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Russian civil society put to the test by the invasion of Ukraine

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Does Russian civil society still exist since the invasion of Ukraine? After a look back at the conditions of its emergence in post-Soviet Russia, the authors go back over the progressive rise of repressive measures since the beginning of the Putin years. They show how the invasion of Ukraine is a kind of paroxysm, whilst highlighting the persistence of anti-establishment practices and describing the reorganisation taking place.

"It is impossible to imagine a completely clean slate. A society constantly produces and renews its lifeblood, regardless of the wall of silence that descends on it. It's impossible otherwise." So told us Alexandre Verkhovski, the director of the Russian non-governmental organisation (NGO) Sova, during an interview in April 2019 in Brussels. Three years later, on 29 April 2022, in the run-up to the parade commemorating the anniversary of the Soviet victory over Nazism[1] on 9 May 1945, the human rights defenders Oleg Orlov and Irina Galkova, members of the Russian NGO Memorial, were on Moscow's Red Square. Like they have been doing every Sunday since the beginning of the invasion of Ukraine on 24 February, they were holding up a sign that read: "USSR-1945: country that conquered fascism; Russia-2022: country that champions fascism." They were immediately arrested by the police, since even "individual pickets" – the only form of "demonstration" which has been authorised, albeit conditionally, for several years – are now subject to the latest amendment to the Penal Code. Adopted on 4 March 2022, this amendment punishes any mention of the war in Ukraine and any attack on the actions of the Russian forces in Ukraine and on the prestige of the army in general with an administrative process and, in the event of repeat offence, with criminal proceedings which can result in up to fifteen years in prison. A woman spent a week in administrative detention in Rostov for brandishing a simple blank sign.

Like the tens of thousands of Russian citizens who oppose the war, Oleg Orlov and Irina Galkova have almost no way to express their objection in public: legislation has gradually eroded the space for expression for this segment of Russian civil society that was mobilising in support of the rule of law and the defence of rights and freedoms. Memorial, a prestigious NGO, known and recognised worldwide both for the quality of its work on the history and memory of -Soviet repression and on the defence of human rights, was liquidated in -December 2021. This dissolution came at the end of two parallel legal proceedings: one concerning the branch that was working on the history of Stalinist repressions – Memorial International –, and another – the Memorial Human Rights Centre – which was investigating violations and abuses committed in recent armed conflicts in Russia or elsewhere in the post-Soviet space. Memorial had been saddled with the stigma of being a "foreign agent", an infamous term that sooner or later led it to being fined and then convicted in court, further cutting it off from the rest of Russian society.[2] Beyond that, there were tens, then hundreds and now thousands of associations across the country, along with thousands of independent journalists and engaged ordinary citizens, who have

[1] Contrary to how this idea is generally conveyed outside Russia (hence why we use it here), the term used in the Soviet Union and subsequently in Russia is "fascism" and not "nazism".
[2] In parallel, Memorial was subject to serious attacks, one of which resulted in the historian Yuri Dmitriev – who was working on the Stalinist purges – being sentenced to thirteen years in prison (https://dmitrievaffair.com); the other involved the fabrication of a case against Oïoub Titiev, head of the Memorial office in Grozny who was incarcerated from January 2018 to June 2019 (https://www.fidh.org/en/themes/defendants-human-rights/oyub-titiev-un-process-auxconfins-de-l-absurde).

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already been targeted or threatened by administrative or criminal proceedings. "Foreign agents", undesirable[3] or extremist organisations: at the end of October 2021, the head of Memorial's political prisoner advocacy programme recalled that with more than a thousand cases verified by the organisation, Russia had more political prisoners than at the end of the Soviet period.

It is clear that the invasion of Ukraine goes hand in hand with an acceleration of repression in Russia, made all the more visible since it is accompanied by the unprecedented exile of activists, journalists and rights defenders. Some no longer hesitate to consider, as the sociologist Grigori Ioudine suggests, that Russia is in the process of transitioning from an authoritarian regime to a totalitarian regime,[4] to say nothing of the increasingly widespread use of the term fascism applied to Russia.[5] One of the definitions of totalitarianism is precisely the fusion between the State and civil society, which prompts us to reflect less on the theoretical existence of a civil society in Russia than on the survival – or disappearance – of a civil society and associative space that are free and independent, in other words that are not absorbed into or managed by the State.

