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Local and regional democracy in the Russian Federation

Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee)

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Summary

This report presents the rapporteurs' conclusions following their visits to the Russian Federation from 23 to 25 October 2018 and from 5 to 7 March 2019 and takes into account the previous visits to the country since it ratified the European Charter of Local Self-Government in 1998.

The report notes with satisfaction the recognition of the principle of local self-government both in the Constitution of the Russian Federation and in ordinary legislation, as well as the application of the provisions of the Charter in the case law of the Constitutional Court. The report also notes that Russian legislation provides for a wide variety of instruments for citizens' participation in public affairs. In addition, the cultural and educational rights of different ethno-linguistic groups are respected at the local and regional level in the Republics of Tatarstan and Chuvashia.

However, the report highlights several cases of non-compliance with the Charter that pose a general problem for the development of local and regional democracy in the country. The rapporteurs regret in particular a low share of public affairs under the own responsibility of local authorities, the lack of financial resources available to them, the insufficient use in practice of existing mechanisms and procedures of consultation by some constituent entities and the unclear division of competences between different levels of government.

The rapporteurs also express their concerns about the access to electoral rights and freedom in the Russian legislation. Therefore, they invite the Russian authorities to increase the share of local level in the regulation and management of public affairs, to allocate sufficient own resources to local authorities, to implement the existing legislative provisions on consultation of local authorities on all issues that concern them directly and to clarify the delimitation of competences to enable local authorities to perform the functions assigned to them.

Finally, the rapporteurs call on the Russian authorities to adopt various measures to guarantee equal access to electoral rights to independent and opposition candidates, notably by abolishing the legal provisions requiring considerable numbers of signatures as a precondition for registration of candidates and the "municipal filter" for candidatures at the level of constituent entities.

The Russian authorities are also invited to sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

1. L: Chamber of Local Authorities/R: Chamber of Regions;
EPP/CCE: European People's Party Group in the Congress;
ILDG: Independent Liberal and Democratic Group;
SOC: Socialist Group; ECR: European Conservatives and Reformists Group;
NR: Members not belonging to a political group of the Congress.

RECOMMENDATION 440 (2019)²

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. Article 2, paragraph 1.b, of the Statutory Resolution CM/Res(2015)9 relating to the Congress, stipulating that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 2, paragraph 3, of the Statutory Resolution CM/Res(2015)9 relating to the Congress, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented”;

c. Chapter XVII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. The guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

e. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;

f. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;

g. Congress Recommendation 297 (2010) on local and regional democracy in the Russian Federation;

h. the explanatory memorandum on local and regional democracy in the Russian Federation.

2. The Congress points out that:

a. the Russian Federation joined the Council of Europe on 28 February 1996. It signed the European Charter of Local Self-Government (hereafter “the Charter”) on 28 February 1996 and ratified it in full on 5 May 1998, with entry into force on 1 September 1998;

b. the Russian Federation has not signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207);

c. the state of local and regional democracy in the Russian Federation was the subject of a Congress monitoring report in 2010. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (Monitoring Committee) decided to examine the situation of local and regional democracy in Russia in the light of the Charter. It instructed Mr Jakob WIENEN (Netherlands, EPP/CCE) and Mr Stewart DICKSON (United Kingdom, ILDG) as co-rapporteurs to update the above-mentioned report on local and regional democracy in Russian Federation and submit it to the Congress. The delegation was assisted by Professor Dr Nikolaos-Komninos CHLEPAS, member of the Group of Independent Experts on the European Charter of Local Self-Government and by the Congress Secretariat;

² Debated and adopted by the Congress on 30 October 2019, 2nd sitting (see Document CG37(2019)11, explanatory memorandum), co-rapporteurs: Jakob WIENEN, Netherlands (L, EPP/CCE) and Stewart DICKSON, United Kingdom (R, ILDG).

d. the monitoring visit took place in two parts, from 23 to 25 October 2018 and from 5 to 7 March 2019 respectively. During both visits, the Congress delegation met the representatives of various institutions at all levels of government. The detailed programmes of both visits are appended to the present report;

e. the co-rapporteurs wish to thank the Permanent Representation of the Russian Federation to the Council of Europe and all those whom they met during the visit for their readiness to assist the delegation and for the information they provided.

3. the Congress notes with satisfaction that in the Russian Federation:

a. the principle of local self-government is recognised both in the Constitution of the Russian Federation and in ordinary legislation;

b. the Constitutional Court of the Russian Federation applies the Charter's provisions in its case-law;

c. the legislation provides for a great variety of instruments of citizens' participation in local public affairs, such as public hearings and participatory budgeting, local referendums, councils of elders;

d. some positive changes have been introduced in response to Congress Recommendation 297 (2010) on local and regional democracy in the Russian Federation, such as the reduction of minimum numbers of members for registration of political parties, the registration of candidates supported by associations and groups and the re-introduction of direct election of governors in most of the federal subjects of the Russian Federation;

e. the respect of cultural and educational rights of different ethno-linguistic groups at regional and local levels in the Republics of Tatarstan and Chuvash could serve as an example of good practice with regard to preserving and protecting cultural diversity.

4. However, the Congress expresses its concern regarding:

a. the limited freedom of independent and opposition candidates to stand for local and regional elections, as a result of legal requirements for candidates to gather a considerable number of signatures in support of their candidatures and the introduction of a "municipal filter" of candidatures (i.e. endorsement by municipal councillors) at the level of federal subjects (Article 3.1-3.2);

b. a low share of public affairs under the own responsibility of local self-government, and a particularly problematic situation with Moscow municipalities which are deprived of basic functions and resources (Article 3.1);

c. the legal ability of governors to substitute mayoral direct elections with the system of appointment of heads of municipality which curtails the electoral right of residents and the disproportional role of governors in this process (through appointing 50% of selection board members) which undermines the political autonomy of local authorities (Articles 3.1, 3.2 and 7);

d. unclear division of competences and their sharing by several levels of government that causes overlapping of responsibilities and limits the local authorities' discretion to exercise their initiatives (Articles 4.2, 4.4);

e. upscaling of competences of communities, in particular of rural settlements and Moscow municipalities, to higher levels of government authorised on the basis of federal and *ad-hoc* regional legislations which has resulted, inter alia, in a multiple asymmetry between municipalities of the same type in different regions, the erosion of the core competence of rural communities in violation of the

subsidiarity principle and the degradation of quality of service they can deliver in the interest of their citizens (Article 3.1, 4.3 and 4.4);

f. disproportional delegation of tasks to local authorities to the detriment of their own functions and local authorities' limited discretion to adapt the exercise of delegated powers to local conditions because of partial delegation of power with partial funding from a higher-level authority (Article 4.5, 9.2.);

g. the insufficient use in practice of existing mechanisms and procedures of consultation by some constituent entities (Article 4.6), notably on the allocation of redistributed resources (Article 9.6) and on the changes of local authorities' boundaries (Article 5);

h. the right of regions to determine internal administrative structures of local authorities which, in several regions, considerably restricts local organisational autonomy (Article 6.1);

i. the right of governors to dismiss mayors which undermines the principle of free exercise of functions by local elected representatives (Article 7.1);

j. the absence of a comprehensive and transparent system of administrative supervision and the risk of disproportional use by the Prosecutor's office of anti-corruption verification as a kind of a priori control over local authorities' decisions (Article 8.3);

k. inadequate financial resources available to local authorities, notably municipalities in Moscow city and rural areas (Article 9.1) and the tendency in some regions towards transferring to local authorities delegated tasks without commensurate funding (Article 9. 2).

5. In light of the above, the Congress requests that the Committee of Ministers invite the authorities of the Russian Federation to:

a. abolish the legal provision requiring considerable numbers of signatures as a precondition for registration of candidates and the "municipal filter" for candidatures at the level of constituent entities in order to guarantee equal access to electoral rights to independent and opposition candidates;

b. increase local authorities' share notably in Moscow and Saint Petersburg, in the regulation and management of public affairs;

c. amend the legislation to guarantee mayoral elections by voters;

d. clarify the delimitation of competences based on the subsidiarity principle and depart from the principle of shared competences so as to avoid overlapping of responsibilities and to enable local authorities to carry out all the functions assigned to them, especially in smaller settlements;

e. remove the legal provisions allowing for upscaling of municipal competences to guarantee local autonomy in the sphere of local government responsibility and consider, where necessary, an alternative of inter-municipal co-operation;

f. refrain from overloading the local level with those delegated tasks which can be better performed at the higher level of governance;

g. implement the existing legislative provisions on consultation of local authorities on all issues that concern them directly to ensure the conformity of the practice of consultation with Article 4.6, as well as Article 5 on boundary changes, notably when "town districts" are established in rural areas;

- h.* review the legislation to empower local authorities with the right to determine internal structures and to adapt them to local needs for effective management;
 - i.* remove the legal provisions providing for dismissal of mayors by governors;
 - j.* establish a comprehensive transparent system of administrative supervision, which may vary according to the different constituent entities of the Russian Federation, and clarify per law the limits of the anti-corruption control by Prosecutors in a way that will also ensure compliance with the principle of proportionality;
 - k.* ensure that local authorities, notably municipalities in Moscow city and rural areas, dispose of adequate financial resources of their own and accompany the transfer to delegated tasks from higher level government by concomitant funding thus implementing the commensurability principle in practice;
 - l.* further develop relevant legislation, notably on budgetary issues, mutual financing and privatisation to encourage the implementation in practice of independent initiatives of inter-municipal co-operation;
 - m.* consider the possibility of creating an association of regions which would seek to promote the regional corporate interests in addition to representation of each region in the Federation Council;
 - n.* sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.
6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on local and regional democracy in the Russian Federation and its explanatory memorandum in their activities relating to this member State.

EXPLANATORY MEMORANDUM

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1. INTRODUCTION: AIM AND SCOPE OF THE VISIT, TERMS OF REFERENCE

1. In accordance with Article 2, paragraph 3, of Statutory Resolution CM/Res(2015)9 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto: “[t]he Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented”.

2. The Russian Federation joined the Council of Europe on 28 February 1996. It signed the European Charter for Local Self-Government (ETS No. 122, “the Charter”) on 28 February 1996 and ratified it on 5 May 1998, with entry into force on 1 September 1998.

3. The Russian Federation signed the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106) on 3 November 1999 and ratified it on 4 October 2002, with entry into force on 5 January 2003. It has signed the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159) on 4 October 2006 and ratified it on 27 November 2008, with entry into force on 28 February 2009. The Russian Federation has neither signed nor ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207).

4. Congress Recommendation 297 (2010) on local and regional democracy in the Russian Federation is the most recent recommendation on local and regional democracy in that country.

5. This report relates to the Congress delegation’s two visits to the Russian Federation. The first one took place from 23 to 25 October 2018 and the second one from 5 to 7 March 2019, in order to monitor the situation of local and regional democracy in the country on the basis of the Charter. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (Monitoring Committee) appointed Mr Jakob WIENEN (Netherlands, EPP/CCE) and Mr Stewart DICKSON (United Kingdom, ILDG) as co-rapporteurs on local and regional democracy respectively. They were assisted by Professor Dr Nikolaos-Komninos CHLEPAS, member of the Group of Independent Experts on the European Charter of Local Self-Government, and by the secretariat of the Congress.

6. During the first visit, the Congress delegation met with the Vice-Chairman of the Federation Council Committee on Federal Structure, Regional Policy, Local Government and Northern Affairs Mr Vladimir GORODETSKY, the Chairman of the State Duma Committee on Federal System and Issues of Local Self-Government Mr Aleksei DIDENKO, the Deputy Chairman of the State Duma Mr Petr TOLSTOÏ, the Chairman of the Moscow City Duma Mr Alexey SHAPOSHNIKOV, the Judge of the Constitutional Court Mr Nikolay BONDAR, the Governor of the Leningrad Region Mr Alexander DROZDENKO, with high-ranking officials of the Ministry of Justice and the Ministry of Finance, and with members of the Russian National Delegation to the Congress. Furthermore, the Congress delegation also met with representatives of the National Congress of Russian Municipalities, of the Association of Small and Medium-sized Cities of Russia, of the Union of Small Cities of the Russian Federation and with representatives of the Union of Russian Cities. There was also a meeting with independent experts.

