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Gender Equality Policy: Criminalizing and Decriminalizing Domestic Violence

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Abstract:

This report examines recent changes in domestic violence legislation in Russia, including the criminalization of battery in July 2016 and its partial decriminalization in February 2017. I examine how these changes came about and what this means for gender equality policy in today's Russia.

Activists Working for Comprehensive Domestic Violence Reform

Activists have been organizing against domestic violence in Russia for more than two decades, with the passage of comprehensive legislative reform as the primary goal.¹ Though activism had been checked in the last decade by the withdrawal of most foreign funding and Russia's "foreign agent" NGO law, attempts to pass a comprehensive domestic violence law were renewed in 2012. Russia's semi-representative Public Chamber called for the creation of protection orders for victims of domestic violence, and, in the next year, charged a working group to move the legislation forward. A January 2013 murder and dismemberment of a journalist (whom relatives alleged had been repeatedly beaten over the years) by her Moscow restaurateur husband increased public support for reform. In February, the Public Chamber held a formal roundtable on legislation. Two lawyers who had experience addressing violence against women cases drafted new legislation, "On prevention of domestic violence," that called for the creation of social and legal protection for women as well as a protection order regime. It was not a punitive law. For abusers who cause "light bodily injury" (which results in some kind of harm to the abused's health), the law entailed only a cooling off period of a few weeks' detention and counseling. But, while recognizing that some compromises had been made, the NGO leaders and feminists I interviewed in 2013 thought the bill was a good one, and the bill was due to be formally introduced that autumn.

However, the bill was dead even before it was officially submitted. Top officials of the Russian Orthodox Church pronounced that such legislation threatened the Russian family, and a recently formed NGO,

the All-Russian Parents Resistance, took up the charge. The Orthodox Church's resistance was repeated and strengthened in 2016 into formal resolutions, declaring that efforts to prevent domestic violence were based on "false ideologies, conceptions and approaches" to the family that derive from feminists' "gender ideology."² Over the next several years there was no progress, and Russia refused even to sign the Council of Europe's Istanbul Convention on Preventing and Combating Violence against Women and Domestic Violence.

Stymied again, activists against domestic violence began to pursue new avenues, such as embracing Facebook and joining forces with journalist and internet-entrepreneur Alena Popova. In the summer of 2016, there was even a virtual flashmob on social media composed of tens of thousands of women (and then men) sharing their stories of rape, sexual assault, incest, sexual harassment, and domestic violence, started by a Facebook post by a Ukrainian activist using the hashtag #Iamnotafraidtospeakout (#yaneboius'skazar').

Criminalizing Violence in the Family

In 2016, an unexpected opportunity opened. As part of a larger packet of legal reforms, the Supreme Court was pushing the Duma to move several provisions of the Criminal Code to the Administrative Code, including the first part of Article 116 (battery), which is the primary crime that women have been using for domestic violence prosecution and which would decrease the penalties and punishments.³ Battery, a lesser crime than light injury (Art. 115), where the harm is not bad enough to require hospital treatment, was already barely criminalized, as it required no public prosecution. (Under Russia's peculiar private prosecution, the victim is in charge

1 Janet Elise Johnson. 2009. *Gender Violence in Russia: The Politics of Feminist Intervention*. Bloomington, IN: Indiana University Press. Maija Jäppinen and Johnson. 2016. "The State to the Rescue? The Contested Terrain of Domestic Violence in Postcommunist Russia." In *Gender Violence in Peace and War*, edited by Victoria Sanford, Katerina Stefatos, Cecilia M. Salvi and Sofia Duyos-Álvarez, 146–157. New Brunswick, NJ: Rutgers University Press.

2 Zezulin, Lena. 2016. The Russian Orthodox Church, the Law, and Family Violence. The Wheel, Feb. 9, <<http://www.wheeljournal.com/blog/2016/2/9/lena-zezulin-the-russian-orthodox-church-the-law-and-family-violence>>

3 "Gosduma Popravila Samye 'Populiarnye' Stat'i Ugolovno Kodesa. 2016. *Prestupnaia Rossiia*, Jun. 8, 2016. <<http://crime-russia.ru/gover/gosduma-popravila-samye-populyarnye-stati-ugolovno-kodesa/>>

of the prosecution herself.) Activists against domestic violence rallied, and in February, Putin signaled some concern about this decriminalization after the Duma's first reading of the proposed legislation: "Some experts believe that the decriminalisation of these Criminal Code articles would lead to an increase in domestic violence," he said.⁴