From the emergence of a civil society to its takeover by the post-Soviet Russian powers

The emergence of multiple movements and debates in Soviet society during the *perestroika* in the late 1980s, the first steps of political pluralism and the development of independent media boded well for a newly formed civil society. In this dynamic public space, institutional changes towards the rule of law had to go hand in hand with economic transformations. The influence of theories in the English-speaking world, such as "democratic transition", connected with new ideas. These regarded the experience of dissent and democratic movements in Central Europe as a way of thinking about social change and founding new "bottom-up" democratic regimes. The development of an autonomous civil society came to be seen as one of the essential conditions for the transition and the subsequent democratic consolidation of States and societies from the communist bloc. These often normative projections about the virtuous character of such a trend were also intended to accompany the transition to the market economy.
In post-1991 Russia, these ideas were gradually embodied by the emergence of multiple associations, some of which were an extension of the informal movements that arose during the *perestroika*. Others tackled new political, cultural, social and economic issues. This growing landscape, promoted by new legislation on associations in 1995 and 1996,[6] was also accompanied by the arrival of international organisations and foundations eager to support this trend, which were very well received by the Russian authorities of the time.

In the face of much weakened public institutions, a population that overwhelmingly paid a high price for economic change and the emergence of new societal issues, this "third sector" – as it was known in Russia at the time – developed rapidly. But mistrust and resentment were already brewing: being financed by such or such an international foundation presupposed a certain number of codes or networks of relationships, starting with a proficiency in foreign languages. Hanging over this was a risk that a separate social layer would form, oriented towards the West, favourable to the acceleration of democratisation and public freedoms but often far removed from the immense economic and social problems which determined the daily life of the majority of Russians during the 1990s. Moreover, by taking over the financing of a number of social programmes from the public authorities, the associations nurtured the liberal stance of the government and international donors seeking to reduce public spending.

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[3] The law on "undesirable organisations" was passed in 2015: see John Dalhuisen, "Russia: New law on 'undesirable organizations' will *squeeze the life* from civil society", Amnesty International, 15 May 2015, https://www.amnesty.org/fr/latest/news/2015/05/russia-squeezes-undesirable-organizations

[4] David Doell, Ernesto García and Grigory Yudin, "A fascist regime looms in Russia", *Analyse & kritik*, 1 April 2022, https://www.akweb.de/politik/putin-war-in-ukraine-a-fascist-regime-looms-in-russia

[5] Timothy Snyder, "We should say it. Russia is fascist", *The New York Times*, 19 May 2022, https://www.nytimes.com/2022/05/19/opinion/russia-fascism-ukraine-putin.html

[6] Federal Law No. 7 of 12 January 1996 on non-profit organisations ("Zakon O Nekommercheskih Organizaciyah – NKO") and Federal Law No. 82 of 19 May 1995 on public associations. See FIDH, « Projet d'amendements de la Loi fédérale sur les associations civiles », 16 décembre 2005, https://www.fidh.org/spip.php?page=article&id_article=2926

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Between 1994 and 1996, the First Chechen War was the first major test for Russian civil society organisations (CSOs) concerned with the defence of human rights. Despite an open armed conflict situation, they were present on the front lines denouncing the multiple acts of violence, war crimes or dispatching of inexperienced conscripts to Chechnya. Deputies were able to go to the front, independent journalists penned vitriolic reports against the army and committees of soldiers' mothers held press conferences in Moscow. But they were scarcely heeded, neither by the authorities, nor by society, which was too preoccupied with economic survival. This was also a rude awakening for critical intellectuals who understood that their voices, so sought-after a few years before, no longer counted for much. For organisations like Memorial, it was a matter of principle: there could be no research into the Soviet of the past without equal attention to and action on the defence of rights in the present. At the risk, as they still bitterly point out today, of not seeing the construction of a democratic society and institutions.