7. During the second visit, the Congress delegation met with representatives of the Association of Independent Deputies in Moscow, of the Yabloko and the Parnas political parties and with Mr LOZBINEV, Chief of the administration of the High Commissioner for Human Rights in the Russian Federation. In Kazan, the Congress delegation met with the Chair of the State Council of the Tatarstan Republic Mr Farid MUKHAMETSHIN, the Deputy Chair of the Council of the Tatarstan Republic Municipalities Mr Vladimir KOZONKOV, with members of the Constitutional Court of the Tatarstan Republic, with the Deputy Chair of the Accounts Chamber of the Tatarstan Republic, with officials of the Ministry of Finance and of the Ministry of Justice of the Tatarstan Republic and with the Mayor of Kazan Mr Ilsur METSHIN. In Cheboksary, the Congress delegation met with the Mayor of Cheboksary Mr Evgeny KADYSHEV, the

Minister of Finance Ms Svetlana ENILINA, with members of the Supreme Court, of the State Council and of the Accounts Chamber of the Chuvash Republic and finally with the Minister of Justice and Property Relations of the Chuvash Republic Ms Natalya TIMOFEEVA. The detailed programmes of the visits are appended to this report.

8. In accordance with the Rule 84 of Rules and Procedures of the Congress of Local and Regional Authorities of the Council of Europe, the preliminary draft report was sent, on 29 May 2019, to all interlocutors met during the visits for comments and possible adjustments or corrections. The present report is based on the comments received which have been considered by the co-rapporteurs before submission for approval to the Monitoring Committee.

9. The co-rapporteurs wish to thank the Permanent Representation of the Russian Federation to the Council of Europe and all those they met during the visit for their readiness to assist the delegation and for the information they so willingly supplied. They also thank the Russian National Delegation to the Congress and the associations of local authorities for contributing to the organisation and smooth running of the visit.

2. INTERNAL AND INTERNATIONAL NORMATIVE FRAMEWORK

2.1 Local government system (constitutional and legislative framework, reforms)

10. The current Constitution of the Russian Federation (Russian: Конституция Российской Федерации Konstitutsya Rossijskoy Federatsii) was adopted by national referendum on 12 December 1993. Turnout was 54.8% and of that number 54.5% of voters approved the new constitution that replaced the previous Soviet-era constitution of 12 April 1978 of the Russian Soviet Federative Socialist Republic. Russia's constitution came into force on 25 December 1993 and abolished the Soviet system of government. It is the second most long-lived in the history of Russia, behind the constitution of 1936. Important constitutional amendments took place in 2008 (concerning the presidency) and in 2014 (concerning the Federation Council).

11. The constitution includes a series of provisions which are important for several aspects of the constitutional status of local and regional self-government in the Russian Federation, which are as follows.

The democratic basis: **Article 3**

1. The people shall exercise its power directly, as well as through State government bodies and local self-government bodies.
2. The supreme direct expression of the power of the people shall be referendum and free elections.

The administrative division of the Russian Federation: **Article 5**

1. The Russian Federation shall consist of republics, krays, oblasts, cities of federal significance, an autonomous oblast and autonomous okrugs, which shall have equal rights as constituent entities of the Russian Federation.
2. A republic (State) shall have its own constitution and legislation. A kray (territory), oblast (region), city of federal significance, autonomous oblast and autonomous okrug (area) shall have its own charter and legislation.
3. The federal structure of the Russian Federation shall be based on its State integrity, the unity of the system of State power, the division of matters of authority and powers between State government bodies of the Russian Federation and State government bodies of constituent

entities of the Russian Federation, the equality and self-determination of peoples in the Russian Federation.

Autonomy of local self-government: **Article 12**

Local self-government shall be recognised and guaranteed in the Russian Federation. Local self-government shall be independent within the limits of its competences. Bodies of local self-government shall not form part of the system of State government bodies.

12. The constitution also includes a special chapter on local self-government:

Chapter 8: Local self-government

Article 130

1. Local self-government in the Russian Federation shall provide for the independent resolution by the population of issues of local importance, and the possession, use and management of municipal property.
2. Local self-government shall be exercised by citizens by means of referendum, elections and other forms of direct expression of their will, and through elected and other bodies of local self-government.

Article 131

1. Local self-government shall be administered in urban and rural settlements and in other territories with due consideration to historical and other local traditions. The structure of bodies of local self-government shall be determined by the population independently.
2. Changes of borders of the territories in which local self-government is administered shall be permitted with due consideration to the opinion of the inhabitants of the relevant territories.

Article 132

1. Bodies of local self-government shall independently manage municipal property, form, approve and implement the local budget, introduce local taxes and levies, ensure the preservation of public order, and resolve other issues of local importance.
2. Bodies of local self-government may be vested by law with certain State powers and accordingly receive material and financial resources which are necessary for their implementation. The implementation of the vested power shall be controlled by the State.

Article 133

Local self-government in the Russian Federation shall be guaranteed by the right to legal protection and compensation of additional expenses arising as a result of decisions adopted by State government bodies, and by a ban on restrictions of the rights of local self-government which are established by the Constitution of the Russian Federation and federal laws.

13. According to the aforementioned provisions, local self-government seems to enjoy a fully fledged constitutional status in the Russian Federation, including free elections (Articles 3 and 130), constitutional guarantee (Article 12), organisational autonomy and consultation prior to changes in borders (Article 131), taxation autonomy and commensurability (Article 132), as well as judicial protection (Article 133).

14. The Federal Assembly adopts federal laws (Федеральный закон – Federalniy Zakon – FZ), which complete the constitutional provisions on local self-government. The main federal laws on local self-government are the following:

- Federal Law on the General Principles of Local Self-Government in the Russian Federation (Law 131-FZ, 6 October 2003);
- Federal Law on Municipal Public Service in the Russian Federation (Law 25-FZ, 2 March 2007);
- Federal Law on the Basic Guarantees of the Russian Federation Citizens' Electoral Rights and Right to Vote in Referendums (Law 67-FZ, 12 June 2002);
- Federal Law on the State Registration of the Municipalities' Statutes (Law 97-FZ, 21 July 1995);
- Federal Law on the State and Municipal Unitary Enterprises (Law 161-FZ, 14 November 2002);
- Federal Law 136-FZ (2014).

15. Finally, many local government powers are regulated by the following legislation: the Civil Code of the Russian Federation (1994); the Land Code (2001); and the Town Planning Code (2004). The basic legislation regulating financial matters of local government includes the Budget Code (1998) and the Tax Code (1999). To complete the picture, mention should be made of the Law on the Organisation of Local Self-Government in Moscow, the capital of the Russian Federation and City with Federal Status (Law No: 56, November 2002).

16. According to Article 1 (Local self-government) of the Federal Law on the General Principles of Local Self-Government in the Russian Federation (Law 131):

1. Local self-government is one of the foundations of the constitutional order of the Russian Federation, recognised, guaranteed and implemented throughout the territory of the Russian Federation.
2. Local self-government in the Russian Federation is a form of exercise by the people of its power, providing, within the limits defined by the Constitution of the Russian Federation, federal laws, and in cases stipulated by federal laws, the laws of the subjects of the Russian Federation, an independent and the population under its own responsibility, directly and/or through local authorities issues of local significance, proceeding from the interests of the population, taking into account historical and other local traditions.

17. In accordance with Federal Laws 131-FZ (2003) and 136-FZ (2014), local self-government is structured around municipal formations. A municipal formation is a populated territory on which local self-government activities are carried out directly by the population or through elected bodies (primarily issues of local importance). The local level of local self-government is organised as follows.

- Municipal districts (or municipal raions, a group of urban and rural settlements).
Urban settlement (a city/town or an urban-type settlement).
Rural settlement (one or several rural localities united by a common territory).
- Urban Okrug (an urban settlement not incorporated into a municipal district). In practice, Urban Okrugs are usually formed within the boundaries of existing cities of federation significance.
- Intra-urban territory of a federal city (a part of a federal city's territory; this unit only exists in
- Moscow and Saint Petersburg).
- Urban Okrug with intra-urban division (an Urban Okrug divided into intra-urban districts at the lower level of the municipal hierarchy).
- Intra-urban area (a municipal formation within an urban okrug with intra-urban divisions).

18. As pointed out by local independent experts met by the delegation during its visit, a town district contains, as a rule, a single municipality, which combines the powers of both levels of local government – rural settlements and raions, while municipal raions share their powers between the raion itself and town and rural settlements. In other words, town districts do not include other municipalities and thus local government bodies are established at one level. One more difference is that both town districts and

municipal raions are attributed a broader volume of delegated powers and responsibilities (for which they are accountable to the State bodies) while settlements have a smaller volume of delegated powers for which they are rather accountable to the population as compared to raions or town districts.

19. Following the previous monitoring report in 2010, several federal laws have been adopted in the local self-government field.

- Federal Law No. 136-F3 of 27 May 2014 established the ability to create a two-tier model of local self-government in urban districts – an urban district with intra-city division and an intra-city district. With local self-government organised in such a way, representative bodies of local self-government are established not only at the level of the urban district, but also in each of its constituent districts. The same law gives the power to federal subjects to redistribute powers between local governments and other public authorities. This would be particularly important for local authorities which are short of substantial organisational, human and financial resources, especially in sparsely populated and remote areas.
- Federal Law No. 165-FZ of 23 June 2014 empowered authorities of a constituent entity to take decisions on the abolition of settlements that do not have residents with the right to vote. At the same time, the territory of the rural/urban settlements to be abolished is included in the composition of neighbouring rural/urban settlements, while the territories with a low-density rural population and hard-to-reach localities are included in the composition of the municipal area.
- Federal Law No. 62-FZ of 3 April 2017 provides for the merging of all settlements included in the municipal area with the urban district. This merger can take place with the consent of the citizens of rural/urban settlements, the municipal area and the urban district.
- In April 2017, Federal Law No. 64-FZ was adopted, which strengthened anti-corruption restrictions and bans on persons holding municipal offices, including deputies of municipal assemblies and heads of local administrations under contract. The head of the region, acting as a guarantor of anti-corruption policy, is obliged to apply to the court or the relevant local government body for disciplinary measures against persons holding municipal offices who fail to fulfil obligations established by the anti-corruption legislation of the Russian Federation.

20. According to Article 72 of the Federal Constitution, “establishment of general principles of the organisation of the system of State government and local government bodies” belong to the joint jurisdiction of the Russian Federation and its constituent entities. The structure and the status of local government is also defined by the legislation of the respective constituent entity.

21. In the Republic of Chuvashia, for instance, a regional law of 2004 defined local government status. This republic includes 317 municipalities, of which five are city municipalities, seven are town municipalities, 21 are municipal districts and 284 are rural municipalities. Municipal assemblies have 3 746 members who are elected for a five-year term. Another municipal body is the board of “seniors” (“elders”) who are elected by the assembly. In the Republic of Chuvashia control and counting bodies are created in all 21 municipalities as permanent bodies of external municipal control. Besides, they exercise authority to audit procurement in accordance with the Federal Law No.44-FZ of April 5, 2013 “On the system of contracts in the field of procurement of goods, works, services”. In order to increase the efficiency of state and municipal financial control on the territory of the Chuvash Republic and to strengthen co-operation, the Council of Control and Audit Institutions of the Chuvash Republic was established in 2013. Within this Council, a methodological assistance is provided by the Chamber of Control and Accounts to municipal control and accounting bodies. Chuvash law also provides for the transfer of corresponding funds, whenever additional tasks are assigned to local authorities of the republic.

22. In the capital of Chuvashia, the city of Cheboksary, the city assembly comprises 22 seats elected on the basis of party lists and 21 seats elected in single-mandate constituencies. The assembly elects the city mayors. The head of the city administration is the city manager. He/she is elected by the assembly for five years according to a competitive selection procedure with open calls and bidding. Nine members of the assembly are members of the Presidium, which is elected by majority vote of the assembly.

23. As another example, in the Republic of Tatarstan, the capital city of Kazan has a special status (“city of republican importance”) and the Mayor of Kazan is indirectly elected from the city assembly, where four different parties are currently represented, in addition to some independent city councillors. The chief of the municipal administration is also the chairman of the executive committee of the city. Turnout in Kazan municipal elections is very high, reaching 80%, even though the mayor is not directly elected.

24. The mayor of Kazan is elected by factions of the City Duma from among the candidates put forward by the deputies of the City Duma through secret ballots.

2.2 Status of the capital city

25. As the capital city, Moscow enjoys a special status established by a federal law, as is defined by Article 70-2 of the constitution, as well as its status relating to its rank of city of federal significance: “The capital of the Russian Federation shall be the city of Moscow. The status of the capital shall be established by federal law”. Its status as capital city is framed by the Federal Law N-4802-I, “On the status of the capital of the Russian Federation” (1993).³

26. In accordance with its status as federal subject, as it is defined and guaranteed by the constitution, the city of Moscow is governed on the basis of a frame law: the Charter of Moscow⁴ (Устав города Москвы – Ustav Goroda Moskvyy), which was finally adopted in 1995 after several changes that were made following the constitutional debates of the early post-Soviet break-up. In the hierarchy of normative acts of the city, the charter has supreme legal force. It was last amended in September 2017. The charter is also supported by a set of relevant decrees, treaties and laws, such as the law “On the Organisation of Local Self-Government in the City of Moscow” (2012), which defines the boundaries and the territorial units of the city.

