbourne 1996, Reynart et al 2009).

### **The CRC as a threat to cultural specificity and “tradition”**

The Russian anti-YuYu rhetoric taps into all the mentioned strands of criticism against the CRC, and is, as elsewhere, more of a negotiation than a downright rejection. The articles about children’s right to knowledge of their cultural background, or to protection against mental abuse, are often invoked when conservatives argue in favor of e.g. obligatory school classes on religion or of bans on homosexual propaganda, pornography, or abortions. Rather, Juvenile Justice is interpreted as a fusion of all the potentially destructive aspects of the CRC, which implies the conception of children as autonomous “beings.”

According to the conservative opposition, this view contradicts a “traditional” Russian conception of the family as based on age hierarchy and parental discipline; a principle that ideally should be reflected also in society at large, as a patriarchal relationship between the strong leader and his loyal subjects.<sup>5</sup> Children must learn boundary-setting and respect to authority at home, or else they will grow up into anti-social threats to themselves as well as to society (cf. Medvedeva & Shishova 2006, 2008; Shestakov 2011). Since most leading debaters are Orthodox, the Fifth Commandment may be invoked, or the family as the “Small Church,” structured as the Orthodox ecclesiastical hierarchy.

For obvious reasons, the aforementioned Articles 12 to 17 of the CRC are controversial in this respect, but the most debated issue is the legal implications of Article 19 about children’s right to be protected from mental and physical violence. The first texts of the “anti-YuYu” campaign in 2006 were primarily attacking the way in which “physical violence against children” was used as a purportedly naïve buzzword in the ongoing efforts by child-right NGOs to promote and establish the Convention among the broad public (cf. Medvedeva & Shishova 2006). According to the conservatives, the seemingly sacrosanct understanding that children should be protected from violence is in reality a ban on any form of parental reproach. Minor disciplinary measures, however, such as a smack on the bum or a grounding, cannot be juxtaposed to physically harmful violence, which usually occurs outside of the

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<sup>5</sup> See Højdestrand (2014, 2015) for a more detailed explanation of how conservatives on the one hand extol Putin as a strong leader, while on the other hand dismissing his own state administration and support party (Edinnaia Rossiia) as corrupt impostors.

family, not within it (according to ARKS 2015, the proportions amount to 88% and 12% respectively, but the reliability of these statistics, ostensibly from the Ministry of Interior but without detailed reference, should be scrutinized carefully). A ban on corporeal punishment would give children full license to do whatever they want, which, judging by these authors, can be summarized as playing computer games, watch pornographic docusoaps, and indulge in sex, drugs, and rock'n roll.

Children are in this rhetoric indeed constructed as incomplete, or “becoming,” moral beings, whom only firm parental discipline can transform into mature social persons. In the words of the two most productive and influential conservative commentators, child psychologists Irina Medvedeva and Tatiana Shishova: “[children] are capable of obstinacy, willfulness, and demonstrative negativism, but to manifestations of positive will – not really” (Medvedeva & Shishova 2006). Their anxieties were indeed realized a few years later when the punishments for abuse and neglect of children were strengthened in 2010. There is still no total ban, but at present conservatives anticipate that a new draft law will impose it, “On the prevention of domestic violence” (still under preparation). This bill is viewed as particularly sinister since it embraces violence not only against children, but also between spouses. Hence the international community is attempting to impose upon Russia yet another untraditional and family hostile feature, namely feminism.

The superiority of Russian tradition to Western “illusions” about children’s autonomy is in these texts generously illuminated by disparate examples of juvenile delinquency in the West, be it school shootings, youth riots, or children suing their parents. A thoroughgoing theme is children being removed into care due to minor disciplinary measures from the side of their parents, such as a smack on the bum or a grounding. These juxtapositions are fundamental to the rhetoric since the opposition against YuYu did not emerge in a context related to children or education, but in an ultranationalist subculture<sup>6</sup> prioritizing essentialist reifications to substance and content of concrete issues. Thus this rhetoric displays no nuances or negotiations of the given categories. Swedish parents are assumed to relate to authority as do German or Spanish ones, without internal distinctions related to class, education, religion, or urban-rural positioning. Russians are equally homogenized, save for the fact that “traditional” parents are set apart from the rest, as potential victims of a future juvenile totalitarianism.