Although Vladimir Putin's ascendency to power in late 1999 was accompanied from the outset by a discourse of rupture from the previous decade, it did not immediately bring about a massive restriction of freedoms in Russia. But the even more brutal resumption of the war in Chechnya that same year was quickly accompanied by a takeover of information, whilst political discourse and action were directed towards Russia's efforts to reclaim the status of world power and control State institutions. Enjoying incredibly strong national popularity, the Russian president was able to implement, without much to stand in his way, institutional reforms that led to the progressive erasure of the political opposition. On the whole, Russian society seemed to accept this tacit social contract, whose terms were economic stability, security and the country's return to the international arena. The impoverishment of public debate, the virtual disappearance of opposition parties in Parliament and the fate of civilians in Chechnya[7] represented a very small concession to the vast majority of Russian citizens.

All the more since economic recovery was on the cards, given the soaring -prices of hydrocarbons in the early 2000s. And the Russian president was not yet trying to muzzle civil society but rather endeavouring to make it an ally,[8] or a "communication channel", as some might say. It was indeed a question of shaping a system in which the multiple associations and CSOs were welcome, provided that authority was not criticised head on, to help improve citizens' lives, provide volunteers for numerous aid projects aimed at vulnerable groups and be a flexible intermediary for social policies.

Funds from international donors and the presence of foreign associations were still tolerated, despite being increasingly controlled by a punctilious administration that forced associations to perform time-consuming bureaucratic tasks. In 2003 and 2004, the "colour revolutions" in Georgia and Ukraine saw thousands of activists and citizens take to the streets to challenge the results of fraudulent elections, leading to a changeover of power in these two neighbouring countries – a nightmare for the Kremlin. Shortly thereafter, in 2006, the Russian parliament passed a law on "non-governmental organisations"[9] that refused to register those whose activity would threaten "national interests" or "Russian sovereignty, independence, territorial integrity, national unity, and cultural heritage". This text heralded an increasingly repressive legislative cycle.

Moreover, new laws on combating extremism or strengthening the fight against terrorism became increasing causes of concern for defenders of freedom. They contained many arbitrary provisions that often discriminated against ethnic or religious minorities and gave growing powers to the security services.[10]

However, this legislative offensive did not prevent the emergence of new actors within civil society. Some specifically favoured the use of the law to denounce abuses and engage in strong advocacy actions in order to

[7] On the abuses committed in Chechnya against civilians, numerous reports from human rights NGOs have been published over time, including by the FIDH, Amnesty International, Human Rights Watch and, of course, Memorial. See Aude Merlin, « Derrière les façades, la Tchétchénie, dans quel état ? », *La Revue nouvelle*, n° 12, décembre 2017, https://www.revuenouvelle.be/Derriere-les-facades-la-Tchetchenie-dans-quel

[8] Françoise Daucé, *Une paradoxale oppression. Le pouvoir et les associations en Russie*, CNRS Éditions, 2013.

[9] FIDH, *Le Président Poutine signe une nouvelle loi restrictive en matière de liberté d'association*, 20 janvier 2006, https://www.fidh.org/fr/regions/europe-asie-centrale/russie/Le-President-Poutine-signe-une

[10] FIDH, *Une société sous contrôle : du détournement de la lutte contre le terrorisme et l'extrémisme en Russie*, 22 juillet 2009, https://www.fidh.org/fr/regions/europe-asie-centrale/russie/Une-societe-sous-controle-du

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amend legislation and reform police and penitentiary institutions.[11] This was true, for example, of the widely acclaimed creation of the public oversight commissions (ONKs) in 2008. The public authorities welcomed these associations, whether they focused on prison reform, disability, ecology or the care of orphans. Their expert role was very useful provided it corresponded to the reform agenda. As such, advocacy efforts from associations occasionally took the form of a more or less voluntary civil society/institutional partnership, with associations sometimes finding themselves "embedded" in forms of cooperation that would eventually undermine their independence. In practice, associations had to deal with complex relationships with the authorities, where the personal relationships fostered with particular individuals facilitated the acceptance of a project. In the field of the defence of rights and freedoms, the horizon for many of them was the European Court of Human Rights, of which Russia was the first "customer" in many years.[12]