With more pressure from activists and Putin's assent, the second and final version of the legislation in July excluded from the decriminalization any forms of battery that were committed by people "close" to the victim (including spouses, children, parents, grandparents, grandchildren or co-inhabitants).⁵ For the first time in Russian history, there were provisions in Russia's criminal law that connoted some particular dynamics of domestic violence that made battery by family members more significant than violence by strangers. The changes also made this form of battery by close persons into a private-public prosecution crime in which the victim must initiate the process by filing a complaint, but the state is then responsible for investigating and prosecuting. Together, these changes effectively criminalized domestic violence. A version of the draft comprehensive legislation on domestic violence was then formally introduced in September 2016.⁶

De-criminalizing Domestic Violence

This success was to be short-lived. During and after the small reforms in the summer of 2016, the All-Russian Parents' Resistance organized protests and petitions in a dozen cities across Russia, questioning whether beating family members should be a crime, arguing that such ideas were Western and collecting more than 200,000 signatures protesting the reforms.⁷ Federation Council Senator Elena Mizulina declared "even when a man beats

his wife, it's not as offensive as humiliating a man."⁸ At a December 23, 2016 press conference, Putin signaled his change of heart: "Unceremonious interference in family matters is unacceptable."⁹ Three days later, the women's crisis center ANNA in Moscow, the most internationally prominent crisis center and the one connected with those who had protested the draft legislation, was suddenly put on the "foreign agent" list.¹⁰

By January 2017, Russia's bicameral legislature began considering how to undo the summer reforms. Sponsored by Mizulina (along with Duma deputy Olga Batalina), the new legislation proposed to move battery by close persons, as long as it was the first violation reported to the police, to the Administrative Code (as had been the original proposal, equalizing the penalties and procedures for battery by close or non-familiar persons).¹¹ The penalty would be only a fine of up to \$500, 15 days arrest, or 120 days of community service, and the victim would have to prosecute privately.¹² Called the "slapping law" by opponents, the legislation went quickly through the required three readings in the newly elected Duma. On February 1, the Federation Council approved the legislation, and within the week, Putin signed it into law. Domestic violence, just criminalized, was then effectively de-criminalized.

Feminist activists resisted throughout the accelerated process. There were small protests outside the Duma, and activists published a letter in *Novaya Gazeta* to Valentina Matvienko, the speaker of the Federation Council and co-organizer of the Eurasian Women's Forum. They cited her previous support for anti-domestic violence efforts, questioning the claim that the current law was only about "slapping" as opposed to beating, and arguing that violence in the family is worse than violence by strangers.¹³ Those signing included brave long-time activists and feminists (including Popova and ANNA), but also three members of the Presidential Council on Civil Society and Human Rights. Pussy

4 Putin, Vladimir. 2016. *Transcript: [Putin at] Conference of Court Chairmen*. Feb. 26. <<http://russialist.org/transcript-putin-at-conference-of-court-chairmen/>>

5 Russian Federation. 2016. "Federal'nyi Zakon Ot 03.07.2016 no 323-FZ "O Vnesenii Izmenenii v Ugolovnyi Kodeks Rossiiskoi Federatsii i Ugolovno-Protsessual'nyi Kodeks Rossiiskoi Federatsii Po Voprosam Sovershenstvovaniia Osnovanii i Poriadka Osvozhdeniia Ot Ugolovnoi Otvetstvennosti," *Ofitsial'nyi Internet-Portal Pravovoi Informatsii* [Official Internet Portal of Legal Information, <<http://publication.pravo.gov.ru/Document/View/0001201607040116?index=3&rangeSize=1>>

6 "V Gosdumu Vnesli Zakonoproekt o Profilaktike Domashnego Nasiliia". 2016. *Afisha Daily*, Sep. 28, <https://daily.afisha.ru/news/4142-v-gosdumu-vnesli-zakonoproekt-o-profilaktike-domashnego-nasiliya/?utm_source=afishafb&utm_medium=social&utm_campaign=v-gosdumu-vnesli-zakonoproekt-o-profilak>

7 "Russia's Federation Council backs law on decriminalizing domestic violence." 2017. *TASS Russian News Agency*. Feb. 1, <<http://tass.com/politics/928466>>

8 "Elena Mizulina: Dazhe Kogda Muzhchina b'et Svoiu Zhenu, Vse Ravno Net Takoi Obidy, Kak Esli Unizit' Muzhchinu." 2016. *Dozhd'*, Sept. 28. Accessed Sep. 29, 2016.

9 President of Russia. 2016. "Vladimir Putin's annual news conference." Dec. 23, <<http://en.kremlin.ru/events/president/news/53573>>. Accessed Jan. 15, 2017.