27. In accordance with the constitution, the city of Moscow has full State power beyond the jurisdiction of the Russian Federation and the powers to adopt legal acts. The latter however cannot contradict the federal laws adopted in the matter of joint jurisdiction with the federation. Prior to the adoption of a federal law on a matter of joint jurisdiction, the city of Moscow has the right to adopt a legal act on the issue, which shall be then brought into line with the relevant federal law once it is adopted.

28. The exclusive powers of the city of Moscow include, *inter alia* (Article 13 of the Charter of Moscow):

- determination of the territorial structure of the city of Moscow;
- organisation of the system of public authorities;
- regulation of the organisation of local self-government in accordance with federal legislation;
- management and disposal of the property of the city;
- regulation of the budget process and the budgetary system of the city; establishment of taxes and fees;
- regulation of town-planning activity; development of urban infrastructure and ensuring the unity of the urban economy;
- solving urban issues of nature management;
- protection of the environment and ensuring environmental safety;

3. The law is available (in Russian) at the following address: <http://constitution.garant.ru/act/federative/316014/>.

4. Extracts of the charter are available in English at the following address: <https://duma.mos.ru/en/187/page/ustav-goroda-moskvyi>. The full version of the charter (in Russian) is available at this address: http://constitution.garant.ru/region/ustav_moskv/.

- landscaping;
- the solution of urban issues of education, health, social protection, employment, science, culture, physical culture and sports;
- organisation of the State civil service of the city and participation in the regulation of the municipal service in the city.

29. The city of Moscow has developed close co-operation with the Moscow oblast. Since 1996, a joint committee formed between the Moscow City Duma and the Moscow oblast Duma has been co-ordinating legislative activities of the two parts. On 15 February 2018, during the Russian Investment Forum in Sochi, agreements concerning the strategic development of the Moscow region were signed by representatives of the two governments. An agreement that was signed by Sergey Sobyanin and the governor of Moscow oblast, Andrey Vorobev, will run until 2025 and establishes six strategic projects for the region's development: a. development of industry; b. improvement of drinking water quality; c. environmental safety; d. the development of infrastructure and development of dacha communities; e. organisation of leisure activities for children; f. development of public transport, including the "Moscow Central Diameters" (cross-rail) project.

30. The Mayor of Moscow is the head of the executive branch. Since 2013, the Mayor of Moscow has been elected for a five-year term by the residents of the city. In accordance with Article 41 of the Charter of Moscow, the mayor deals with the issues of social and economic development of the city, manages the city economy, and performs other executive and administrative functions. Among other things, the mayor's duties include the following:

- Forms and dismisses the Government of Moscow, and determines the structure of the executive authorities of the city.
- Appoints the heads of the executive authorities of the city's districts.
- Cancels the legal acts of the Moscow Government, bodies and officials of the executive authorities of the city if the specified legal acts do not comply with the Constitution of Russia, federal constitutional laws, federal laws, the Charter of Moscow, the laws of Moscow and other legal acts of Moscow (of higher legal force), or if their implementation is not secured by financial or material resources.
- On issues of his competence, the mayor signs decrees and orders that are binding for the entire territory of Moscow and exercises control over their execution. The decrees are legal acts issued by the mayor on matters of a regulatory nature, while orders are legal acts of operational and administrative nature. The legal acts of the mayor are sent for approval to the City Duma within two weeks.

31. The powers of the mayor may be terminated early. More specifically (with the exception of the common provisions following an exceptional event such as his/her death, resignation, destitution of his/her Russian citizenship, etc.):

- the mayor can be recalled by voters registered in the territory of Moscow;
- the powers of the mayor may be terminated early in the event of his/her removal from office by the President of Russia, following a vote of distrust to the Mayor by the Moscow City Duma; the relevant decision shall be taken by two thirds of the deputies and on the initiative of at least one third of the deputies.

32. The last mayoral elections in Moscow took place on 9 September 2018, on common Election Day in the Russian Federation, and Sergey Sobyanin, the incumbent Mayor of Moscow, was re-elected for a new term. To be elected, a candidate must get more than 50% of votes. If no one achieves 50%, a runoff will be held 14 days later. Only the two most successful candidates from the first round participate in the second round.

33. In order to run for the mayoral election, all registered candidates are required to pass the “municipal filter” introduced by a federal law in 2012: all candidates are required to receive support from at least 6% of elected deputies of municipal formations or heads of municipalities, and the overall number of signatures shall represent not less than 75% of the federal subject’s municipalities. One deputy can only support one candidate. For the Moscow elections in 2013, it meant that every candidate needed to provide the signatures of at least 110 elected municipal deputies representing 75% of all Moscow municipalities. This system has been heavily criticised by opposition parties. The Yabloko party has demanded “cancellation of the municipal filter in the elections ... and ... would hold a wide campaign in the city for the abolition of artificial restrictions on participation in the election of heads of federal subjects”.⁵

34. The results of these mayoral elections were as follows.⁶

Name	Party	Percentage of votes
Sergey Sobyanin	Independent	70.17
Vadim Kumin	Communist Party	11.38
Ilya Sviridov	A Just Russia	7.01
Mikhail Degtyarev	Liberal Democratic Party	6.72
Mikhail Balakin	Union of Citizens	1.87
<i>Turnout: 30.91%</i>		

35. The highest State collegial executive body of the city which has general competences and ensures the co-ordination of the activities of other executive authorities of the city is the Government of Moscow. The members of the government are the Mayor of Moscow, the deputy mayors and the Moscow government ministers. The deputy mayors and the ministers of the government are appointed and dismissed by the mayor. The distribution of duties between the members of the Moscow Government is established by the mayor. The government issues orders that are signed by the mayor, carries out executive and administrative functions and co-ordinates the territorial bodies of executive power for local administrations (prefectures of administrative districts and district administrations).

36. Territorial executive bodies are formed in the administrative districts (administrative okrugs) and districts (raions) of Moscow. They are called “prefectures” for administrative districts and “administrations” for districts.

- Prefectures are headed by prefects. They exercise control and co-ordinate the executive-administrative activities in their respective administrative districts. Prefects are appointed and dismissed by the mayor. Prefectures develop provisions that are adopted by the Government of Moscow.
- Administrations are headed by heads of the administrations. They are appointed and dismissed by the Mayor of Moscow. They carry out executive and supervisory activities.

37. The Moscow City Duma is the highest and the only representative body with legislative competences in the city of Moscow. As of the last election in 2014, it includes 45 members elected for a term of five years on a full single-mandate constituency basis. Its deputies are elected by the residents of Moscow on the basis of a universal equal and direct suffrage. The powers of the Moscow City Duma include, *inter alia* (Article 35):

- adopting the charter and the laws, resolutions, regulations of the city of Moscow;
- electing the Chairman of the Moscow City Duma and his deputies, and dismissing them;
- exercising control over the implementation of the laws of the city of Moscow;
- exercising the right of legislative initiative in the State Duma;

5. <http://eng.yabloko.ru/?p=19619>.

6. The statistics are from the Central Electoral Commission of the Russian Federation (CEC RUSSIAN FEDERATION): www.moscow-city.vybory.izbirkom.ru/region/region/moscow_city?action=show&root=1&tvd=27720002197406&vm=27720002197402®ion=77&qlobal=&sub_region=0&prver=0&pronetvd=null&vibid=27720002197406&type=234.

- electing a representative from the Moscow City Duma to the Federation Council;
- sending requests to the Constitutional Court;
- organising the elections for the Moscow City Duma, for the Mayor of Moscow, and the votes on the recall of the mayor;
- hearing the annual reports of the mayor on the activities of the Government of Moscow, including on issues raised by the Moscow City Duma;
- hearing information about the activities of the territorial units' bodies;
- expressing no-confidence in the mayor and other officials appointed by the Moscow City Duma;
- establishing the procedures for appointing and holding a referendum;
- appointing the magistrates of Moscow.

38. The last election of the Moscow City Duma took place on United Voting Day (14 September 2014).⁷ In accordance with the amended federal law (which allowed Moscow and Saint Petersburg to choose their own electoral systems) and the Moscow law, the elections to the capital's parliament were held in full by the majority system: 45 deputies were elected in 45 single-member constituencies out of 258 candidates overall. These deputies were elected for five-year terms. There were 10 parties on the list of political parties that took part in these elections: United Russia – 29 candidates; CP Russian Federation – 45 candidates; LDPR – 45 candidates; A Just Russia – 43 candidates; Yabloko – 44 candidates; Civic Platform – five candidates; Rodina – two candidates; Social Democratic Party – one candidate; Civic Force – one candidate; Independents – 43 candidates. According to an opinion provided by the City Duma, this would be the fairest system for voters in regional elections. Under it, each deputy represents 160 000 Muscovites. Under the party list system, voters often voted for a party leader without knowing which deputies would actually get into parliament. Furthermore, when the majoritarian system was adopted, there was an increase in the number of political parties that took part in elections and allocated seats to deputies.

39. The results of the Moscow City Duma election in 2014 were as follows:⁸

Party list	Number of seats won
United Russia	28
My Moscow*	10*
KPRF	5
LDPR	1
Rodina	1
Total	45
<i>Turnout: 21.04%</i>	

*The Civil Society Organisation My Moscow was supported by United Russia.

40. This election witnessed some changes compared to the previous one (held in 2009).

- An increase in the number of deputies from 35 to 45. On 22 December 2010, the Moscow City Duma adopted pertinent changes to the Moscow City Charter. This increase was triggered by changes in the federal legislation according to which the number of deputies in a representative body of a subject shall be at least 45 if the number of voters exceeds 2 million.⁹
- A transition from a mixed to a completely single-mandate system. In 2013, the State Duma of the Russian Federation adopted a law reducing the number of deputies elected through party lists from 50% to 25%, while specifying that this law would not apply to the federal subjects of Moscow and Saint Petersburg. On this basis, the Moscow State Duma amended the Moscow Electoral Code in January

7. On 9 September 2018 there were seven new deputies additionally elected to the State Duma of the VII convocation in single-mandate constituencies.

8. Statistics are from the Election Commission of the City of Moscow: <http://mosgorizbirkom.ru/>.

9. See Federal Law of 6 April 2010, "On Amending Article 4 of the Federal Law" On General Principles for the Organisation of Legislative (Representative) and Executive Bodies of State Power of Subjects of the Russian Federation".

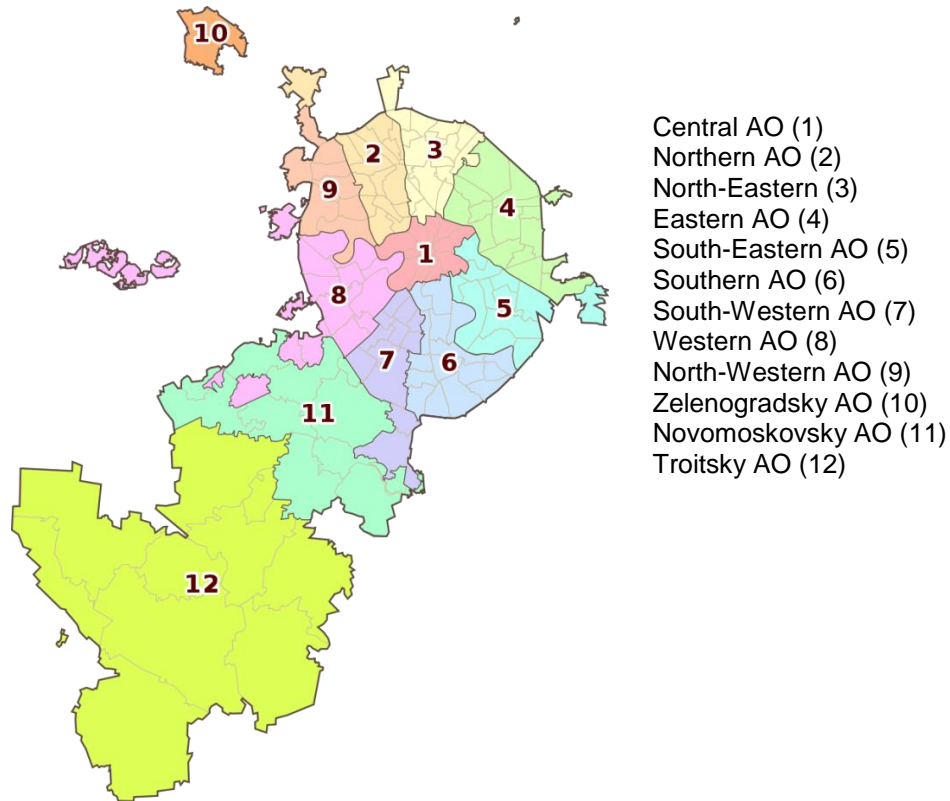
2014 (on the initiative of the United Russia faction) allowing a transition to a completely single-mandate system. This provision entered into force in April 2014.

