



## EU-RUSSIA CIVIL SOCIETY FORUM ГРАЖДАНСКИЙ ФОРУМ ЕС-РОССИЯ

### **The Process of Introducing Amendments to the Russian Constitution Is Yet Another Sign for the Lack of Democracy in the Russian Political System**

#### **Statement by the Board of the EU-Russia Civil Society Forum**

The Board of the EU-Russia Civil Society Forum is deeply concerned about the swift process of introducing amendments to the Russian Constitution<sup>1</sup>.

We demand from the Russian authorities to hold an open, transparent and inclusive public discussion on the proposed changes and put them for a nation-wide referendum with a separate vote for each amendment.

The changes to the Constitution were announced by President Putin in his address to the Federal Assembly on 15 January 2020 and were submitted by the President for a vote by the State Duma already on 20 January. In its turn, the Russian parliamentarians unanimously adopted the amendments in the first reading on 23 January. The second reading is scheduled for 11 February, whilst a vaguely defined 'nation-wide voting procedure' might be happening in April 2020<sup>2</sup>.

The swiftness of the process is allegedly aimed at the eventual adoption of the changes without a wide public discussion and once again testifies to the lack of democracy in the Russian political system.

In fact, the proposed changes would only lead to a further imbalance in the system of checks and balances and separation of powers in the Russian Federation. Along with strengthening the presidential powers, weakening independence of the judiciary, centralising the governance at the expense of the regions and eliminating the autonomy of local self-governance, these amendments would turn the State Council<sup>3</sup>, now an advisory body, into a constitutional one, with an unclear governing mandate and powers which will only be defined later by a separate law. Furthermore, the changes are not meant to improve the overall functioning of the political system in Russia but to secure that the current political elites remained in power and to alleviate for them the dangers deriving from the development of democracy and independent institutions in the country.

The amendments do not technically alter provisions of Chapter 1 (Fundamentals of the Constitutional System), Chapter 2 (Rights and Freedoms of Man and Citizen) and Chapter 9 (Constitutional Amendments and Review of the Constitution) of the 1993 Constitution. Hence, formally they do not

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<sup>1</sup> See the current text of the Constitution, which was adopted at the referendum on 12 December 1993, at [www.constitution.ru/en/10003000-01.htm](http://www.constitution.ru/en/10003000-01.htm)

<sup>2</sup> For more information, see, e.g., [www.themoscowtimes.com/2020/01/22/russias-tumultuous-week-the-main-events-a69008](http://www.themoscowtimes.com/2020/01/22/russias-tumultuous-week-the-main-events-a69008), [www.bloomberg.com/news/articles/2020-01-23/putin-s-overhaul-gets-initial-approval-in-russian-parliament](http://www.bloomberg.com/news/articles/2020-01-23/putin-s-overhaul-gets-initial-approval-in-russian-parliament) and <https://meduza.io/en/news/2020/01/15/putin-proposes-national-referendum-on-russian-constitutional-amendments> (with the list of proposed amendments)

<sup>3</sup> See <http://en.kremlin.ru/structure/state-council>

require a multi-step procedure involving convocation of the Constitutional Assembly and possibly holding a full-fledged referendum according to the law on referenda. However, the profound nature of the changes are so impactful on the meaning of fundamental provisions of Chapter 1 and Chapter 2 that any other procedure of adoption of amendments gives doubts to the legitimacy of such sweeping changes.

Finally, the provision about an opportunity for the precedence of the national law over the international one, even if it is not new<sup>4</sup>, might be used more broadly and negatively affect the adherence of the Russian Federation to its international obligations, once it is embedded in the Constitution.

Subsequently, the Board of the EU-Russia Civil Society Forum calls on the Council of Europe bodies, specifically Commissioner for Human Rights, the Committee of Ministers and the Parliamentary Assembly, to closely monitor the situation in Russia and react appropriately to any breaches of the international norms and Russia's international obligations, related to the process of introducing amendments to the Russian Constitution and their content.

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**The EU-Russia Civil Society Forum** was established in 2011 by non-governmental organisations as a permanent common platform. At the moment, 181 NGOs from Russia and the European Union are members or supporters of the Forum. It aims at development of cooperation of civil society organisations from Russia and EU and greater participation of NGOs in the EU-Russia dialogue. The Forum has been actively involved, inter alia, in the questions of facilitation of visa regime, development of civic participation, protection of the environment and human rights, dealing with history and civic education.

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<sup>4</sup> See the text of the Law "On the Constitutional Court of the Russian Federation" (with amendments adopted on 14 December 2015) at <http://pravo.gov.ru/proxy/ips/?docbody=&nd=102031436> (in Russian)