10 Human Rights Watch. 2017. "Russia: Government vs. Rights Groups." Jan. 17. <<https://www.hrw.org/russia-government-against-rights-groups-battle-chronicle>>. Accessed Jan. 25, 2017.

11 "Russia's Federation Council."

12 "Mnenie: Ne vremya dlia domashnego nasiliia: Obrashchenie k spikeru Valentine Mativenko nakanune golosovaniia v Sovete Federatsii." *Novaya Gazeta*. Jan. 31, 2017, <<https://www.novayagazeta.ru/articles/2017/01/31/71351-ne-vremya-dlya-domashnego-nasiliya>>

13 Mnenie.

Riot's Maria Alekhina and Nadezhda Tolokonnikova spoke out against the bill.¹⁴ Popova even tried a pivot, arguing that this rollback would be fine, as long as comprehensive domestic violence legislation was simultaneously passed.¹⁵

But the forces for the rollback were more powerful, even as vocal supporters held signs with proverbs advocating forms of family violence: "I have given life to you so I can take that life away from you" and "If he beats you, he loves you" (Alena Popova, Facebook post, Jan. 11, 2017). In Russia's English-language propaganda machine, *RT*, Mizulina justified the rollback even though she saw domestic violence as a "terrible thing."¹⁶ Linking the issue to the "foreign agent" NGO law, she alleged that the "feminist lobby" had misrepresented the extent of the problem in Russia in an attempt to gain foreign funds, "accusing us of fascism" for not taking domestic violence seriously.

Implications for Gender Equality Legislation

Since Putin came to power, there have been few, if any, national policies that aim to improve gender equality.¹⁷ Most significantly, Russia has not passed even the weak gender equality legislation that has been under consideration for more two decades. Domestic violence has been the primary focus of gender equality activists and the issue that has gained the most traction with authorities. So, what does this all mean for gender equality policy-making in Russia?

First, as Russian police have rarely taken domestic violence seriously, both the reform and its rollback are mostly symbolic, as most legislation in Russia is. Paradoxically, as legal scholar Marianna Muravyeva points

out, moving battery to the Administrative Code might even help women in the end, as police will face fewer disincentives to initiating cases.¹⁸ Second, the rollback on gender equality is not simply a result of the population's traditional attitudes towards gender. Russian society as a whole continues to embrace a "rather modern attitude to family values," accepting abortion, divorce, and sex before marriage as facts of life.¹⁹ On domestic violence, progressive attitudes are a post-Soviet phenomenon: in 2015, more than half of Russians saw domestic violence as a "serious problem" that the government was not doing enough to address.²⁰ As the bill was being debated, almost four of five Russians condemned domestic violence and agreed that it should be punished (though many were OK with the proposed reverses for first-time battery).²¹ Like most policymaking in today's Russia, the process was not a democratic one of interest articulation and negotiation, but driven by behind-the-scenes elite calculations, Putin's signaling of his views, and loyalist legislators such as Mizulina trying to maintain power, with popular opinion following behind.

Activists did get tripped up by repeating, in some places, unsubstantiated and unbelievable statistics on the extent of domestic violence in Russia, but Mizulina's accusations that this means that they are anti-Russian rings hollow. The statistics appear frequently in the press and reports, including from the Russian government, and crisis centers have received little foreign funding over the last several years. Moreover, in the early 2000s, Mizulina personally received substantial U.S. funding to advocate for anti-trafficking legislation.²² Activists were also tripped up by the stretching of the concept of domestic violence from woman battery to any violence against members in the family. Including children was a tactical choice designed to enlist government support, with some success over the last decade. This time, even criminalizing the beating of children was too much. The

14 Shaun Walker. 2017. "Putin approves legal change that decriminalises some domestic violence," *The Guardian*, Feb. 7, <<https://www.theguardian.com/world/2017/feb/07/putin-approves-change-to-law-decriminalising-domestic-violence>>

15 Walker.

16 "Domestic violence bill: Senator says NGOs distort statistics in bid for grants." 2017. *RT*, Feb. 1, <<https://www.rt.com/politics/375943-senator-blames-feminist-lobby-for/>>

17 The most prominent gender-related program of the Putin era is the so-called "maternity capital," created in 2006 (and extended through 2018), which provides women with a lump sum (roughly \$10,000) to be used for education, housing, or retirement when they had a second or subsequent child. This policy has been accompanied by an array of other policies: increases in support for pre-natal care, child allowances, parental leaves, home care, and day care. However, these policies were not designed to promote gender equality, but to address Russia's looming demographic crisis. This assertion is backed by the fact that most subsidies increase based on the number of children parents have, and that these pronatalist policies have been accompanied by increasing restrictions on women's access to abortion.

