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Civil Society and Human Rights

Abstract

A dynamic civil society is essential to a functioning democracy. After the fall of the Soviet Union there was hope that Russia could create a robust civil society to compliment its burgeoning democracy, but 15 years after the fall neither occurrence appears to be the case. Instead of an open society, Russian civil society faces challenges of oppression, threats of violence, an overbearing bureaucracy, and a constitution open to interpretation. The following research outlines some of the obstacles facing Russia's civil society and addresses how the government is restricting civil society functions.

Keywords

Human rights, Russia, Soviet Union, Eastern Europe

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Civil Society and Human Rights

By Ken Bonneville

A dynamic civil society is essential to a functioning democracy. After the fall of the Soviet Union there was hope that Russia could create a robust civil society to compliment its burgeoning democracy, but 15 years after the fall neither occurrence appears to be the case. Instead of an open society, Russian civil society faces challenges of oppression, threats of violence, an overbearing bureaucracy, and a constitution open to interpretation. The following research outlines some of the obstacles facing Russia's civil society and addresses how the government is restricting civil society functions.

The Russian executive branch employs numerous means to oppress civil society, but Article 59 of the Russian Constitution is the executive branch's primary means. This article states that Russians may join any society free of persecution, but it continues to say that it is every Russian's duty to defend the fatherland. An extensive bureaucracy is another means that the Russian government uses in order to inhibit NGO functions. Finally, the government fails to fully investigate the abuse and killings of activists and reporters.

This research covers four aspects of civil society, including the media, nongovernmental organizations (NGOs), religious institutions, and business participation. In terms of the media, there are two aspects that must be considered: the suppression of freedom of the press, and governmental influence on media production. The nationalization of NTV is a prime example of both of these features.

Social and political activism is inherent to nongovernmental organizations, but they are encountering as many restrictions as the media. Government bureaucracies are restricting groups from organizing contrary to government action. Groups opposed to Russian action in Chechnya are particularly harassed. In general, nongovernmental organizations are facing violent persecution, intimidation, and bureaucratic threats that the executive branch does little to dissuade.

Religious groups are facing a similar line of persecution from the government as the NGOs. The Russian Orthodox Church has gained a position virtually beyond reproach, but other religions are not as lucky. If a religious group does not gain the "traditional" status within Russia, they are open to various forms of prosecution from the government. Furthermore, if an artist or activist wishes to express their opinions about the Russian Orthodox Church or religion, they leave themselves open to prosecution and threats as well.

Businesses face a different problem altogether. Like the NGOs, they also face restrictions that result from the massive Russian bureaucracy. The real issue, however, has to do with the executive branch of the government putting pressure upon businesses to open themselves up to government intervention. If the business community refuses to allow the government to gain partial ownership, the companies may face nationalization and prosecution.

Agadjanian, Alexander. 2006. "The Search for Privacy and the Return of a Grand Narrative: Religion in a Post-Communist Society." *Social Compass*. 53:169-184.

Annotation: This article provides a case study analyzing an avant-garde art exhibit on Russian Orthodoxy that was attacked by militant followers of the Russian church. Instead of prosecuting the militants, charges were dropped due to insignificant evidence. However, the art directors and exhibitors were nevertheless put on trial for offending Russian Orthodox beliefs. This case is used to show how the state protects "traditional" Russian religions; without being granted that term religions cannot gain protection from the state.

Danchin, Peter G. and Elizabeth A. Cole, eds. 2002. Protecting the Human Rights of Religious Minorities in Eastern Europe. New York: Columbia University Press.

Annotation: Chapter eight specifically deals with religious minorities within Russia. In particular, it discusses a law in 1997 that reestablished state control over religion by turning back some of Perestroika's reforms. Furthermore, this change created a relationship between the Russian state and the Orthodox church, while restricting all other "new" religions.

Glenn, John K. and Sarah Mendelson 2000. "Democracy Assistance and Ngo Strategies in Post-Communist Societies." *Democracy and Rule of Law Project*. 8.

Annotation: This article discusses mixed results from NGO based development strategies. The authors conclude that not only does Russia's communist past account for NGO failures, but also that Western NGOs fail to hire individuals with regional knowledge.