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<sup>6</sup> The term “subculture” may not be entirely appropriate, but in the end of the 1990s, when the crusade against sex education began, ultraconservative Orthodox radical nationalists did not belong to the political mainstream.

In the first years of the anti-YuYu campaign, the depictions of the West as a homogenous juvenile “anti-world” were vague and anonymous. From 2009 onward, however, concrete “case studies” were provided by a handful of reports in mainstream mass media about Russian immigrants to Western countries (Finland in particular) being maltreated by the social services of their host countries. Purportedly, children had been removed due to false allegations of physical maltreatment, and Russian mothers had lost custody battles because their love to their children was considered insane. These news were accompanied by a news flow about Russian children being unjustly removed into orphanages by abusive Russian child protective agencies, but the inflammatory media discussion that followed was more prone to a politically opportune scapegoating of the West than to a critical analysis of domestic matters. Facts ripped out of context were mixed with downright lies, and with the benign aid of “experts” from the Parents' Movement, an image was created of “the West” as a totalitarian and de-familized terror society ruled by “juvenile” laws and Child Rights, and of the Russian incidents as a mere harbinger to come.

### **CRC and the “civil” fifth column and global conspiracy**

The probability of an imminent One World Government is a central idea in the ideological underpinnings of the anti-YuYu rhetoric, which from the very onset displayed a strong propensity to conspiracy thinking (as did the crusade against sex education that preceded it). Tapping into the worldviews of (ironically) the American extreme Right, it conceives of transnational agencies such as the UN, WTO, or the European Commission as the spearheads in a global war of Western liberals against the rest of the world. Along with gay parades and queer theory, Juvenile Justice and the CRC are important tools in the perpetual attempts to eliminate Russia and establish global hegemony. The invasion is conceived of as, firstly, a moral and cultural “information war” against indigenous tradition, in which family and children are central as the primary node of cultural transmission. The enemy tries to transform the norms and values of ordinary citizens and their offspring by media propaganda and education campaigns, be it about reproductive health or child rights. Secondly, the battle takes place at the legislative level, as transnational treaties are given priority to national legislation, which is interpreted as a systematic undermining of national sovereignty.

According to the conservatives, the global invasion is facilitated by a treacherous and well-greased cohort of Russian NGOs that can be recognized by their prior association with Western partners or funders, and by their engagement in social programs and legislative projects targeted at socially vulnerable families and children (c.f. Roditel'skiy komitet 2007,

Druz' 2011). The resentment against this "fifth column" precedes the protests against Juvenile Justice since many of these purported "agents of change" have formerly been involved in projects related to reproductive health and HIV-prevention – the main target of the crusade against sexual education that preceded the anti-YuYu campaign.

Radical nationalists were demonizing Western-sponsored NGOs as spies or agents long before Kremlin picked up the same idea a decade ago, but the grudge is equally symptomatic for the general anti-elitism of populist movements such as the conservative parental one. Many NGOs that were established with Western support in the 1990s developed into professionalized expert organizations, with the effect that ordinary Russians often conceive of them as just another privileged elite, or as any commercial enterprise. Conservatives frequently point out the links between such NGOs and the presumably corrupt state administration since the two have frequently cooperated in different social projects, and since these NGOs are at times represented in the Federal Civic Chamber and other consultative state institutions. Therefore, they usually object to draft laws and policies that in some way or another include the civil society in social programs. Some examples are (with shortened titles) "On Social Control of the Guarantees of Rights for Orphans," (2012) which proposed a system of public surveillance of orphanages carried out by citizen's commissions of NGO representatives, or "On Social Patronage" (2012) and "On the Foundations of Social Provisions" (2013), both of which proposed that NGOs would be hired as service providers in social programs offering "social- pedagogical and medical-psychological" support. (In the former two cases, the Parents' Movement succeeded and the bills were somehow lost between readings in the Duma.)

As I have elaborated more upon elsewhere (Höjdestrand 2015), the Parents' Movement identifies itself as the "real," patriotic civil society in contrast to what they regard as "grant-eating," Westernized impostors, so one might expect that they want to replace their antagonists in many influential political contexts. Some prominent activists have indeed already done so, but most others have, *qua* grassroots, no experience of social policy or, even, organized charity work since their activism is fueled more by patriotism and moral idealism than by a concern for socially vulnerable children. Furthermore, many antagonists of YuYu are principally against all forms of neo-liberal governance, and to them the involvement of the third sector in social policy does not differ much from privatizations and outsourcing of state services to commercial actors.