18 Marianna Muravyeva, "Is Russia 'Decriminalising Domestic Violence?'" (OxHRH Blog, 23 February 2017) <<http://ohrh.law.ox.ac.uk/is-russia-decriminalising-domestic-violence>>

19 Muravyeva, 2014. "Traditional Values and Modern Families: Legal Understandings of Tradition and Modernity in Contemporary Russia." *Journal of Social Policy Studies/Zhurnal issledovaniy sotsial'noi politiki* 12(4): 628.

20 Neli Esipova and Julie Ray. 2017. "Majority in Russia See Domestic Violence as Serious Problem," Gallup. Feb. 9, <https://www.gallupmail.com/POLL/203798/89428832/en-US/cmsitem.aspx?utm_source=alert&utm_medium=email&utm_content=morelink&utm_campaign=syndication>

21 Russian Public Opinion Research Center. 2017. Press release Nr. 1921: "If he beats you, he loves you": Russians about the Decriminalization of Battery Within the Family. Jan. 19. <<http://wciom.com/index.php?id=61&uid=1353>>

22 Johnson 2009, 134.

All-Russian Parents Resistance had framed the violent disciplining of children to be a Russian right.

The underlying and seemingly insurmountable obstacle is that critiquing gender equality has become the glue in the alliance between the Kremlin and the Russian Orthodox Church.²³ In 2013, Patriarch Kirill declared “feminism [to be] very dangerous, because

feminist organisations proclaim the pseudo-freedom of women, which, in the first place, must appear outside of marriage and outside of the family.” Not just a Russian problem, this “anti-genderism” unites the right-wing populist movements across Europe that Putin hopes to mobilize to strengthen his authority within and beyond Russia.

About the Author

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23 Moss, Kevin. Forthcoming. “Russia as the Savior of the European Civilization: Gender and the Geopolitics of Traditional Values. In *Anti-gender campaigns in Europe: Mobilizing against Equality*, eds. Roman Kuhar, David Paternotte. London: Rowman and Littlefield.

ANALYSIS

Paradigm Shift in Russian Child Welfare Policy

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Abstract

This article looks at a fundamental change of ideas in Russian child welfare policy which led to the on-going reform of the systems for children in the care of the state. The reform builds on the idea of every child’s right to grow up in a family. This ideal has multiple elements, from dismantling the massive system of children’s homes to developing preventive services for families. The article argues that the policy shift was made possible because of political will at the highest level, which opened a window of opportunity for internationally engaged Russian child welfare NGOs. However, even if the paradigm has changed, it is a major risk for child welfare reform in Russia to focus on decorative institutional renovation without an awareness of the underlying ideas.

Deinstitutionalization of Child Welfare

Drawing in part on international policies on children’s rights, Russia is now undergoing a major round of child welfare reform. Following a long period of policy inaction, activist campaigning and international criticism, the Russian government is radically reforming the care system for children in the care of the state. The reconstruction of the systems for children in the care of the state has become a top priority, and new federal policies are currently being implemented in the Russian regions.

The reform builds on the idea of every child’s right to grow up in a family. The ideal has multiple elements, dismantling the massive system of children’s homes by promoting domestic adoptions, developing a foster family system and preventive services for families, and

transforming the remaining orphanages into home-like institutions.

These changes are all key features of the deinstitutionalization of child welfare, a phenomenon that extends beyond Russia. Similar processes have taken place in the US and Western Europe in the 1960s and 1970s and in post-socialist countries since the 1990s.

In the 2010s, the Russian government made new openings that turn attention to so-called disadvantaged families and vulnerable children, especially those left without parental care.

As Figure 1 on p. 9 shows, in 2014, a total of 2.3 percent of Russian minors were without parental care. In Russia, these children are called orphans (*siroty*). Often a distinction is made for “social orphans” (*sotsial’nye siroty*),

in the case of children whose parents are alive but not part of their children's lives. In Russia, social orphans make up over 80 percent of all orphans, which is exceptionally high in international comparison. While the share of social orphans has remained essentially the same, the overall number of children without parental care has been decreasing in recent years, from a maximum of 726,900 in 2004 to the current 633,900 (see Figure 1 on p. 9).

What has changed drastically is the placement of children without parental care in foster families instead of residential institutions (nearly all of which are governmental): since 2005, the share of children placed in foster families has increased more than tenfold, from 2 percent to 10 percent, as Figure 2 on p. 10 shows.

This article tracks this change in care of children left without parental care through exploring the paradigm shift in child welfare policy, which is rooted in the fundamental change in the ideal of care.