- The reshaping of electoral districts. In November 2013, anticipating the reform introducing a full single-mandate system, the Moscow City Council brought to the Moscow City Duma a draft law, “On the scheme of single-mandate electoral districts for the election of deputies of the Moscow City Duma”, which proposed a new electoral map of Moscow for the upcoming election (September 2014). This new map was adopted by the Moscow City Duma and approved by the Mayor in April 2014, thus reshaping Moscow into 45 electoral districts.
- Changing the status of the deputies. On the initiative of the Mayor Sergei Sobyenin, the law “On the Status of a Deputy of the Moscow City Duma” was amended in 2014 in order to change the status of the elected deputies. Pursuant to this amendment, most of the deputy corps (three quarters of deputies) was transferred to unpaid work on the basis of a non-permanent position. The purpose followed by this reform was to allow elected deputies of the Moscow City Duma to carry out their parliamentary activities at the State Duma of the Russian Federation at the same time and by granting them six working days a month to dedicate to their deputy mandate. In addition, non-enlisted deputies were allowed to join a party faction, which was only possible for party members prior to this reform. Although this reform was passed, there were critics who believed that it would de-professionalise the Moscow City Duma, lead to discrepancies between the elected representatives and increase dependencies of deputies from the interests of citizens, and turn the deputy corps into executive authorities and from business interests.

41. To create an additional means of taking political views existing within society into account, the Public Advisory Council of Political Parties has been created within the Moscow City Duma. This council is a consultative body that holds political consultations on a wide range of issues of importance to society in order to facilitate co-operation between governmental authorities in the city of Moscow and political parties that have been registered in accordance with the established procedure and participated in the elections for the current session of Moscow City Duma. Members of this council are representatives of United Russia, the CP Russian Federation, A Just Russia, the Social Democratic Party, Yabloko, the Greens, Civic Force, Civic Platform, Rodina, Labour Union, ROT-Front, Great Fatherland, Rebirth of Russia and Democratic Legal Russia. Four members of the council are leaders of regional branches of political parties in Moscow, and one is the leader of a national political party. The council met nine times in 2018 and, according to representatives of the City Duma, it is an important institution for the inclusion of a wide range of different views and political organisations into the deliberative process of the Duma.

42. The city of Moscow is sub-divided into administrative districts (administrative okrugs), districts (called intra-urban territories or raions) and settlements (called municipal formations). The districts and settlements are formed taking into account the historical, geographical, town-planning, population, socio-economic, transport location, infrastructure and other features. The legal status of these territorial units is regulated by the Moscow Charter (Chapter III) and other legal acts of the city. Their boundaries are fixed by legal acts of the city. The formation, transformation and abolition of districts and settlements, as well as their names and the establishment of their boundaries, are proposed by the mayor and decided upon by the Moscow City Duma.

43. Since July 2012, Moscow has been sub-divided into 12 administrative districts (administrative okrugs – AOs), which are themselves divided into 125 intra-urban territories and 21 settlements, under the AO jurisdiction.

Administrative Districts (okrugs) of Moscow

44. A significant change in Moscow's boundaries occurred on 1 July 2012. Two new administrative okrugs (the AOs of Novomoskovsky and Troitsky) were established and the category of "settlements" was introduced, as part of a project to extend the city boundaries in accordance with a federal agreement signed in 2011 between the city of Moscow and the Moscow oblast. Moscow's boundaries expanded (by a factor of 2.4) through the incorporation of lands located in the south-west of the city. A total of 21 municipalities including two urban districts – Troitsky and Shcherbinka – and 19 urban and rural settlements being part of the Podolsky, Leninsky and Naro-Fominsky districts of the Greater Moscow Area were incorporated. Parts of the territory of the Odintsovsky¹⁰ and Krasnogorsky districts of the Greater Moscow Area were also incorporated into Moscow. Approximately 223 000 people live in the incorporated territories that include 112 educational institutions, 20 health-care institutions, 94 cultural institutions and five social protection institutions.¹¹ The Moscow City Duma passed a number of laws to settle matters of territorial administration. The Charter of the City of Moscow has been amended in order to protect the pre-existing status of the incorporated municipalities.^{12,13} The territory of the city of Moscow currently includes 146 municipalities.¹⁴ There are now three types of inner-city municipalities in Moscow (and corresponding lists of local affairs for each one of them):

- municipal districts (existing inner-city municipalities in the city of Moscow – 125 municipalities);
- urban districts (incorporated urban districts – two municipalities);

10. In January 2019, the Congress received a complaint about the change of the boundaries of Odintsovo district.

11. See www.rg.ru/2011/12/27/sovfed-site.html.

12. These are specified in Articles 14 or 16 of Federal Law No. 131 of 6 October 2003, "On the general principles of the organisation of local government in the Russian Federation".

13. Article 1(1) of Law No. 36 of the City of Moscow of 28 July 2011, "On the organisational aspects of local government in the municipalities that were incorporated into the inner-city territory of the city of Moscow as a result of a change in the boundaries of the city of Moscow, and amending Article 1 of Law of the City of Moscow No. 56 of 6 November 2002, 'On the organisation of local government in the city of Moscow'".

14. Law of the City of Moscow No. 11 of 11 April 2012 "Amending Law of the City of Moscow No. 59 of 15 October 2003 'On the names and boundaries of inner-city municipalities in the city of Moscow'".

- settlements (incorporated urban and rural settlements – 19 municipalities).¹⁵

As of 2014, intercity municipalities could be established in city districts which are divided into administrative districts. Their powers are much inferior to those of the “ordinary” settlements. Since 2014, only three cities have applied this right.

45. The local government reform also launched an ongoing process of transferring a number of city council powers to municipal deputies. Since 2012, 34 separate powers of the city of Moscow have been transferred to local authorities of inner-city municipalities in the city of Moscow, including the following:

- 30 powers to local government authorities of municipal districts (“old” Moscow);
- two powers to the local government authorities of the urban districts of Troitsk and Shcherbinka;
- two powers (in the field of major structural repairs) to all local government authorities of the city of Moscow.

46. According to interlocutors from the City Duma, this transfer of powers has considerably strengthened the role of assemblies in local authorities. When additional powers are delegated to local authorities, commensurate resources are assigned to them at the same time. The total volume of local finances in 2018 was approximately 1 168 billion US dollars, which included an amount of 705 million dollars for major repairs to blocks of flats and an amount of 222 million dollars for measures improving outdoor spaces, parks and gardens, outdoor lighting and other parts of the urban infrastructure.

47. The budget of the city of Moscow is drawn up by the Government of Moscow, adopted and approved by the Moscow City Duma, and signed off by the Mayor of Moscow. The city’s budget is discussed by all specialist committees of the Moscow City Duma before being adopted. The main characteristics of the budget of the city of Moscow for 2019 were the following:

- total budget revenues – almost 36 billion US dollars.
Almost 90% of revenues come from taxes (the largest proportion comes from individual income tax and corporate profit tax).

About 10% are non-tax revenues.
- total budget expenditure – almost 40 billion US dollars
90% of budget funds are spent on 14 city government programmes which include clear indicators for the effectiveness of their implementation. The biggest areas of expenditure are in the social services and the development of the transport system. Social budget expenditure in 2019 amounts to more than 20 billion US dollars (this includes social protection, health care, education, sport and cultural programmes).

48. The rapporteurs heard criticisms about intercity local governments in Moscow (and also in Saint Petersburg), and it must be considered that their powers are curtailed compared to “ordinary settlements”. On the basis of an exchange of views it appears that in federal cities, the powers of local self-government are virtually absent. The institute of local self-government plays a purely decorative role in them, in Saint Petersburg to a somewhat lesser extent than in Moscow. Opposition parties have asked for a reform of the current system in Moscow in order to strengthen local autonomies. According to the Yabloko party: “other important goals included expansion of the powers of district councils of deputies, as well as strengthening of the role of the Moscow City Duma and [an] increase in the number of its deputies (currently there are only 45 deputies elected from the city with over 12 million residents)”. Sergei Mitrokhin, one of the candidates for the post of mayor and leader of the Moscow Yabloko, spoke about his programme devoted to changing the lower level of the administrative system. In particular, the leader of the Moscow Yabloko proposed to abolish district administrations, reduce the proxies and the staff of district prefects’ offices, delegating a number of their functions to municipal deputies. According to

15. Law of the City of Moscow No. 8 of 11 April 2012 “Amending Law of the City of Moscow No. 56 of 6 November 2002 ‘On the organisation of local government in the city of Moscow’”

Mitrokhin, the result should be a significant expansion of local self-government and “recreation of feedback from the city authorities and residents from the ground up.”¹⁶

49. During the second part of the monitoring visit in March 2019, the rapporteurs met representatives of the Association of Independent Deputies in Moscow. They complained about the fact that Moscow municipalities do not have their own property and assets, and about the lack of competence and funds. For instance, one municipality in Moscow would have to spend 2/3 of its budget for covering administrative costs, and municipalities only have six to seven activities they can carry out on their own since the administration is subject to the city (also a Russian Federation constituent entity). They also criticised the fact that the Moscow City Duma has 45 deputies, a number that would be far too small for 12 million people, leading to “anonymous” elections. Independent candidates for the City Duma have to gather five to six thousand signatures in order to receive the necessary legal approval, but the courts often annulled signatures gathered by independent candidates. Independent candidates also have no publicity and media time for their campaign and independent politicians also face barriers to becoming a candidate for the post of the mayor, since gathering 110 signatures from councillors is a legal precondition and, for this reason, there were no independent candidates in the last elections.

50. In this respect, the representatives of the High Commissioner for Human Rights of the Russian Federation have underlined that if election rights are violated there is a fast-track procedure directly to the Supreme Court. In addition, if the applicants are not satisfied with the decision of the Election Commission they can address a complaint to the High Commissioner, but this has never happened. However, as regards court decisions and initiatives of the prosecutors, the High Commissioner is not entitled to intervene in the procedure.

51. Concerning the implementation of legal means for citizens’ participation, according to the Association of Independent Deputies, it has not been possible to hold even one referendum although the councils have to right to initiate referendums. In February 2018 in Yakimanka they tried to organise a referendum on issues concerning planning, the height of buildings and two statues. The prosecutor challenged the decisions and the courts blocked the referendum. The same happened in five other municipalities. The prosecutor claimed that the issues coming into question would not be matters of local importance.

52. During their visit, the rapporteurs also met representatives of the Parnas and Yabloko opposition parties. They complained about the obligation to collect five to six thousand signatures in support of a candidature in each one of the 45 single-seat constituencies of Moscow and the tendency of prosecutors to initiate procedures leading to annulments of signatures collected by opposition and/or independent candidates. They also claimed that single-mandate constituencies would make competition even more difficult for candidates who are independent or opposition party members. In the Moscow oblast, municipalities would be abolished without their consent and this territorial reform would also be a process of local property redistribution, because the new districts include forest and agricultural lands.

53. Municipal elections aim at forming the councils of the Moscow municipal formations. On 10 September 2017, they took place in 124 out of 125 municipal formations (the municipal formation of Shchukino held elections in 2016) and in one municipal settlement (Troitsk). A total of 7 500 candidates were registered and 1 502 seats were granted. Although the post of municipal council member is relatively powerless, candidates for the Mayor of Moscow are required to obtain support from municipal deputies to stand in the elections.