Graham, Thomas E. 2002. "Russia's Decline and Uncertain Recovery." Carnegie Endowment for International Peace. <http://www.carnegieendowment.org>.

Annotation: This article surmises that Russia's power structure did not fundamentally change after the 1991 collapse, and that leaders failed to implement reforms that would create a stable and dynamic society after the collapse of the USSR. Furthermore, after September 11th, the view of Russia has changed internationally. No longer do people blindly trust that Russia is improving. However, a warming trend in US-Russian relations has continued because Russia offered assistance to U.S. needs.

Hoffman, David E. 2002. *The Oligarchs: Wealth and Power in the New Russia*. New York: Public Affairs.

Annotation: This book covers the rise of the 6 main Russian oligarchs. In particular, it stresses the relationship between the oligarchs and the government.

Klebnikov, Paul. 2000. Godfather of the Kremlin. New York: Harcourt.

Annotation: This is an insightful book that covers the rise and corruption of the Yeltsin government via Boris Berezovsky. Written before Putin truly came to power, it does not give any insight into Russia's business workings today, but the takeover of Russian business by the oligarchs in the early 1990s provides insight.

Lipman, Maria. 2005. "How Russia Is Not Ukraine: The Closing of Russian Civil Society." *Carnegie Endowment for International Peace*. <http://www.carnegieendowment.org>.

Annotation: The book's premise is that the Ukrainian Orange Revolution will not occur in Russia. It uses examples like the recent dissolution of Yukos and the poor justice system to substantiate this claim. In fact, Lipman believes that the Orange Revolution is only influencing further oppression by the Russian state. She indicates that the Kremlin needs to dictate civil society projects in order to try to keep the population in line. Lipman covers the oppression of the media, religious groups, and human rights activists.

Markus, Stanislav. "Western Capital Versus the Russian State: Towards an Explanation of Recent Trends in Russia's Corporate Governance." *Center for European Studies: Central and Eastern Europe Working Papers*. 63: 26.

Annotation: This work investigates corporate governance within Russia. It concludes that among Russia's top companies, corporate governance has become increasingly honest while among other firms it has decreased. Boards and minority shareholder rights are becoming increasingly respected while accounting standards have not increased. The role the Russian state has actually increased within large Russian firms, and a more active managerial role has developed in firms that are partially state owned.

McFaul, Michael and Timothy J. Colton. 2001. "Are Russians Undemocratic?" *Carnegie Endowment Working Papers*. <http://www.carnegieendowment.org>.

Annotation: The authors present a proposition that the Russian government needs to represent the peoples' interests in order to defend the democratic institutions that Russia quickly built after the fall of the USSR. Currently there is a very low satisfaction with democracy in Russia by the Russians, partially because there are no obstacles within Putin's path, and because most democratic checks have been removed.

Murano, Raffaella. 2005. "Political Abuse of Judicial Process in Europe's East: A New Security Threat?" *The Foreign Policy Centre: The European Think Tank with a Global Outlook*.

Annotation: Discusses the Khodorkovsky affair and possible motives for his arrest and for the nationalization of Yukos. Recommends reform for the Russian government in order to improve the Rule of Law, and in order to decrease executive branch abuses of it.

Prozorov, Sergei. 2004. "Russian Conservatism in the Putin Presidency: The Dispersion of a Hegemonic Discourse." *Danish Institute for International Studies*. Working Papers. 20

Annotation: The article outlines the emergence of Russian conservatism within the presidency. In Putin's first term 'conservatism' became a type of political self-identification in Russia. Yet this article demonstrates the way in which the conservative discourse is internally fractured into two antagonistic strands, liberal and left conservatisms. The article concludes with a critical discussion of the relation the two strands of Russian conservatism established in the period of the 1990s, as the 'moment of the political' in the Russian post-communist transformation.

Richardson, James T. 2006. "Religion, Constitutional Courts, and Democracy in Former Communist Countries." *The Annals of the American Academy*. 129-138.

Annotation: Religion has played a major role in the collapse of the USSR and has also helped increase democratic institutions. However, in Russia there is continued suppression of separation of powers from the constitutional court that was put in place after the fall of the USSR. In general this article has a much positive view of individual rights through constitutional courts, and covers the role of religion in constitutional courts in several former communist countries.