Protection of the Family as the Core of Russian Social Policy

In Putin's Russia, starting from the early 2000s, a strong family-centered ideology has characterized policy programs. A new conservative style of protection of the family has served as a key task for the Russian government. After the wide liberalization of the welfare state in the 1990s, a shift back to a state-led welfare policy took place in the 2000s.

Closer scrutiny, however, shows that this statist turn has concerned only certain prioritized groups, such as families with reproductive potential. The Putin-era family policy in Russia has been pronatalist and unquestionably focused on young heterosexual nuclear families and their potential children, in order to augment the birth rate in the midst of the severe demographic crisis. Despite the massive system of children's homes and the government's tight grip on placing children from "problem families" in those institutions, child welfare and foster care have been largely marginalized in Russian social and family policy—until recently. As noted, in the 2010s, the Russian government has introduced several federal-level programs that build on the new ideal of care and are supposed to drastically change the organization of the care of children without parental care and consequently reorganize institutional settings.

From Collective to Family Care

The child welfare reforms were developed against a backdrop of increasing political, media and societal anxiety about family life in Russia. This started in the mid-2000s with Putin's strong rhetoric on the problems posed by the country's "demographic crisis," resulting in the above-described pronatalist turn with its measures designed to increase the birth rate.

At the same time, "moral panics" surrounding childhood circulated in the country. The well-known case of the abuse of an originally Russian child, Dima Yakolev, by American adoptive parents was widely reported in the Russian media and resulted in a ban on adoptions by US citizens in 2012. The case also drew attention to Russia's own care system, and a number of abuse scandals in children's homes furthered media and public interest in the topic. Alongside this sphere, moral panics around same-sex couples and sex education, for instance, spread across the political elite and wider society. These "threats" to [Russian] children—including those in state care—have been seen in a few policy initiatives and in the establishment of children's rights ombudspersons at the federal and regional levels.

President Putin's famous 2006 "family speech" responding to Russia's alarming demographic situation among several family policy initiatives to augment the birth rate touched upon the problem of children whose parents are unable to care for them. The President proposed increases in benefits for foster parents as well as a vague intention to develop "a mechanism that will make it possible to reduce the number of children in institutions."

However, the reform of the child welfare system was only directly addressed in the 2010s, beginning with the annual address by President Medvedev in 2010, who stated that children left without parental care are "denied the most important thing—family warmth." The President directed custody officials to focus their work on "placing those children in families and helping foster families" and continued that "there should be no 'un-adopted' children in our country." Medvedev's speech also paid attention to social adaptation and after-care programs for children in care, saying that "it's not enough to just teach and feed them; we have to help them start a new adult life, be ready for it, be self-confident." The President promised concrete measures to respond to these issues.

The "National Strategy to promote the interests of children in 2012–2017"¹ was established by presidential decree in June 2012. Overhauling the system of institutional care was a primary goal in this document, by developing a foster family system, domestic adoptions and measures to support families. The Strategy recommended that children's homes be reorganized into "family support centers," the primary task of which was to facilitate the placement of children in biological or foster families. The document was important in setting out key ideas about alternatives to residential institutions.

1 *Natsional'naia strategiiia deistvii v interesakh detei na 2012–2017*. Presidential Decree 761, 1 June 2012, <<http://static.kremlin.ru/media/acts/files/0001201206040004.pdf>>

Interestingly, President Medvedev drew on concepts of children's rights and global conventions.

The National Strategy and simultaneous ban on the adoption of Russian children by American citizens were followed by several further documents that gave considerable impetus to the development of fostering and early support for biological families. Finally, foster care was also one of the main issues in the "State Concept for Family Policy in the Russian Federation until 2025,"² which was adopted in August 2014, pointing to the central priority of the issue for the government.

Even the presidential party, United Russia, established a nationwide program, "Russia Needs All Its Children" in January 2013 that focuses on the prevention of "social orphanhood" and promotes the placement of children in adoptive and foster families. Regional branches of the party were tasked with developing "road maps" for reform, and the program created a criterion for the proportion of children living in family care and the number of closed institutions measuring the "effectiveness" of regional governors.

The evaluation system thus led to the quantitative measurement of the results by counting the factual number of placements in families and closed children's homes, which is obviously no guarantee of the quality of care in itself.

The watershed moment in the reform of the child welfare system was the issuing of Government Decree RF#481 "On the activities of organizations for orphaned children and children without parental care and on the placement of children without parental care in them,"³ which came into force on 1 September 2015. The decree fundamentally alters the goals of the child welfare system and the nature of care in residential institutions. Children's homes are to be reformed into new institutions called "family centers" with the primary task of working with families, both biological and foster. Children can only live in the homes on a temporary basis, with six-monthly reviews of all cases and the reasons why family placement has not been possible.