The results of the last municipal elections in 2017 were as follows:¹⁷

Party list	Number of seats won	Percentage of seats won
United Russia	1153	76.76%
Yabloko	176	11.72%
Independents	108	7.19%

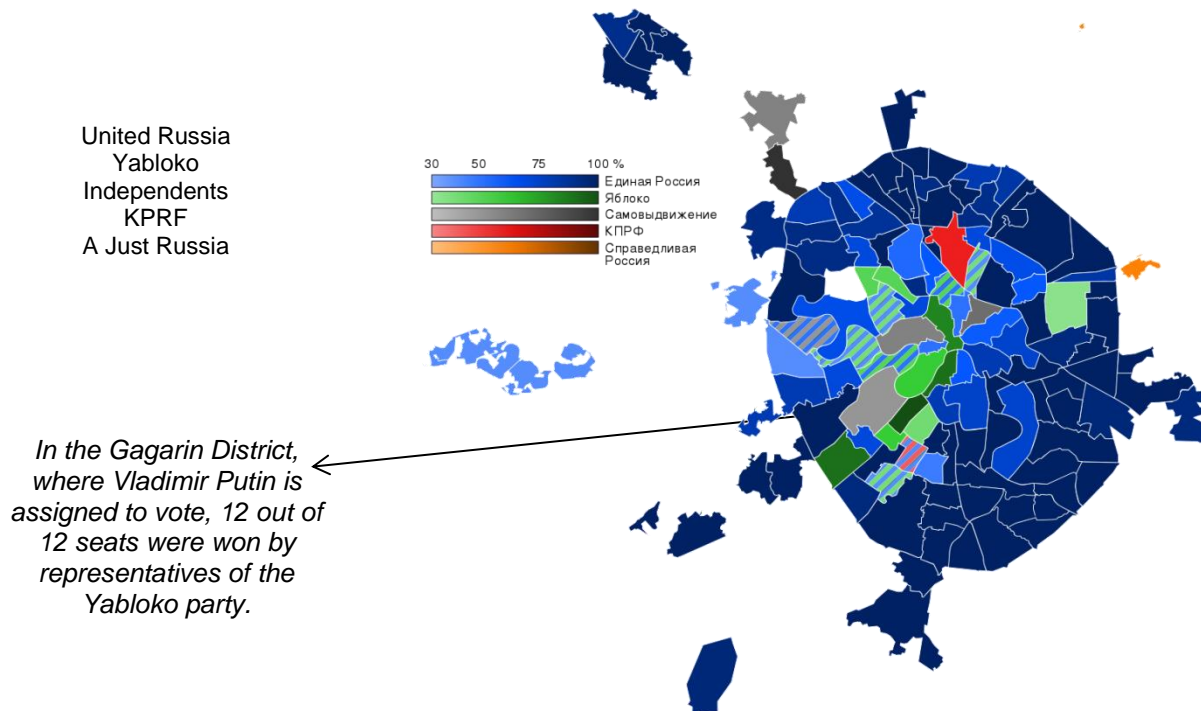
16. <http://eng.yabloko.ru/?p=19619>.

17. The statistics are taken from the Moscow City Duma: <https://duma.mos.ru/ru/0/news/novosti/obschestvennyiy-konsultativnyiy-sovet-politicheskikh-partiy-pri-mosqordume-obsudil-itogi-munitsipalnyih-vyiborov>.

KPRF	44	2.93%
A Just Russia	10	0.67%
Party of Growth	5	0.33%
LDPR	4	0.27%
Parnas	2	0.13%
Total	1502	100%

Turnout: 14.82%

The next municipal elections will take place in 2022. As shown by the figure below, the incumbent party United Russia failed to receive support from several districts, most of which tend to be the wealthiest districts of the capital. On the other hand, the large number of independent candidates as well as the significant number of seats and districts which were won by the opposition was regarded as progress by the opposition in comparison to the previous elections.



54. The extremely low turnout (14.82%) in the municipal elections of 2014 might be an alarming sign for the lack of powers and the weak position of the councils. Nevertheless, a remarkably low turnout was also registered in the Moscow City Duma election of 2014 (21.04%) and even in the last mayoral election of 2018 (30.91%). In Western democracies, low turnout rates are perceived as a sign of political legitimacy being in crisis and of the lack of trust among voters. Quite often, low turnouts reflect people's dissatisfaction and alienation from politics, sometimes due to a perception of "zero choice" and disappointment about the existing candidatures. The rapporteurs refrained from drawing premature conclusions about low turnout, but it is certainly a phenomenon that requires closer investigation.

55. The city has introduced some mechanisms for citizens' participation/involvement and for active evaluation of city services in order to increase responsiveness and accountability:

- the "Active Citizen" electronic referendum system;
- the "Our City" portal;
- a crowdsourcing portal.

56. "Active Citizen" (ag.mos.ru) is a service that enables people to have a say in city life by taking part in electronic votes on various matters. As of November 2018, 2 174 475 "active citizens" had participated

and a total of 110 007 198 opinions have been collected. According to information provided by the City Duma, some important issues have been resolved through votes: “Greening of the capital” (seven votes with over 230 000 people participating in each one), including the “Million Trees” initiative; the “My Street – 2017” programme for the improvement of streets; the best times for school holidays; establishing a limited time frame for “carrying out noisy repairs”; banning the sale of alcoholic energy drinks within the city of Moscow; services that should be provided electronically.

57. The geoinformation portal “Our City” (gorod.mos.ru) was created in 2011 and enables users to check the timeliness and quality of work carried out on municipal facilities; to report any identified irregularities; to point out any illegal use of facilities; to suggest additional works to improve outdoor spaces; to confirm or disprove civil servants’ replies about problems being solved, etc. The total number of registered users in November 2018 was 1 319 038; the total number of problems solved was 2 983 301.

58. The crowdsourcing portal (crowd.mos.ru) can be used not only to answer questions, but also to suggest ways of solving problems and to come up with new ideas. Crowdsourcing is a new information technology which brings interested people together in one place and enables them to put forward their ideas on a given subject, comment on them, discuss them, refine them and select the best ones. The technological process of the open modern platform crowd.mos.ru is based around a full operating cycle with ideas from Muscovites (Idea → Expert selection → Discussion → Voting → Implementation). Based on this innovative tool, concrete decisions were taken to develop Moscow’s libraries, implement “Smart City” technologies, frame the capital’s environmental strategy, develop a standard of service at health centres in Moscow and create a standard for children’s summer holidays. A total of 16 projects had been implemented as of November 2018 with the involvement of 143 787 inhabitants. Over 90 920 ideas were submitted during the course of these projects and of these experts selected over 2 700 for further refinement.

59. Opposition was raised against the ambitious housing stock renewal programme in Moscow. Relevant provisions were included in Federal Law No. 141-FZ of 1 July 2017 “Amending the Russian Federation Law ‘On the status of the capital of the Russian Federation’” and individual pieces of Russian Federation legislation on the establishment of the regulatory aspects of individual legal relationships for the purposes of renewing housing stock in the federal city of Moscow. According to the Moscow City Duma, the housing stock renewal programme is one of the overriding priorities for urban authorities over the next few years. The programme involves the demolition of more than 5 000 outdated and dilapidated residential properties that were erected in the 1950s and 1960s. They cover a total area of around 16.5 million square kilometres. The renewal programme will concern approximately one million Muscovites. A special law of the city of Moscow has provided guarantees for citizens in relation to the implementation of the programme and their “rehousing”. They include:

- taking residents’ views into account (only homes in which two thirds of owners say that they are in favour of it can be included in the renewal programme);
- “rehousing” citizens strictly within the same district they currently live;
- in lieu of their current housing, equivalent housing will be provided;
- there will be an option to receive equivalent financial compensation instead of a flat.

2.3 Legal status of the European Charter of Local Self-Government

60. The European Charter of Local Self-Government was ratified in 1998, according to Article 106 of the constitution which provides for the approval of the Federation Council, following relevant adoption by the State Duma. According to Article 11, paragraph 3, of the Russian Federal Constitution, “the division of authorities and powers among State government bodies of the Russian Federation and State government bodies of constituent entities of the Russian Federation shall be established by this constitution, the Federation Treaty and other treaties on the division of authorities and powers”.

61. According to Article 15, paragraph 4, of the Russian Federation Constitution, “Universally recognised principles and norms of international law as well as international agreements of the Russian Federation should be an integral part of its legal system. If an international agreement of the Russian Federation establishes rules which differ from those stipulated by law, then the rules of the international agreement shall be applied”.

62. According to Article 125, paragraph 2, of the constitution, “the Constitutional Court of the Russian Federation, at the request of the President of the Russian Federation, the Council of Federation, the State Duma, one fifth of the members of the Council of Federation or of the deputies of the State Duma, the Government of the Russian Federation, the Supreme Court of the Russian Federation, and bodies of legislative and executive power of constituent entities of the Russian Federation, shall decide cases on conformity to the Constitution of the Russian Federation of: ... d. international treaties of the Russian Federation pending their entry into force”. Moreover, according to paragraph 6 of the same article: “international treaties of the Russian Federation, which do not correspond to the Constitution of the Russian Federation, shall not be implemented or used”.

63. According to information provided to the rapporteurs by the Constitutional Court of the Russian Federation, the Charter is recognised as “a constituent part of the Russian Federation’s legal system”, according to Article 15, paragraph 4, of the Russian Federation Constitution (see above). In its case law the Constitutional Court proceeds on the basis of the coherence of the provisions of the Russian Federation Constitution and the European Charter of Local Self-Government (Charter) and directly applies the provisions of this international treaty, recognising its legal value and significance. The Constitutional Court of the Russian Federation refers to the Charter in 30 decisions: 14 judgments (out of a total of 18 judgments dealing with local self-government) and 16 rulings.

64. The Constitutional Court of the Russian Federation has applied the following provisions of the Charter in its findings.

- The provisions of the preamble premised on the existence of local authorities possessing a wide degree of autonomy with regard to their responsibilities, the ways and means those responsibilities are exercised and the resources required for their fulfilment. The fundamental principle of local self-government is applicable to the disposal of municipal property and fully extends to dealings involving the use of municipal housing stock (Judgments No. 22-P of 20 December 2010, No. 9-P of 30 March 2012).
- Article 3 Paragraph 1 of the Charter (the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility). This correlates to the Russian Federation Constitution providing for “sufficiently broad autonomy in the implementation of the public functions and tasks assigned to it” and for “independent resolution of questions of local importance” related above all to the support of the life-sustaining activity of municipalities. This autonomy will define the level of accountability of local authorities for the purpose of guaranteeing the general interests of the local community as a whole. (Judgments No. 7-P of 2 April 2002, No. 15-P of 7 July 2011, No. 30-P of 1 December 2015, No. 18-P of 5 July 2017; Rulings No. 214-O-P of 6 March 2008, No. 1006-O-O of 2 July 2009, No. 1241-O of 16 July 2013, No. 2744-O of 9 December 2014, No. 12-O of 16 January 2018).
- Article 3 Paragraph 2 of the Charter (local self-government shall be exercised by councils or assemblies composed of members freely elected). The Russian Federation Constitution does not “consider elections conducted on the basis of universal, equal and direct suffrage as the sole permissible mechanism for forming all public authorities at each level of the organisation of power (Russian Federation Constitutional Court Judgment No. 13-P of 21 December 2005); where the municipal level of public authority is concerned, the Russian Federation Constitution, in providing for the exercise of local self-government through elected and other local authorities (Article 130,

paragraph 2), does not require representative municipal authorities in all areas in which local self-government is exercised to be formed according to unified/universal rules with no regard for the characteristics of the exercise of local government within specific spatial (settlement-based or other territorial) boundaries”.

65. The Constitutional Court concluded that the provisions of the Russian Federation Constitution and the corresponding provisions of the Charter do not rule out the possibility of a representative municipal authority created on the territorial principle being formed by means of including in its composition representatives of settlement-type municipal entities, who were elected by the community in municipal elections (Judgments No. 9-P of 18 May 2011, No. 15-P of 7 July 2011, No. 11-P of 15 April 2014, No. 34-P of 22 December 2015, No. 18-P of 5 July 2017; Rulings No. 214-O-P of 6 March 2008, No. 454-O-O of 8 April 2010, No. 1794-O-O of 8 December 2011, No. 2744-O of 9 December 2014, No. 1422-O of 7 July 2016).

- Article 5 of the Charter (changes in local authority boundaries): “... a change in the boundaries of territories in which local self-government is exercised is permissible only with due consideration for the opinion of the population of the territories concerned, including by means of holding a referendum, where permitted by law” (Rulings No. 171-O-P of 3 April 2007, No. 715-O-P of 2 October 2007, No. 194-O-P of 1 April 2008).
- Article 6 Paragraph 1 of the Charter (local authorities shall be able to determine their own internal administrative structures). Reviewing the constitutionality of federal laws and of an Irkutsk Oblast law, the Russian Federation Constitutional Court rejected the possibility of this Irkutsk law to “impose a single possible variant of the procedure for the election and role within the local authority structure of heads of municipalities of rural settlements or of those urban settlements that are not classified among the aforementioned urban settlements comparable to urban areas and cannot restrict the possibility of providing in those municipalities’ statutes for the election of a head of settlement in municipal elections or, in accordance with the Federal Law “On general principles of organisation of local self-government in the Russian Federation”, of independently determining the role of a head of municipality within the local authority structure of the corresponding settlement” (Judgment No. 30-P of 1 December 2015).
- Article 6 Paragraph 2 of the Charter (conditions of service of local government employees): “through its public nature, municipal service, like State civil service, supposes the necessity of vocational training of civil servants and their possession of the corresponding moral qualities, which is in line with the provisions of the European Charter of Local Self-Government 1985, geared to the selection of highly qualified staff based on experience and competence (Article 6); filling vacancies by competitive recruitment pursues these reasonable and justified aims, while at the same time ensuring equal opportunities for those seeking to enter municipal service” (Judgment No. 19-P of 15 December 2003).
- Article 7 Paragraph 1 of the Charter (conditions of office of local elected representatives shall provide for free exercise of their functions) (Ruling No. 1309-O-O of 4 October 2011).
- Article 8 Paragraph 2 of the Charter about administrative supervision of the activities of the local authorities (Judgment No. 15-P of 30 November 2000).
- Article 8 Paragraph 3 of the Charter (intervention of the controlling authority is kept in proportion to the importance of the interests it is intended to protect) (Judgment No. 15-P of 30 November 2000).
- Article 9 Paragraph 5 of the Charter, on financial equalisation: “... the equalisation of the minimum budget provision and, ultimately, the socio-economic development of municipalities is part of an overall State policy aimed at implementing the constitutional principle of a social State (Article 7 of the

Russian Federation Constitution); this also meets the requirements laid down by the Charter, ratified by the Russian Federation, stipulating that the protection of financially weaker local authorities calls for the institution of financial equalisation procedures or equivalent measures designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support (paragraph 5 of Article 9)” (Judgment No. 16-P of 11 November 2003).