### **The “juvenile state” against “traditional parents”**

The resentment against the state administration is striking in the anti-YuYu rhetoric, in particular in the doomsday scenarios. An implementation of the CRC and a ban on corporeal punishment would, as the argument goes, by definition incriminate “traditional parents” who would be easy prey to an unholy alliance between the “juvenile authorities” and their own offspring. Awareness campaigns about the CRC, emergency telephones, children’s ombudsmen, and so forth are, according to the conservative opposition, aimed at encouraging children to report parents to the authorities if their purported rights are denied. Thus the child protecting agencies will be authorized to remove the children into state care and – finally – adopt them to gay couples (i.e. pedophiles) in the West or, at any rate, sell their organs (cf. Riabichenko 2013b). Russia is thereby hemorrhaging its existing children without any concomitant hematopoiesis, for most healthy-minded adults resent cohabitation with potential denouncers and will, naturally, abstain from giving birth to them (Medvedeva & Shishova 2006).

Some prevalent themes in this discourse – being reported for nonsense issues; children denouncing their own parents; and removal of children as a mandatory measure of intervention – are more or less copied from American propaganda against Child Rights.<sup>7</sup> Both countries have strong traditions of suspicion against the state, and both discourses assume, erroneously, that the Convention is a punishment mechanism of the state against supposedly misbehaving parents. The explicitly stated intention of the CRC is that it should be an instrument of the international community to put pressure on individual state parties, and that the function of the state is to assist parents in the fulfilment of their responsibilities. The priority of family cohesion and parental prerogative is, moreover, emphasized much more in the Convention than children’s autonomy.

Arguably, the profound distrust in the state reflected in these misapprehensions is more understandable in a Russian context than in an American one. Even if the totalitarian past is rarely brought up in the anti-YuYu rhetoric (given the prevalent Soviet nostalgia among nationalists) the juvenile dystopias convey reminiscences of an era when not even family

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<sup>7</sup> I have found no evidence on contacts between the “anti-YuYu” movement and conservative “moralists” in the West, and the Russian debate has very few references to foreign sources (German sociologist Gabriele Kuby is one of few exceptions). More probably, the globalization of arguments for “traditional values” should be directly related to the proliferation of Internet (and, in particular, its translation devices).

members could take each other's loyalty for granted (the name Pavel Morozov is frequently invoked) and when removal of children indeed was used to persecute dissidents.<sup>8</sup>

The state administration has not become less prone to corruption and authority abuse during the purportedly democratic period, and radical nationalists are not less infuriated by these tendencies than anyone else, be it that they blame Evil on Western cultural impact and not on the system itself. Given that the child protective services hitherto has not been an agency of social assistance inasmuch as one of surveillance and forced intervention, their image is particularly soiled. Whether or not opponents against child rights misunderstand the Convention themselves, they cannot really be blamed for anticipating that *the state* will disregard the original objectives and misuse it to harass ordinary citizens.

Such assumptions were particularly salient in the protests against the law "On Social Patronage," which was launched in March 2012. It introduced a new system of targeted social assistance that would allow adults and children above 14 to apply for "social- pedagogical and medical-psychological" support. Although voluntary in principle, the patronage could be imposed on uncompliant parents if the social services considered this necessary for the wellbeing of the children. Removal remained as a last measure, but the main intention of the bill was to avoid this as far as possible by attending to crisis families already before emergency sets in. The lawmakers had, as it seems, modelled this bill on social security systems in other countries (supposedly Western), most of which assume people to ask for help if they think they need it, and force others to accept it if they otherwise constitute a danger to themselves or others. In most human communities, moreover, children are taken care of by someone else if their parents are not considered capable of doing it.