Decree 481 is described as "revolutionary" because "children's life in the orphanages is starting to look like ordinary children's life instead of jail life," as one activist explained. Children live in small groups, with siblings kept together and with permanent caregivers. The newly arranged institutions are organized as apartment-type living—instead of the previous corridor-type—with individual spaces for each child. All apartments have a kitchen and living room and a bedroom for each child.

2 *Kontseptsii gosudarstvennoi semeinoi politiki v Rossiiskoi Federatsii na period do 2025 goda*: <<http://government.ru/media/files/41d4ffd61a02c7a4b206.pdf>>

3 *Postanovlenie Pravitel'stva Rossiiskoi Federatsii ot 24 maya 2014 No 481*: <<https://rg.ru/2014/05/27/detdom-site-dok.html>>

Ideally, children cook and go to ordinary schools and have contact with relatives and friends. They have their own hobbies and their own belongings that can be purchased by themselves.

The previous model of care was based on the Soviet type of family policy when the state was considered as the main caregiver and parents were objects of paternalistic care and control. The Soviet system was based on the ideal of collective care and the power of professionals in large and segregated orphanages. Care in institutions was considered as a right accorded to vulnerable citizens by the beneficent Soviet state. In contrast to many other societies where theories of attachment were already dominant at that time, the Soviet system focused on cognitive functioning. Moreover, residential care was long-term, with little return to biological families, even though the majority of children had their parents alive. Thus, the shift in focus to working with the biological parents is novel.

The reform represents a fundamental change in the ideal of care and institutional design. The ideational change shifts the ideal of care from institutional care to care in biological, adoptive or foster families or in family-like institutions. The ideational change thus ideally leads to institutional change.

The change in the ideal of care is so significant that it can be conceptualized as what is known as a paradigmatic policy change, a fundamental revision of thinking about the aims and means within a particular policy field.

Child Welfare NGOs as Agents of Change

Russian child welfare NGOs have served as agents of change by providing expertise for decision-making. The reorganization of the child welfare system was given high priority on the government's agenda, which led to the involvement of NGOs and other experts and the establishment of various platforms, public councils, and hearings around the issue under different governmental structures, including the presidential administration, federal government, State Duma, Ministry of Education and United Russia party. These bodies have functioned as channels for new ideas from NGOs. In the Russian context, such a bottom-up impact on policy-making can be nothing but obvious.

Thus, the child welfare and foster care reform has been supported by the highest-level officials: "there has been political will from above," as we were repeatedly told by children's rights campaigners. At the same time, the policy-making process driving the child welfare reforms was remarkable for the significant involvement of Russian NGOs. Child welfare NGOs acted as a source of expertise and recommendations, largely creating the content of new policies with new, globally accepted

ideas of care. Thus, they can be regarded as “agents of change” for the ideational shift in governmental policy.

These NGOs had enjoyed international collaboration since the 1990s and were therefore familiar with global developments and the related research literature. They developed a high level of professionalism on the issue and could therefore act as transmitters of global norms and trends.

The interviewed activists and NGO leaders emphasized that their influence was a process of step-by-step persuasion. According to one of them, it was no coincidence that the topic appeared in Putin’s 2006 speech; this was due to hard lobbying by children’s rights activists. Indeed, the step-by-step process requires much time and encouragement, as one NGO representative saw:

“Putin will say, soon I hope, that *early detection* is important. He already said that work is needed to prevent orphanhood. You see, now it somehow reaches him, through these expert channels. It is not too far anymore. [...] There [in the cross-sectoral platforms] presentations are continually made and at some point it goes further and Putin says that one needs to get engaged in early detection.”

Another research participant explained that the very recent attention to preventive work with biological families appeared on the policy agenda because “we kept talking and talking about it.” She had been closely involved in drafting Decree 481 and described the consultation process as positive from the start. According to her, the government agencies collected a group of experts and heard their views both before drafting the decree and during its refinement. She highlighted that government representatives were genuinely open to ideas and consultation on the child welfare reforms:

“Usually, these things happen the other way around: already written documents are passed to public hearing when there is less possibility of impact.”

At the same time she admitted that the final version of Decree 481 was not perfect: “It’s not ideal, rather a compromise—but better than nothing.” She continued by again referring to step-by-step-like progress: “Let it be for now, we will push further on compromise issues after a while.” Similarly, the National Strategy, discussed above, was claimed to be “a good document because it was written by activist experts.” However, at the same time it was criticized for lacking concrete implementation mechanisms.