- Article 11 of the Charter, on the right of recourse to a judicial remedy: “local self-government is guaranteed by the right to legal protection and compensation for additional expenditure incurred as a result of decisions taken by State authorities, and by the prohibition of the restriction of rights of local self-government established by the Russian Federation Constitution and federal laws (Article 133); local authorities’ right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government is enshrined in the Charter as a principle which is binding on the countries having ratified it (Articles 11 and 12)” (Judgments No. 15-P of 27 June 2013, No. 19-P of 26 June 2014 and No. 15-P of 5 July 2016).
- Other examples of major decisions are Resolution No. 26-P issued on 13 October 2015 upon reviewing the constitutionality of Article 16, paragraph 1.24, of the Federal Law “On the general principles governing the organisation of local self-government in the Russian Federation” following a complaint from Severouralsk Urban District municipal administration, and Resolution No. 13-P issued on 26 April 2016, upon reviewing the constitutionality of Article 14, paragraph 1.18, and Article 15, paragraph 1.14, of the aforementioned federal law following a complaint from Neryungrinsky District municipal administration. Both resolutions limit the extent to which local self-government bodies can be required to fund obligations relating to the elimination of unauthorised waste disposal/landfill sites in areas which come under the direct responsibility of other tiers of government or economic entities.

2.4 Previous Congress reports and recommendations

66. A first report on the situation of local self-government in Russia was issued by the Congress on 14 May 1997 (“Report on the State of Local Self-Government and Federalism in the Russian Federation – CG (4) 4 Part II”), before the ratification of the Charter by the Russian Federation (5 May 1998). According to this report, “the most important problem of local government in Russia concerns the definition of local self-government given to the Subjects. In some of the Subjects of the Federation, authorities of self-government are established only on the lowest level, i.e. on the level of smaller towns, townships, city districts etc. The legislation of some of the Subjects also stipulates that on the higher level (rural districts, i.e. rajony and cities directly subordinated to the Subject), State organs of local government shall be established instead of bodies of self-government. Provisions of this kind do not encourage the development of local self-government, but are likely to hinder it”.

67. On 3 June 1997, Congress Recommendation 30 (1997) on the state of local self-government and federalism in Russia encouraged the Russian authorities to develop a relevant legal framework. The subjects of the federation should respect the principle of subsidiarity in their relations with municipal entities and Russian authorities should even consider an amendment to the Russian Federation Constitutional Law on the Constitutional Court so that municipal entities themselves would be entitled to file an appeal to the Constitutional Court, to guarantee that the judgments of the Constitutional Court are respected throughout the Russian Federation. The Congress also issued recommendations to the federal subjects, encouraging them to “provide local authorities with the financial and technical resources required for the effective implementation of their responsibilities. These resources do not only include financial funds, but also well-trained municipal staff”.

68. The first monitoring of the Russian Federation after the ratification of the Charter was conducted in 2004, resulting in Recommendation 143 (2004) and Resolution 171 (2004). The recommendation focused on financial resources, municipal property, the delegation of State powers, the control and supervision of

local authorities, their legal protection, the participation of foreigners in public life, federal supervision of regional governance, the concept of regional sovereignty and power sharing between various levels of government.

69. In October 2009, two complaints were referred to the Congress's former Institutional Committee. One of these, from the members of the Tula City Council, about an alleged violation of the right of local authorities to be consulted on issues that concern local governance (Article 4 (6) of the Charter). The second complaint addressed amendments to the federal law on the general principles governing the organisation of local self-government in the Russian Federation (131-FZ), concerning the dismissal of mayors by municipal councils on the initiative of the regional governors.

70. Following two visits in December 2009 and April 2010, the monitoring report "Local and regional democracy in the Russian Federation" (19th Session CG (19)11, 11 October 2010) acknowledged "the progress made by the Russian Government with regard to legislative reforms until 2003" and recognised "the advances made, in co-operation with the associations of local authorities, in implementing the new legislation on local self-government and the new structures that derive from it, in modernising local and regional government in the Russian Federation and in training local administrators and local elected representatives to exercise their new functions".

71. Nevertheless, the following Recommendation 297 (2010) included a considerable set of suggestions and invited, *inter alia*, the Russian authorities to:

- amend Law 131-FZ so that the establishment of municipal and regional associations ceases to be mandatory, but is at the discretion of freely elected local and regional assemblies;
- revoke the recent amendments to Article 74 of Law 131-FZ concerning the dismissal of mayors, to ensure that mayors are free to carry out their elected mandates without interference or political pressure from municipal councils or governors;
- prepare a legal framework to regulate the creation and operation of agglomerations of municipalities, in accordance with the principles of the Charter;
- improve legal safeguards to ensure that local authorities are not subject to excessive levels of supervision by higher authorities;
- reintroduce direct elections for regional governors in order to restore the level of regional democracy that the Russian Federation enjoyed prior to 2004;
- facilitate the registration of new political parties at local and regional level, enabling groups of local or regional candidates to stand for election without the need for their parties to demonstrate an impractically large number of members;
- take measures to prevent the use of closed lists in local and regional elections;
- take measures to ensure that independent candidates may stand in all local and regional elections;
- allow national NGOs to freely observe local and regional elections, including the vote count;
- continue implementing the measures proposed in Recommendation 1897 (2010) of the Parliamentary Assembly on respect for media freedom, to ensure that journalists can work in safety and that freedom of expression and healthy political debate is fostered at local and regional level;
- continue to further improve the division of competences between federal, regional and local authorities and take measures to reduce the number and scope of shared competences;

- provide local authorities with appropriate financial resources or authorise them to raise revenue, as required by the Charter, to enable them to carry out their responsibilities in providing public services;
- ensure that rural settlements receive financial resources commensurate with their responsibilities to avoid them transferring their competences to higher-level authorities;
- improve equalisation arrangements for local authorities and rural settlements to ensure a more equitable distribution of revenues;
- continue and accelerate the transfer of State property to local authorities, and enable them to raise revenue through relevant property taxes;
- ensure that local authorities are consulted on all issues that concern them, by all means available, according to Article 4 (6) of the Charter;
- ensure that settlements are only merged after full consultation with the elected assemblies concerned;
- implement fully existing and new measures to eradicate corruption at local level, such as forms of compulsory competitive tendering;
- take steps to sign and ratify the additional protocol to the Charter on the right to participate in the affairs of a local authority (CETS No. 207) in order to extend participation of citizens in local governance;
- expand and strengthen programmes and organisations for training local and regional officials and elected representatives in order to improve efficiency in the provision of public services at those levels.

72. Moreover, in the 2010 monitoring report, special emphasis was given to the relation between the federal subjects and the municipalities. The ways in which the federal subjects make use of their legislative and administrative powers may have an important impact on the autonomy of local authorities. The powers of local authorities would heavily depend on the use of power made by each federal subject and could sometimes result in individualised conflicts between a governor and a mayor.

73. Another aspect highlighted by the 2010 monitoring report was the principle of “shared competences”. Although the constitution refers to the principle of shared competences, it is not clear which competences are incumbent on the State, the subjects or the local authorities. This lack of clarity could be reflected in practice by a large gap between competences and resources that prevents many settlements from carrying out all the functions assigned to them, and also reduces the freedom of local authorities and questions local accountability, especially in smaller settlements.

3. HONOURING OF OBLIGATIONS AND COMMITMENTS: ANALYSIS OF THE SITUATION OF LOCAL DEMOCRACY ON THE BASIS OF THE CHARTER (ARTICLE BY ARTICLE)

3.1 Article 2 – Constitutional and legal foundation for local self-government

Article 2 – Constitutional and legal foundation for local self-government

The principle of local self-government shall be recognised in domestic legislation, and where practicable in the constitution.

74. As already shown in several parts of this report, the principle of local self-government is recognised both in the Constitution of the Russian Federation and in ordinary legislation and, more specifically, in the

Federal Law of 6 October 2003 N 131-FZ “On general principles of organisation of local self-government in the Russian Federation” (as amended, in force since 1 May 2018). According to Article 1 of this law:

Article 1. Local self-government

1. Local Self-Government is one of the foundations of the constitutional order of the Russian Federation recognised, guaranteed and implemented throughout the territory of the Russian Federation.

2. Local self-government in the Russian Federation is a form of exercise by the people of his power, providing, within the limits defined by the Constitution of the Russian Federation, federal laws, and in cases stipulated by federal laws, the laws of the subjects of the Russian Federation, an independent and the population under its own responsibility, directly and/or through local authorities issues of local significance, proceeding from the interests of the population, taking into account historical and other local traditions.

75. The existence of legal acts that are incompatible with this federal act and the constitution remains a serious matter of concern in domestic legislation. However, in spite of problems with various pieces of legislation, it is clear that the principle of local self-government is recognised both at the level of the constitution and legislation.

76. The rapporteurs consider that the Russian Federation complies, in principle, with Article 2 of the Charter.

3.2 Article 3 – Concept of local self-government

Article 3 – Concept of local self-government

1. Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.

2. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.

3.2.1 Article 3.1

77. Reform of local self-government began in 2003 when local autonomies were restored in rural settlements and cities after they had been practically abolished during the period known as “phased constitutional reform” in 1993 and 1994. By the beginning of the 2000s, local self-government bodies had been absent in more than half of Russian cities and most rural areas. Heads of local administrations were appointed by governors; there was no accountability of the local executive to local deputies and citizens.

78. Threats to local self-government also emerged after the 2003 reforms. The rapporteurs note that the norms introduced by Law No. 136-FZ allow the Entities of the Federation to withdraw practically any competence from municipalities (in the fields of territorial planning and development, land use, and utility services); municipalities have lost a number of powers and responsibilities that have traditionally been inherent in local government, for example, social security and now public health (as of 2011).

79. The rapporteurs received information that several tasks have been taken away from local authorities. On the other hand, during the monitoring visit, interlocutors from federal authorities and authorities of autonomous republics mentioned several cases of devolution or delegation of tasks. It is also obvious that in view of the size of the country and the extremely uneven population density, different types of local authorities and corresponding tasks exist. Therefore, the rapporteurs are not convinced that the Russian authorities could systematically restrict the scope of competence assigned to local authorities in general.

On the other hand, they are convinced that there are many opportunities for increasing the share of local authorities in the regulation and management of public affairs.

80. The situation in Moscow, where municipalities are deprived of basic functions and resources, is certainly at odds with the provisions of the Charter. The fact that Moscow city is a federal subject does not mean that one tier is sufficient for a territory of 12 million inhabitants. Cities that are federal subjects also exist in other federations, such as Germany (Bremen, Hamburg and Berlin), but in these cases they include a lower level where strong local government exists and this is not the case in Moscow, nor (to a slightly lesser extent) in Saint Petersburg.

81. During the consultation procedure, representatives of the city of Moscow highlighted “that the role of municipal deputies has increased significantly, the range of tasks and powers has become wider. Deputies are personally involved in the implementation of works on the improvement of the territories of districts, on the renovation of housing stock in Moscow.”

82. The rapporteurs however consider, on the basis of the above mentioned information provided during their visits, that the Russian Federation partially complies with Article 3, paragraph 1, of the Charter. In particular the situations in Moscow and Saint Petersburg are seen by the rapporteurs as quite problematic in this respect. The management of the share of public affairs should be globally improved in practice.

3.2.2 Article 3.2

83. During the consultation procedure the rapporteurs were informed by the representatives of the Republic of Tatarstan that the majority of the heads of municipalities are elected among members of municipal council (in Russia – 8 896 heads, 41.0%), or elected directly by universal, equal and direct election (in Russia – 6 718 heads, 30.9%). In the Republic of Tatarstan, for example, all 43 heads of municipal districts and two city mayors are elected among members of respected municipal councils. The rapporteurs observe that Law No. 8-FZ of 3 February 2015 has established a new model for the “election of the head of a municipality”: the status of the mayor can be acquired now by a person selected by a selection board originally established to fill another position, the head of a local administration. Thus, the head of a municipality is not subject to the procedure of election by the population or by the municipal council. Furthermore, the share of the selection board members appointed by the governor has increased to 50% and the governor also has the right to present candidatures for the position of mayor. So, the heads of municipalities are in fact appointed at the governor’s initiative and instruction.