To people who expect nothing but evil from the state, however, this principle has less benign effects. To the conservative opposition, the bill manifested Juvenile Justice in its purest form. The remaining option of the state to intervene by force turned it into a perfect instrument of authority abuse and corruption, they argued. This law and others before it had introduced new criteria for intervention (the Family Code of 1995 is not very precise in this respect, Pavlova 2010), but according to the conservatives these amendments made little or no difference. It would still be up to each civil servant to decide whether or not to remove a child, since "mental or physical violence," "socially precarious situation," "risking the child's

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<sup>8</sup> Quite recently, the authorities are reported to have used removal of children to pressure politically inconvenient trade union and environmental activists (Zimbovskiy 2010, Aivazian 2013) Conservatives have not paid much attention to these cases, however, but are more concerned about the anticipated fate of future "traditional" parents,.

life and health,” and so forth can be applied to virtually anything. Earlier laws had, in addition, increased the punishment for “cruelty against children” and simplified the rules for emergency removals, which this bill did not change. According to parental activists, any parent could by this be accused of anything, and individual state administrators would face no obstacles if they wished to harass certain parents or simply use blackmail as a supplement to a meager salary.

In this discussion, a new element was brought in: poverty. One of few points on which conservatives and liberals agree, is that the vast state budget for the orphanage system should be transferred into monetary allowances. Poverty is by far the most proliferated form of social vulnerability, but the bill contained no such budgetary allocations – instead it earmarked large funds for the practical implementation of the new system. According to the Parents' Movement, this absence proved that the intention of the bill was to increase the number of children in state care, rather than the contrary. The CRC's provisions about children's rights to health and an adequate standard of living are, they argued, in reality adapted to *Western* material conditions; a “normative affluence” that 80% of all Russian parents fail to meet. In principle, the social services were thus already authorized to take the children of these deviants, and the new bill proved that the authorities had no intentions to amend this system defect. This point stroke a popular chord, as mainstream mass media from 2010 onward published an increasing number of reports about children that were allegedly taken into care only because of the poverty of the parents.

### **Power balance – pacifying the public while carrying on the reforms**

Ironically, the creator of the law “On Social Patronage” had less than two years earlier officially rejected “the Western model of Juvenile Justice.” Elena Mizulina, head of the Duma Committee on Family, Women, and Children, was formerly an eager proponent of Juvenile Justice, if the concept is to understood as a reform of the youth penitentiary system (she has a Law Ph.D. on probation systems). By 2010, however, the violent media discussions on child removals and Juvenile Justice in Russia and the West respectively had, together with an increasingly anti-Western stance from the side of Kremlin, made the Parents' Movement and its agenda politically correct. Actors from all walks of patriotic political life realized the potential of the anti-YuYu struggle as a platform for other questions,<sup>9</sup> and new parental

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<sup>9</sup> The most well-known “newcomers” are Sergei Kurginyan's mass movement Essence of Time and Nikolay Starikov's Union of Russian citizens, who joined the struggle against Juvenile Justice in 2012. As I take it, an additional impetus to their sudden concern for family and children was the options provided to combine the

grassroots groups flourished all over the country. The concept Juvenile Justice had now acquired the rough meaning “anything that gives the state a pretext to take children,” and official dismissals were made also by the Interreligious Council of Russia, the Communist party, and Federal Child Commissioner Pavel Astakhov. Two years later the Russian Orthodox Church published a similar statement, and Putin himself appeared at a parental congress with a promise – arguably very vague – to respect public opinion with regard to the law on social patronage.

None of these statements was particularly specific about what was actually rejected, and especially Mizulina has to this day apparently not grasped what conservative “concerned parents” mean by “Juvenile Justice.” Nor does anyone else who is professionally active within the social sector, because these civil servants and NGO activists cannot really lose faith in the value of their own work. The conservative understanding of “YuYu” departs from a broad assumption that state authorities by logical necessity are bound to misuse their mandates, and that anyone who comes into contact with them will contract the same disease. In certain matters, the arguments of proponents and opponents of child rights overlap, in particular with regard to the incompetence and abusiveness of the current child protecting services or the “state orphanage industry” and the government funds being spent there. Generally, however, the parties tend to talk past each other. Proponents argue that the repressive tendencies of the child protecting system can be ameliorated by reforms, while opponents take for granted that any attempt at transformation will result in more state surveillance. Proponents largely ignore their antagonists’ anxieties about corruption and authority abuse, while opponents present no alternative solutions except vague appeals to a “return to traditional morals.”