Coinciding Circumstances

Overall, Russian child welfare NGOs have played a considerable role in designing the reforms and shaping the ideas that have produced a paradigmatic change in Russian child welfare policy. From the perspective of policy-making process theory, the NGOs contributed new

ideas about the aims and design of the care system of the policy that led to its fundamental paradigm change. Although the final decision-making clearly depended on the governmental actors and remained within government structures, the NGOs were crucially responsible for providing ideas on reform and had a formative role in writing key documents to change the child welfare system.

What made such a contribution “from below” possible? Obviously, it could only be made in the context of governmental willingness to reform (affected by long-term advocacy) and the fact that there was broad consensus about the necessity to reform, influenced by international practices of deinstitutionalization. In other words, due to increasing awareness domestically of the inhumanities of the child welfare institutions in the country as well as increasing pressure globally, the Russian government realized the need for reform. Expertise in ideas came from NGOs, which had developed their professionalism in the international collaboration that emerged and was still possible in the 1990s when the space for civil society and international collaboration by NGOs was still much more open. Moreover, while currently increasing its harassment of some other NGOs, the government has welcomed so-called socially oriented organizations, obviously including child welfare NGOs, and has thus allowed a (limited) institutional space for the debate and exchange of ideas.

Perhaps paradoxically, the heavy recentralization of power in the Putin era obviously contributed to the distribution of new ideology. Whereas diversified systems and practices were characteristic of the Yeltsin era, under President Putin, a uniform system was created. Moreover, as the “effectiveness of a governor” depends on the number of “social orphans” and closed institutions, showing good results—at least on paper—must be a top priority for the regional governments.

Thus, it was political will at the highest level which opened the window of opportunity for NGOs and their expertise developed since the 1990s.

However, it is still too early to evaluate the overall effects of the reform. The implementation is underway, and many serious pitfalls persist. Much has happened; however, it has been partly on paper and has had unintended, even paradoxical, results. It is a major risk to focus on decorative institutional renovation without an awareness of the underlying ideas. So far, the change has happened at the level of the ideas which led to the policy shift, which however has not yet led to real institutional change, because of the many existing path dependencies.

Please see overleaf for information about the author and further reading.