84. The rapporteurs conclude that Article 3, paragraph 2, of the Charter is not respected.

85. On the basis of their exchange of views with various interlocutors the rapporteurs received information that direct elections have become the exception rather than the rule: local governments are prescribed to renounce direct elections (heads of municipalities are elected from among the councillors or – more often – appointed, following a contest). Only four federated entities provide for the opportunity to determine independently the structure and organisation of local governments. Among 80 regional capital cities, only eight of them have retained direct election of mayors (while the number of the heads selected through a contest has reached almost 50%). Besides, the regions very often abolish direct elections for the local government representative bodies at the level of municipal raions and town districts, which have intercity municipal formations (this refers to three city districts), replacing them by delegation.

86. Recently, in March 2019, the State Duma planned to examine the draft federal law No. 631751-7 “On Amendments to the Federal Law ‘On General Principles of Organisation of Local Self-Government in the Russian Federation’ (especially the Part referring to Issues of Territorial Organisation of Local Self-Government)”. According to criticism from the Yabloko party, the “election of mayors of cities and heads of districts has removed almost everywhere. The bill gives the right to the Russian regions (and, virtually, the governors) to liquidate local self-governments in cities and rural settlements by giving municipal districts the status of a municipal territory, which does not envisage having a local self-government in cities and rural settlements that used to be part of the municipal district”. These provisions of the draft law would “directly contradict the Constitution of the Russian Federation, according to which local self-

government is guaranteed in the Russian Federation and is carried out in urban and rural settlements and other territories through elected bodies of local self-government".¹⁸

87. According to recent information provided by the Russian National Delegation to the rapporteurs after the second visit, amendments to the legislation regarding the direct mayoral elections in the Russian Federation were about to take place. Voters may now choose in which way the mayor should be elected. As was explained by the members of the delegation, in accordance with the law, there are four different definitions of a mayor.

1. A mayor who is elected from among the members of the representative body/municipal council. About 20% of mayors throughout the Russian Federation are elected this way.
2. A mayor who is elected through a direct election. In this case the mayor can be a head of either a representative or of executive power.
3. There is the provision for a mayor to combine the functions of a head of both the representative and executive powers. This is mostly practised in small rural constituencies (with small populations).
4. The last option is currently being explored as an experiment in 2 to 3% of municipalities – election of a mayor by conducting a tender. For the selection of the mayor, a special committee is created, set up by deputies.

The choice of one of these four options is to be made by the voters. They are informed about it through public hearings, mass media and other ways of increasing of public awareness. After the public consultation, the judicial bodies register the method of mayoral election chosen by the population.

88. However, during the consultation procedure, the State Duma informed the rapporteurs that the draft law to which the National delegation referred to, will not be considered by the State Duma, notably because, in its opinion, "it does not comply with the institutional principles of the Russian legislation".

89. Under the Federal Political Parties Act, a political party is freely established without the permission of State authorities or officials. A political party may be established at the constituent congress of a political party (Article 11). Federal Law No. 28-FZ of 2 April 2012 "On Amending the Federal Law 'On Political Parties'" reduced the required minimum number of political party members from 50 000 to 500 people. A member of a political party may be a member of only one regional branch of a given political party – at the place of permanent or primary residence. The charter of a political party may establish requirements for the minimum number of members of a political party in its regional branches (Article 3, paragraph 2, and Article 23, paragraph 6, of the federal act on political parties).

90. A political party (Article 3.2 of the federal law "On Political Parties") must have regional branches in at least half of the constituent entities of the Russian Federation. The governing and other bodies of a political party, its regional branches and other structural subdivisions must be located in the territory of the Russian Federation. In 2012 the requirements with regard to the number of political parties were eased which resulted in the registration of 60 new parties. In reality, many parties operate in a few regions, although they have a federal status. Quite a few of them have been abolished by court decisions, because the number of their regional branches had dropped below the minimum.

91. Article 2, paragraph 25, of Federal Act No. 67 of 12 June 2002 on basic guarantees of electoral rights and the right to participate in referendums for citizens of the Russian Federation (hereinafter – Federal Law No. 67-FZ) provides for participation in local elections as electoral associations not only of political parties and their structural subdivisions but also of other public associations, established in the form of public associations and public movements and registered in accordance with the established procedure (including regional and local), whose charters provide for their participation in elections.

92. Recommendation 297 (2010) of the Congress had pointed out difficulties faced by new parties for registering at local and regional level and it asked the Russian authorities to prevent the use of closed lists in local and regional elections, while it also suggested measures to ensure that independent candidates may stand in these elections everywhere. During the first part of the monitoring visit in 2018,

18. <http://eng.yabloko.ru/?p=21218>.

some local independent experts criticised legal provisions prohibiting regional and local parties since only federal parties having their branches in more than half of the regions can participate in local elections. At the same time, however, the right to run for local elective office has been attributed to public organisations (associations and movements).

93. In fact, “closed lists” (party lists) are used in many European countries, but rather in national (parliamentary) elections. According to information provided by the Federation Council, the open-list system, in which voters were given the opportunity not only to vote for a list but also to express preference for one or more candidates from the selected list, was practised during the election of deputies to legislative (representative) bodies in the 1990s and 2000s in some constituent entities of the Russian Federation (Kaluga and Tver regions, Chukchi Autonomous Okrug). However, it was not widespread due to the difficulties in organising and conducting voting. Open lists were used only in four regions in the 2003 and 2005 elections, following which they were abolished by law in all regions where they were allowed. Open lists were allowed in four regions in the 2010 local elections if local authorities wished to have them. But in recent years, they have been abolished in the Republics of Saha (Yakutia), Tuva and Ulyanovsk Oblast. For a short period of time, open lists were provided for by the law of Tver Oblast, but they were also later abolished. In 2013, the Constitutional Court of the Russian Federation ruled that the system of closed lists did not violate the constitution nor was it at odds with European standards.¹⁹ At present, open lists are still available in only one region – the Samara Oblast. But no municipality has made use of such an alternative.

94. The proportional electoral system has become widespread at the regional and local levels, mainly as a part of the mixed electoral system (providing for the election of one part of the deputies from the lists of candidates in proportion to the votes cast for these lists, the other part – from single-mandate or multi-mandate constituencies). According to Federal Law No. 67-FZ/2002, the adoption of a proportional electoral system for the election of all members or for parts of the legislative (representative) bodies of the constituent entities of the Russian Federation or of local self-government assemblies was left to the discretion of the constituent entities.

95. In accordance with Article 35.19 of Federal Law No. 67-FZ/2002, elections to the assemblies of rural and urban settlements (excluding urban districts) with a population of less than 3 000, as well as to assemblies of rural and urban settlements (including the representative bodies of urban districts) with a population of less than 15 000 shall be held only in single-mandate and/or multi-mandate constituencies. In these elections there is no provision for applying a proportional electoral system, in which, following the election results, the deputy mandates are distributed between the lists of candidates nominated by political parties and other electoral associations. Thus, this legal provision prohibits the nomination of candidates by means of lists of candidates from any political party or electoral association, including the application of “closed lists” in these elections. According to the Federation Council, a steady trend that emerged in 2011 and 2012 and intensified after the adoption of the federal law of 2 November 2013, No. 303-FZ “On Amending Certain Legislative Acts of the Russian Federation”, is the reduction in the use of both a purely proportional and mixed electoral system in municipal elections and its replacement by a majority electoral system with single- and/or multi-member electoral districts.

96. Concerning the legal right for independent candidates to stand in local or regional elections, it should be noted that Russian citizens may be nominated directly (a candidate in a single-mandate or multi-mandate constituency) or as part of a list of candidates (in a single constituency). The direct nomination of candidates may be done through self-nomination or through nomination by an electoral association.

19. In Ruling No. 324-O of 6 March 2013, “At the request of a group of State Duma deputies to verify the constitutionality of the provisions of Parts 1 and 2 of Article 89 of the Federal Law ‘On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation’”, the Constitutional Court of the Russian Federation noted that in elections held under the rules of the proportional electoral system of closed lists, citizens, while exercising their active right to vote, do not vote for specific candidates but for the entire list and, essentially, votes are cast for the respective political party, its political performance and its election programme. Thus, the court confirmed the right to establish a proportional system with closed lists. The same ruling noted that the position adopted by the European Commission for Democracy through Law (Venice Commission) on the legal regulation of the activities of political parties (Venice, 15-16 October 2010) also states that the nomination of a person as a candidate of a political party is an expression of his or her personal right to be elected (paragraph 126); in electoral systems using closed lists, parties may determine the order of their candidates on the electoral lists, but parties should be prohibited from changing the order of candidates on the electoral lists after the beginning of voting (paragraph 129).

Candidates may be nominated as part of a candidate list by a political party entitled under federal law to participate in elections or by its regional branch or other structural subdivision entitled under federal law to participate in elections at the appropriate level (Article 32, paragraphs 1, 2 and 3, of Federal Law No. 67-FZ). Federal Law No. 67-FZ provides for the possibility of independent candidates participating in elections at both regional and local levels by self-nominating. An exception is the election to the “highest offices” (heads of the highest executive bodies) of the State in the constituent entities of the Russian Federation. In these cases, the possibility of candidature by self-nomination in accordance with paragraph 2 of Article 32 of Federal Law No. 67-FZ is left to the discretion of the constituent entities of the Russian Federation. But following a return to direct elections of the governors in 2012, regional laws did not envisage independent candidates, and this is true for most regions. Independent candidates are not provided for in the regional elections held on a proportional basis.

97. According to the view of some critics, there have been obvious efforts to exclude independent candidates from the elections. Two instruments have been used for this end:

- A mechanism aimed at excluding independent candidates from the elections by sorting out the fake signatures from among the electorate or removing candidates because of faulty documents (for example, an attempt to remove Konovalov, a candidate running for a position of governor in Khakasia, by the Procurator’s Office on the pretext that there was a mistake in the name of the Communist Party branch which put forward his candidature for the election).
- The absence of any opportunity for an independent candidate to carry out an advertisement campaign: even if a candidate could afford to pay the high prices for publishing promotional material, the mass media would deny him the right to do so: tough measures rule out advertising in the streets and on houses, and billboard advertisements are torn off by special groups whose organisers and sponsors cannot be identified. Street rallies and meetings with the electorate are also banned.

98. There were also complaints, coming both from experts and representatives of opposition parties and independent deputies, that several kinds of resources available to the administration are used for the benefit of incumbent politicians who are standing as candidates. Concerning fairness and transparency of election campaigns, according to information provided by the Accounts Chamber of the Russian Federation, Federal Act No. 67 of 12 June 2002 on basic guarantees of electoral rights and the right to participate in referendums for citizens of the Russian Federation (Article 24, paragraph 10, sub-paragraph “e”), provides that the election commissions of municipal entities are vested with the authority to take measures in the territory of the municipal entity to finance the preparation and holding of local government elections and local referendums. They can also take appropriate measures for the distribution of funds allocated from the local budget and (or) the budget of the constituent entity of the Russian Federation, the financial support for the preparation and holding of local government elections, local referendums, as well as monitoring the use of those funds for their intended purpose. In addition, Federal Law No. 6-FZ (Article 9) entrusts the accounting authorities of the constituent entities of the Russian Federation and municipal entities with the authority to monitor the implementation of the budgets of the constituent entities of the Russian Federation and municipal entities, the legality, efficiency (effectiveness and economy) of the use of the funds of these budgets, as well as the funds received from other sources provided for by the legislation of the Russian Federation, and control over compliance with the established procedure for managing and disposing of State (municipal) property.

99. One of the suggestions included in Recommendation 297 (2010) was the ratification of the additional protocol on the right to participate. The Federation Council commented that the protocol “does not have a new, broader legal content than the current legislation of the Russian Federation regulating legal relations related to the implementation of local self-government in the Russian Federation”. The legal norms available in Federal Law No. 131-FZ regulate the relations on the realisation of the right to participate in the affairs of local authorities. Thirteen articles of the federal act (Articles 22-33 and 251) set out a wide range of “participatory procedures” – specific forms of direct citizens’ involvement and forms of participation (local referendums, public hearings, citizens’ gatherings, citizens’ meetings, citizen surveys, citizens’ law-making initiatives, territorial public self-government, etc.). Article 33 of Federal Law No. 131-FZ provides that citizens have the right to participate in the affairs of local self-government in any

form that does not contradict the Constitution of the Russian Federation, the federal laws and the laws of the subjects of the Russian Federation.