Throughout this dead-end discussion, the powers-that-be have displayed a somewhat ambiguous attitude to the resistance against Juvenile Justice and the CRC. The anti-Westernism of the conservatives serves Kremlin well – a fair part of the current arsenal of official shibboleths have been taken from the “moralist” opposition (in the same way as other tropes and symbols have been borrowed from ultranational groups beyond the mainstream). The distrust in the state bureaucracy notwithstanding, the Parents' Movement positions itself as a loyal, patriotic civil society that, in contrast to “liberal” movements, do not challenge the apex or power or the authoritarian system as such. On the other hand, they indeed constitute an obstacle to the lawmakers and administrative offices who are responsible to realize in practice the presidential decrees about social security and protection of families and children.

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protests against YuYu with a mass mobilization against Russia’s accession to the WTO, which, as is well known, demands adherence to the CRC from its member states.



These ambitions are, as far as I can see, intact, for the system of child protection is untenable and without doubt a blot on Russia's national image – now if ever, the state needs to show that it is capable of taking care of its children without Western aid.

As a result, politicians such as Mizulina attempt to balance repeated endorsements of conservative claims with continued reforms and, in addition, perpetual assurances that there is nothing juvenile or Western about the latter. The bill on patronage was discarded in the end, but within a year it was succeeded by a similar bill, “On the Foundations of Social Provisions,” which has been met by conservative arguments not much different than former ones. (The practical effects of this law have not yet been manifested since amendments have been made until very recently.) In addition, lawmakers are to a certain extent adopting the conservative interpretation of child rights, which can be summarized as the right to education about one's own cultural identity, language, and values (stated by Article 29) and the right to remain ignorant about sexuality in general and homosexuality in particular (not stated by the CRC at all). I refrain from speculations about the authenticity of these purported assurances of a conservative worldview, but many conservative debaters are skeptic. Some of them consider the notorious bans on homosexual propaganda and on foreign adoptions to be mere decoys to pave the way for Juvenile Justice since the initiators – Mizulina and Duma Deputy Ekaterina Lakhova – have been supporting “liberal” reforms and child rights for many years. To remain at the top of Russian politics and continue their mission, they need a conservative makeover.<sup>10</sup>

I have no objections to this interpretation. In particular Mizulina is apparently trying to bridge the cultural gap that the controversy about Juvenile Justice and Child Rights is really about – the abyss between those constructed as “elite” and those claiming to be “the people.” Cultural difference is at the heart of this controversy, albeit not in terms of civilizational differences between a “traditional” East and a “modernized” West, as the opponents of YuYu would have it. Judging by this debate, the distinction is rather about faith and distrust respectively in bureaucratic rationalization, be it the one of state structures, the ones of the civil sector or, even, the one of transnational agencies. Proponents of the Convention would not engage themselves in these questions unless they believe that social institutions and attitudes can be fundamentally changed to the better by way of legislation and policy (or, at the very least, that it is worth trying). Antagonists take a more pessimistic and less inventive

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<sup>10</sup> Mizulina proposed the ban on homosexual propaganda and on adoptions to countries allowing gay marriage while she was preparing “On the Foundations of Social Provisions.” The clause of the “anti-Magnitsky bill” pertaining to US adoptions was added by Ekaterina Lakhova, another old promoter of Child Rights and Juvenile Justice. Furthermore, Putin signed the latter bill on the same day as he issued a decree prioritizing the further elaboration of the draft law on social patronage (c.f. Riabichenko 2013a, Kurginyan 2013).

position – transformation is to them synonymic to the chaos of the 1990s, and when they suggest laws it is rarely if ever to introduce something new, but to scaffold what they take as “tradition.”

As a legal instrument, the CRC rests on the assumption that the state is willing and capable of securing the rights and protection of children. There are, for instance, no mechanisms for imposing sanctions on state parties breaking the agreement – rather, it works as a gentlemen’s agreement between equal-minded partners. But the Convention also presupposes that the citizenry has faith not only in its values, but in the willingness and capacity of the state to realize them. If this is not the case, subjects are likely to project the fallacies of the state onto the Convention and its promoters, and protests such as the Russian ones may arise. Somewhat ironically, the resistance against child rights in Russia is an effect of the failure of the state to realize many of the objectives of the CRC– if at least some reforms had worked out successfully much earlier, the successive ones would not have met so much resistance. In other words, an efficient democratic system of bureaucratic rationalization seems to be the prime requisite for – an efficient democratic system of bureaucratic rationalization.

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