In addition, the public authorities encouraged the creation of numerous loyal associations, subsidised by the government to directly promote public action and cooperation between society and institutions. Sometimes this took more direct forms, for example when authorities encouraged the creation of "parent--soldier committees" to foster collaboration between society and the military. But it was also a way of weakening the more critical and militant position of the committees of soldiers' mothers, parents seeking information or legal support without always knowing who they were dealing with and without always being able to distinguish between them. Youth organisations were also created, such as "Idouchtchie vmeste" ("Those who walk together"), and "Molodaïa Gvardia" (The young guard), whose missions were to guarantee allegiance to the Kremlin and to prevent a repeat of the colour revolution in Russia. The anti-Western rhetoric, which became exacerbated over the years, appeared in indictments by the authorities of the disloyal civil society. The case of Chechnya was paroxysmal: organisations created from scratch operated under the absolute control of the local powers, whilst human rights defenders and journalists were muzzled, subjected to repeated intimidation – such as the Committee for the Prevention of Torture – or simply murdered. This was the case, in 2009, of Natalia Estemirova,[13] who headed the Memorial office in Grozny and was investigating the abuses committed by the federal forces and then by the Chechen forces. Her murder came three years after that of *Novaya Gazeta*'s Russian journalist, Anna Politkovskaya, who was also investigating the acts of torture perpetrated in Chechnya.

This civil society could be seen as one of the drivers of a certain democratisation in the late 1980s and early 1990s, but also as its consequence. The acceleration of the drift towards authoritarianism of the Russian regime in the 2000s and 2010s sounded the death-knell of a free and autonomous civil society.

2012-2022: towards a systematic lockdown of Russian civil society

In 2006, when Vladimir Putin presented the law "on non-governmental organisations" as a major step forward against money laundering, Oleg Orlov, a member of Memorial, warned: "The margin of manoeuvre is worded so vaguely, it is so broad, that any bureaucrat can put our existence at risk, if they so wish."[14] Since that declaration, we can see in hindsight that virtually the entire free civil society in Russia has been undermined.

The law on "foreign agents", adopted after Putin's return to the presidency in 2012 following the Medvedev interlude, marked a significant turn of the screw. It became the central instrument for judicial and political

[11] These include the Committee against Torture, an organisation created by Igor Kaliapine in Nizhny Novgorod on the front line in the fight against police violence and advocacy for police reform (https://pytkam.net/en), Public Verdict Foundation (https://publicverdict.org), and International Human Rights Group Agora (https://www.inclo.net/members/agora). Agora was one of the first organisations to be branded a foreign agent. The Committee against Torture was also recently accused of being a foreign agent in June 2022.

[12] Freek van der Vet, "Holding on to Legalism: The politics of Russian litigation on torture and discrimination before the European Court of Human Rights", *Social & Legal Studies*, vol. 23, no. 3, 7 May 2014, pp. 361–381.

[13] Natalia Estemirova, « La Peur », *La Revue nouvelle*, n° 4, avril 2010, https://www.revuenouvelle.be/La-Peur ; Bernard De Backer, « Assassinat de Natalia Estemirova, asphyxie de Memorial ? », *La Revue nouvelle*, n° 10, octobre 2009, https://www.revuenouvelle.be/Assassinat-de-Natalia-Estemirova-asphyxie-de

[14] See: « La nouvelle loi russe sur le contrôle des ONG est entrée en vigueur », *Le Monde* with *Reuters*, 17 avril 2006, https://www.lemonde.fr/asie-pacifique/article/2006/04/17/la-nouvelle-loi-russe-sur-le-controle-des-ong-est-entree-en-vigueur_762699_3216.html

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repression, in response to the relatively widespread demonstrations against electoral fraud in the 2011 and 2012 parliamentary and presidential elections. After first being asked to self-register with the Ministry of Justice and then registered as such by the Ministry, the associations that received funding from overseas were blacklisted. Such stigmatisation alienated them from a part of the population: the term "foreign agents" recalled the vocabulary of the Soviet period, when authorities spoke of "traitors" and "enemies of the people" to discredit, permanently and irreversibly, individuals or groups within their own society. But it also stifled dozens of associations who which effectively spent more time preparing their defence before the courts than devoting themselves to their core missions.