Ryavec, Karl W. 2003. Russian Bureaucracy: Power and Pathology. Lanham: Rowman & Littlefield.

Annotation: This source provides an in-depth history of the Russian bureaucracy that details its impact on Russian society. The book brings up the extent to which Russian bureaucracy has changed throughout the country's history, and evaluates which reforms are necessary in order for Russia to work much more efficiently.

Serageldin, Ismail and Partha Dasgupta, eds. 2000. Social Capital: A Multifaceted Perspective. Washington, D.C.: World Bank.

Abstract: Richard Rose's chapter "Getting Things Done in an Antimodern Society: Social Capital Networks in Russia" is a different work that sets the tone for how society really functions in Russia. Terming it an "antimodern society" Rose sees different connections being formed within Russia. While some capital networks are used to produce goods and services in every society, their form is distinctive in an "antimodern" society—that is, a society characterized by organizational failure and the corruption of formal organizations. In response, individuals can invoke networks that involve informal, diffuse social cooperation—begging or cajoling public officials, using connections to "bend" rules, or paying bribes that break rules. When formal organizations of state and market do not work, those who rely solely on formal organizations become socially excluded, since they have no other network

to fall back on. The paper draws on the author's specially designed nationwide Russian social capital survey of spring 1998, which asked people about the networks they use to compensate for organizational failure in different situations.

Skyner, Louis. 2003. "Property as Rhetoric: Land Ownership and Private Law in Pre-Soviet and Post-Soviet Russia." *Europe-Asia Studies* 55 (6): 889-905.

Annotation: The article summarizes the reforms put in place in 2001 that broadened the government's ability to regulate the sale of property within Russia. This increased the executive branch's power by stating that the state has the right to purchase any piece of property when it goes up for sale. In general, this points to a larger trend in Russia of heavy-handed government.

Struyk, Raymond. 2003. "Contracting with NGOs for Social Services: Building Civil Society and Efficient Local Government in Russia." *The Urban Institute*.

Annotation: Discusses local governments contracting out social services to NGOs within Russia. It emphasizes that local governments have the power to delegate authority to other organizations to deliver social services, and therefore need to work more closely with NGOs, and offers extensive ideas on how governments and NGOs can work together. The article also goes over some of the reasons for non-cooperation between governments and NGOs within Russia.

Sundstrom, Lisa McIntosh. 2006. Funding Civil Society: Foreign Assistance and Ngo Development in Russia. Stanford: Stanford University Press.

Annotation: This book argues in favor of Western assistance to Russian NGOs in order to increase participation in Russian civil society. Compares the funding and workings of a women's group and a soldier's group in order to investigate their inner workings. The belief is presented that foreign assistance will work as long as it promotes international norms and is not at odds with local governments.

Tismaneanu, Vladimir. 1995. *Political Culture and Civil Society in Russia and the New States of Eurasia*. Armonk: M.E. Sharpe.

Annotation: The first third of this collection of essays covers the early possibilities for the creation of civil society within the former USSR and Russia.

Uhlen, Anders. 2006. *Post-Soviet Civil Society: Democratization in Russia and the Baltic States*. New York: Routledge.

Annotation: This is a comparative study between civil society development in the Baltic States and Russia. Particularly, it focuses on the field of democratization and transition. It concludes that NGOs in Russia are more focused on networking and are less confrontational to the government than in the Baltic States.

U.S. Senate. 2005. "Democracy in Retreat in Russia."
<http://lugar.senate.gov/pressapp/record.cfm?id=232250>.

Annotation: U.S. Senate Committee hearing from 2005 that discusses the lack of progress in building democratic institutions and the rule of law within Russia. It particularly focuses on the Yukos trial that was going on at the time. It also touches on the length that Putin's government goes to in order to control the media.

Weiler, Jonathan. 2004. Human Rights in Russia: A Darker Side of Reform. Boulder: Lynne Rienner Publishers.

Annotation: In Chapter 5 of this summary of human rights violations within Russia, Weiler discusses the case and research of slain journalist Anna Politkovskaya and the issues she was researching in Chechnya. It does not deal with her recent murder but will give the reader knowledge of the issues she was bringing attention to the international media.