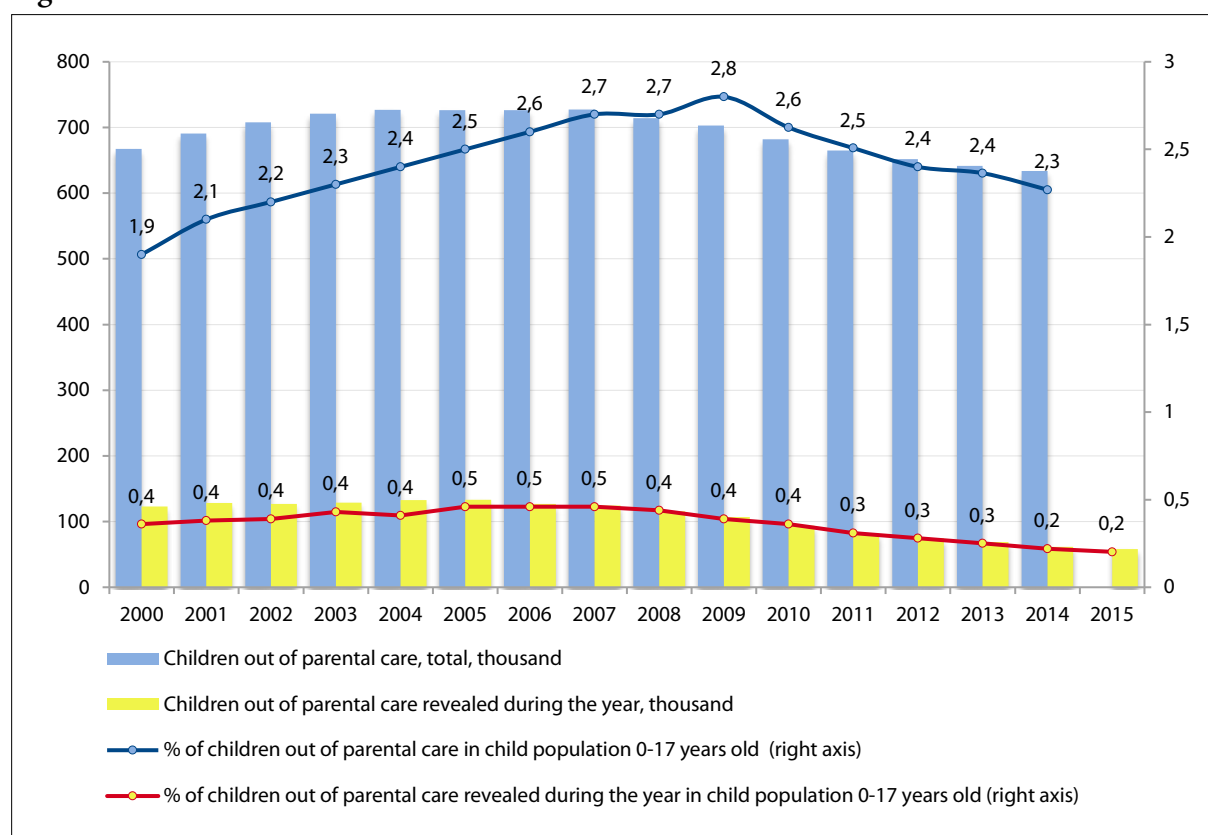
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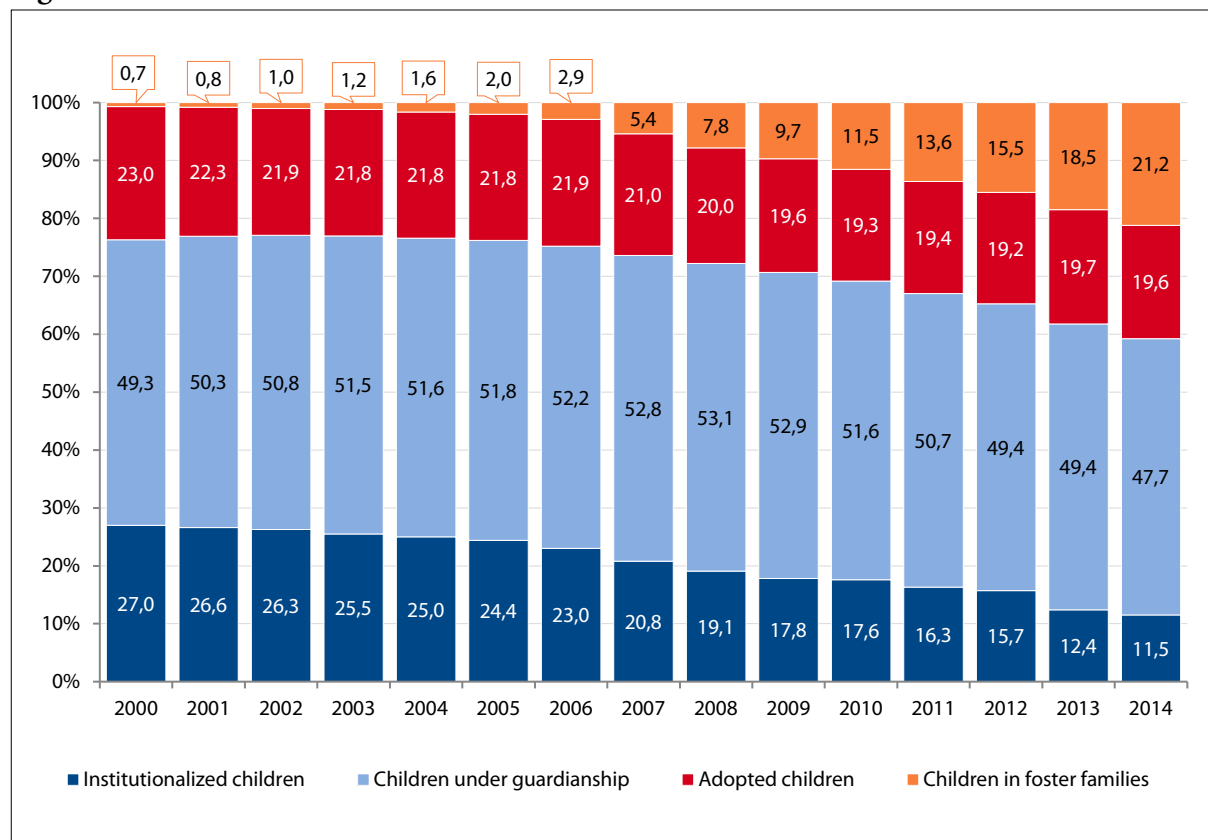
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Figure 1: Number of Children Left Without Parental Care



The figure has been prepared by Svetlana Biryukova, Leading Research Fellow, Center for Family Policy and Quality of Life Studies, National Research University Higher School of Economics (Moscow), Source: Rosstat and statistical form #103-RIK data.

Figure 2: Share of Children in Different Forms of Foster Care

The figure has been prepared by Svetlana Biryukova, Leading Research Fellow, Center for Family Policy and Quality of Life Studies, National Research University Higher School of Economics (Moscow), Source: Rosstat data.

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