This law on foreign agents was also amended twice – in 2017 and 2019 – to extend the scope of its potential targets.[15] As a result, individuals can now also be labelled "foreign agents", which has led to heavy fines for -Alexandre Tcherkassov, director of the Memorial Human Rights Centre, and has affected increasing numbers of journalists, experts, analysts and researchers. Since 24 February 2022, the qualification of individuals as foreign agents has spread like wildfire. Besides political opponents, the list includes intellectual, media, artistic and academic figures. Alexey Venediktov, the editor-in-chief of the radio station "Echo of Moscow", had to announce the station's closure in early March (it has been replaced by a YouTube channel, "The living nail"). But many others have also been affected, including journalists Alexey Pivovarov, Mikhail Sokolov and Oleg Kachine, along with the feminist artist Yulia Tsvetkova, who had already been sentenced for "the illegal production and online distribution of pornographic material" and "the promotion of non-traditional sexual relations with minors on the internet." The same goes for the Crimean activist Irina Danilovich and the political science researchers Nikolay Petrov and Ekaterina Shulman.

Other laws had already contributed to shutting down free speech in Russia. In parallel with the adoption of the law on "undesirable organisations" in 2015, the set of "Iarovaya" laws from 2016 guaranteed increasingly tight control over the internet, whilst the 2013 law on "propaganda against minors in non-traditional sexual relationships" and the criminalisation of "offending the feelings of people of faith" served as the legislative basis for stifling the entire LGBTQI+ community in Russia. The solidarity networks in Moscow in particular, mobilised to exfiltrate the victims of the anti-gay purges in Chechnya, were also weakened after 24 February, with going into exile often the only way out. The conservative ideological base formed by the Kremlin in 2012, and engraved in the Russian Constitution after the adoption of amendments in 2020,[16] considers the liberal West depraved and its values immoral. It is mobilised at full capacity in the context of war propaganda, whilst several international human rights NGOs such as Amnesty International and -Human Rights Watch – which were still present on Russian territory until recently – have had to close.

Reinvention and resurgence of civil society

Nevertheless, forms of civic resistance continue to reinvent themselves, despite being annihilated and persecuted. For Russians who remain in their -country and wish to escape state propaganda, the migration to Youtube channels or the Telegram app[17] are the only possibilities to stay informed and broadcast information about their real lived experience. Whilst some media and -non-governmental organisations are trying to reorganise their work in exile – the independent TV channel Dozhd (TV Rain) has announced that it could broadcast from Riga – those who have remained whilst "thinking otherwise"[18] continue their ordinary acts of resistance on a daily basis. After 24 February, crushed by feelings of shame, guilt and anger, this part of the Russian population expressed itself in myriad acts of sectoral protest. They nevertheless were testament to a host of small internal acts of resistance, albeit short-lived at times, ranging from open letters from professional corporations – researchers, architects, artists and the like – to new forms of protest. For example, anti-war

[15] In June 2022, the plan to criminalise anyone "under the influence" of a foreign agent, placed on the table of the legislator, would further tighten the judicial noose.
[16] Clémentine Fauconnier, « Réforme de la Constitution russe : le triomphe des valeurs traditionnelles », *The Conversation*, 17 mai 2020, https://theconversation.com/reforme-de-la-constitution-russe-le-triomphe-des-valeurs-traditionnelles-136741
[17] These channels are still accessible – until when? – by citizens with a VPN [Virtual Private Network, Editor's note].
[18] This expression was used by dissidents to define themselves in Soviet times: *inakomysliachie*, "those who think otherwise".

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statements ("our troops are killing civilians in Ukraine") appeared on supermarket price labels, "peace and love" signs were printed on people's chests, and nail polish and other accessories in yellow and blue, the Ukrainian national colours, were worn.

The feminist anti-war movement FAS organises pop-up performances and continues to spread anti-war slogans here and there, playing "cat and mouse" with the authorities. The student journalists at *Doxa* continue to document the repressions at work in the academic world as best as they can, by encouraging citizens to submit their first-hand accounts on a bot [short for robot, software used to automate certain tasks, Editor's note]. University professors simply refuse to relay the discourse demanded of them, for example that "historically Russia has never attacked first."[19] The NGO -OVD--Info collects witness accounts of police violence and arrests of demonstrators or citizens who went out in the streets with signs reading "No to war", "Enough with war", "Sixth commandment: thou shalt not kill". Other initiatives still take place, such as the tagging of statues of Lenin, the inscription of slogans in the snow or even micro protests: two women exposed themselves in the street, covered with fake blood, to protest the murders and rapes perpetrated in Bucha in Ukraine; and a young student in -Dagestan yelled "Stop the war!" as she was awarded her diploma at a graduation ceremony. At the same time, the "Civic Assistance Committee", led by the great human rights defender Svetlana Gannouchkina, is helping Ukrainian refugees in Russia, whilst other Russian citizens are helping Ukrainian refugees to leave the country.

In this state of affairs, qualified as "a tragedy of the absurd" by several of our Russian respondents, crushed by feelings of impotence and guilt, and disgust at carrying the passport of the aggressor State, it is this "moral choice" that sets the tone for everyday behaviour. Sometimes reduced to an individual action outside of any associative context, it nevertheless embodies a certain social trend, and its persistence is part of the filiation of a real vitality that -Russian civil society has known in the past, despite the obstacles.

Is a turnaround possible?

At least in the form in which it was built over the past thirty years in Russia, the associative sector has undoubtedly died out and, with it, what remained in shape and form of a democratic regime. The spirit and practices of resistance are nevertheless still at work in certain segments of Russian society, including efforts to defend citizens prosecuted by the courts. Even if it has been largely turned on its head by the powers that be, the "weapon of the law" in the face of the judicial machine can still be effective, or at least a point of honour. The repressive legal web woven by the Kremlin clamps down on any protest whilst continuing to claim its lawfulness and assert popular support as proof of legitimacy.

As for the opinion of Russian society as a whole, it seems very difficult to measure to a fine degree, with the polls gauging popular support for the "special operation" (the war cannot be called as such) at more than 80% to be taken cautiously, as should any measure of opinion in a non-democratic context.

Although any attempts at sociological surveys carried out in Russia since 24 February are somewhat perplexing, it is important to take note of them. Two investigations were conducted by the Levada centre: taking all the necessary precautions – prohibition of using the word "war" and omnipresence of propaganda –, the first one reported an 83% support rate for the "special military operation" at the end of March; the second, published on 2 June 2022, showed continued majority support but contrasted by age group. At the same time, it showed a real concern in Russian society, as evidenced by other indicators such as the sudden increase in the use of antidepressants. In parallel, Alexey Miniailo shared the results of surveys conducted in Russia and Ukraine, which revealed the weight of fear in the way the questions were answered. The dimension of the sense of responsibility is suggestive in both surveys. In one of them, 36% of respondents considered themselves to be morally responsible for the losses suffered in Ukraine in May 2022, up from 28% a month earlier. Miniailo, who also studied social networks as a source of analysis, found that 42% of Russians said that they bear responsibility for the special operation in Ukraine.
https://www.chronicles.report/en

[19] Interview with a Russian colleague, May 2022.

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This overview, however pessimistic it may be, is also an invitation to question the growing difficulties in classifying political systems, particularly when they combine deep authoritarian systems and a veneer of democratic processes, accompanied by, despite everything, real critical initiatives that keep going and reinvent themselves. It also prompts us, beyond the porosity that exists between the concepts of "democracy" and "authoritarianism" and the gradations between different types of authoritarianism, to explore the concept of -"civil society" and the ways in which the associative world and civil society fit into these increasingly vague contexts. Russia – and it is probably not the only case – exemplifies a popular form of the "promotion of authoritarianism"[20] and shows that there can be a multitude of associations showing allegiance and adherence to authoritarian power, which at times have no qualms in resorting to violence to defend supposedly national patriotic values.[21] From this perspective, the role of the appropriation by the authorities of an "in-house" civil society marks the relationship of allegiance between society and power. Nevertheless, it remains difficult to measure this allegiance in an authoritarian context, especially against a backdrop of mass propaganda.

Translated from the French by Juliet Powys

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[20] Pascal Bonnard, Dorota Dakowska et Boris Gobille, « Introduction*. Au nom de la démocratie. Arènes transnationales, passeurs locaux, appropriations autoritaires* », *in* Pascal Bonnard, Dorota Dakowska et Boris Gobille (dir.), *Faire, Défaire la démocratie*, Karthala, 2021, p. 7-21.

[21] Françoise Daucé, Gilles Favarel-Garrigues et Élise Massicard, « La "société civile" dans l'ordre autoritaire : perspectives croisées sur le monde associatif en Russie et en Turquie », *in* Pascal Bonnard, Dorota Dakowska et Boris Gobille (dir.), *Faire…*, *op. cit.*, p. 189-216.

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