100. According to information provided by the Federation Council, public hearings and public discussions can be initiated by both local authorities and the population, and they are held with the participation of residents to discuss drafts of municipal legal acts. An important feature is that drafts of some acts of the municipal entity, such as those governing its charter and local budget, have to be submitted to public hearings. A citizens' meeting may be held to discuss issues of local importance, to inform the public about the activities of local self-government bodies and to implement territorial public self-government. At the meeting it may be decided to apply to the local self-government bodies, and persons authorised to represent the meeting of citizens in relations with local authorities may be elected.

101. An important form of direct citizens' participation is the local referendum (Article 3, paragraph 2, of the Charter). Citizens, election associations, public associations or the representative body of a municipal formation can initiate a referendum. The most important issues related to the organisation of local government, such as early termination or extension of the term of office of local government bodies, early elections to local government bodies, adoption or amendment of the local budget and fulfilment of financial obligations of the municipality, can be the issues of such a referendum. Decisions taken in a referendum are mandatory throughout the entire territory of a municipal entity. Laws of several constituent entities include detailed provisions on local referendums. For instance, in Leningrad oblast, the law of 9 June 2007 "On local referendums in Leningrad oblast" was adopted, which establishes the procedure for preparation and holding of local referendums in municipalities. In addition, Regional Law No. 44-oz of 8 May 2009 "On the referendum of the Leningrad Region" defines the procedure for the preparation and conduct of the regional referendum at the level of the Leningrad Region. During the consultation procedure the representatives of the Leningrad region highlighted that in the Leningrad Region referenda on local issues are regularly held. For example, in September 2016 there were 3 referenda in Lomonosov Municipal District and in Tosno Municipal District. However remain cautious about the extent of the practical relevance such forms of citizens' participation have in reality, taking into consideration the experience of Moscow, where the ability to hold a referendum was barely exploited.

102. During the consultation procedure, again the rapporteurs were also informed that in Leningrad Region over the past five years, special attention has been paid to the development of local self-government in such forms as village elders, public committees, initiative commissions (since 2018). Village elders contribute to communication between municipal administration and people. It is especially useful in remote areas where the communication infrastructure is not well developed. Local initiatives from village elders are supported through regional, municipal budgets.

103. Laws of constituent entities of the Russian Federation and normative legal acts of local self-government bodies may create new forms of citizens' participation as long as they comply with the existing federal or regional laws. For example, participatory budgeting and the institution of elders first emerged through popular initiative and were supported by deputies of the representative bodies of municipal entities. Nevertheless, representatives of the Federation Council argued, as already mentioned, that the existing level of citizens' participation would not need the backing of the additional protocol.

104. The rapporteurs would like to express their satisfaction at several positive changes that have been introduced, following Recommendation 297 (2010). For instance, minimum numbers of members for the registration of parties was drastically reduced, registration of candidates supported by associations and groups is allowed and the direct election of governors was reintroduced. The introduction of single-mandate constituencies in municipalities for the election of deputies could also promote accountability of representatives. Closed lists deprive voters of the opportunity to take advantage of preferential voting but they do not directly violate the provisions of the Charter. In fact, the free election of assembly members provided by Article 3, paragraph 2, of the Charter does not necessarily include a right for voters to carry out preferential voting. On the contrary, legal requirements for candidates to gather a considerable number of signatures supporting their candidature and, even more so, the municipal "filter" for candidatures at the level of constituent entities (federal subjects) pose serious obstacles to election freedoms and should be abolished. Methods of citizens' participation that have been introduced constitute

positive developments, even though it seems that instruments like local referendums are formally provided for but barely implemented.

105. As regard the “municipal filter”, the Ministry of Justice of the Russian Federation stressed during the consultation procedure that “the presence of a “municipal filter” stimulates political competition at the local level, forcing political forces to work with local problems and nominate political leaders from their midst who are ready to take responsibility for solving the problems of local communities and cooperate with higher authorities. Thanks to the “municipal filter”, local self-government becomes a “school of democracy” and the elected head of the subject of the Russian Federation is forced to take municipal interests into account in its activities.”

106. The rapporteurs do not share this opinion and in view of the aforementioned facts, the rapporteurs’ opinion is that the Russian Federation partly complies with Article 3, paragraph 2, of the Charter and should therefore abolish the provision for considerable numbers of signatures as a precondition for registration of candidatures, as well as the “municipal filter” for candidatures at the level of constituent entities. Finally, it should also be stressed that the fact that the several participatory instruments have formally been introduced is a strong argument for the ratification of the additional protocol by the Russian Federation.

3.3 Article 4 – Scope of local self-government

Article 4 – Scope of local self-government

1. The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute. However, this provision shall not prevent the attribution to local authorities of powers and responsibilities for specific purposes in accordance with the law.
2. Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.
3. Public responsibilities shall generally be exercised, in preference, by those authorities who are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.
4. Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.
5. Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.
6. Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.

107. According to Article 12 of the constitution, “local government ... shall be independent within the limits of its authority”. Article 130, paragraph 1, of the constitution provides that local self-government shall ensure the independent solution by the population of issues of local importance. Article 132, paragraph 1, provides that local self-government bodies “shall independently ... solve matters of local importance”.

108. Federal Law 131-FZ sets out the legal framework for the activities of local self-government bodies, as well as issues of local significance (Chapter 3, Articles 14-18) that are dealt with by local self-government bodies independently and at the expense of local budgets. Such issues include, for example, power, heat, gas and water supply, construction of municipal roads, provision of transport services to the population, creation of conditions for provision of communication services, public catering, trade, conditions for mass recreation of citizens, culture, sports, landscaping and many other issues.

109. Some criticisms the delegation heard during its visit concerned municipalities being short of competence. In particular, general education operations (except the maintenance of school buildings and some minor aspects), provision of public services, the organisation of the provision of emergency medical care, primary health care in outpatient and hospital institutions, medical care for women during pregnancy

and during and after childbirth, the organisation and implementation of environmental control of industrial and social facilities, guardianship for minors and guardianship for seniors are excluded from the jurisdiction of local self-government.

110. As a result, the availability of primary (non-specialist) health-care facilities for the population has deteriorated (many institutions have been eliminated, such as paramedic services, obstetric stations, outpatient health-care facilities and hospitals in rural settlements). The availability of educational institutions and preschool education institutions has also been reduced, especially in rural areas. The removal of environmental control has led in some cities and regions to large-scale environmental crises because of a lack of services for processing household and industrial waste. In general, many of the powers of local self-government do not have adequate legal regulation. The issues that are by nature local have been delegated to State authorities, while local authorities are attributed powers which do not cover local issues.

111. During their visits, the rapporteurs were told that the practice of delegation of powers does not comply with the standards of the Charter, according to which the competences must be fully delegated, together with commensurate financial resources and responsibility for their execution. Instead, there is a practice of partial delegation of authority with partial funding from a higher level. Thus there was a vicious circle involving the withdrawal of powers from local government and their transfer to the level of subjects of the federation, which in turn returned them to the level of local authorities in the form of delegated powers with partial financing.

112. According to some interlocutors met during both visits, there has been: an extension of local government's responsibilities that are alien to this level of public authority (such as an involvement in combating terrorism and corruption and a role in territorial defence); a growing number of powers and responsibilities attributed simultaneously to several levels of public authorities (local governments have been entitled to exercise State powers together while local issues are shared between local settlements and districts (raions, etc.)); and a delegation of State powers to town districts and municipal districts (raions), which has long exceeded all reasonable proportions. It is not an exception that the volume of delegated powers conferred on local governments outweighs the share of their own powers and responsibilities. Local authorities in those cases have to deal mostly with the delegated powers rather than with their own affairs.

113. In 2011, local governments were stripped off of their powers with regard to public health, which traditionally has been provided in Russia, in a similar way to many other countries in Europe, by local authorities. Moreover, Law No. 136-FZ of 27 May 2014 provides for the right of federal subjects to strip any local authority of its powers and responsibilities. Rural authorities in particular have lost many of their own powers and responsibilities compared to city authorities. In addition, the practice of delegating rural local governments' responsibilities to the raion level has been increasingly used in recent years. (Part 4, Article 15, of Law No. 131-FZ).

114. Part 3 of Article 13 of Federal Law No. 131 removed 27 powers from rural settlements, which were transferred to the level of municipal districts, adding the possibility of selective return of these powers by the law of the subject of federation. The most important competences are presented in the following table. Subsequently, amendments to the tax code also reduced permanent contributions to the budgets of rural settlements from the tax on personal income from 10% to 2%.

1. Organisation of electricity, heat, gas and water supply, sanitation, fuel supply
2. Road works and traffic safety, creation of parking lots
3. Provision of low-income housing, organisation of municipal housing stock, municipal housing control
4. Creation of conditions for the provision of transport services and organisation of transport services
5. Organisation of library services, acquisition of library funds

6. Protection of cultural heritage (historical and cultural monuments) of local importance
7. Development of local traditional folk arts and crafts
8. Creation of conditions for mass recreation of residents of the settlement and organisation of arrangement of places of recreation for the population
9. Organisation of collection and removal of household waste and garbage
10. Use, protection and replanting of the forestry areas located within borders of settlements
11. Approval of general plans for settlements, rules of land use and development, permit granting for construction projects, approval of local standards for town planning and the design of settlements, the implementation of municipal land control
12. Organisation of funeral services and maintenance of burial places
13. Provision of emergency services in the settlement's territory
14. Implementation of measures to ensure the safety of people on water bodies, protection of their life and health
15. Development of therapeutic areas and resorts of local importance, municipal control and protection of specially protected natural areas of local importance
16. Management informing the population about restrictions on their use

115. The rapporteurs were told that number of powers and responsibilities are shared by several levels of government. There is no clear division between them, although dozens of federal laws deal with the division of responsibilities, and that makes the whole situation in this field even more confused. Moreover, the law retains the institution of “specific rights” (Articles 14.1 to 16.1 of Federal Law No. 131-FZ) – overlapping responsibilities that local governments must fulfil themselves.

116. Law 136-FZ brought about three serious changes in the regulation of competence. On the one hand, federal subjects (regions), as already mentioned, were allowed to regulate the competence of the municipalities within the framework provided by the federation. On the other hand, this concerns the redistribution of competences between rural communities and rural districts. The “federal” list of municipal responsibilities comprises roughly 40 tasks. However, since the entry into force of Act 136-FZ, only the municipal districts have been entitled to these. According to this law, rural communities have only 15 tasks. The remaining municipal tasks are now to become tasks of the districts, unless the regional legislator decides otherwise. An analysis of the regional legislation at the end of 2015 showed²⁰ that by October 2015 a total of 50 regions transferred at least some of the responsibilities back to the rural communities. Most affected were areas such as waste disposal (48 regions), cemeteries and burials (48), social housing (40), water, sanitation and heating (35), and the prevention and elimination of corruption (35). In most cases the transfer of tasks takes place on a flat-rate basis without differentiation between the rural communities concerned. Among the consequences of this regulation is not only a multiple asymmetry between municipalities of the same type (urban and rural municipalities in one region as “two classes” of municipalities, same municipalities in different regions, etc.) but also the erosion of the core competence of rural municipalities and their degradation to largely meaningless institutions.

117. An even bigger problem (at least from a constitutional point of view), however, is the further amendment of Law 136-FZ, which allows for an upscaling of municipal tasks in favour of the State level on the basis of regional laws. Regions can withdraw tasks from the municipalities (regardless of the type – municipality, county or independent city) at will and then carry them out themselves. The status of such tasks (for example, whether they become State tasks by law or are to be understood as municipal tasks “transferred” to the State) remains unclear. Much more important, however, is the fact that this regulation seems to contradict the constitutional regulation (Article 130 speaks of the fact that municipal tasks are to be carried out exclusively by the municipalities) and several decisions (and legal positions contained therein) of the Russian Constitutional Court. This court has repeatedly emphasised that the constitutional

20. See E. Markwart “Local Self-Government in Russia experiences another setback”.

principle of autonomy of local self-government is based on the independent competence separated from the State tasks, and that the municipal tasks may²¹ only be fulfilled by the municipalities themselves. For example, in the decision of 29 March 2011, No. 2-P, the Constitutional Court pointed out that a mixture of State and municipal tasks would lead the legislator to impose an unclear and constantly changing range of tasks on the municipalities, which would not be in conformity with the constitution. Apart from the fact that this affects local self-government at its core (because the autonomy of the sphere of responsibility is no longer guaranteed), it can also represent a substantial restriction of citizens' rights to certain (municipal) services.

118. However, many federal subjects (regions) have already made use of this provision in Law 136-FZ. By October 2015 a total of 21 regions had passed corresponding laws on the "redistribution" of competences. In all these laws there is an upscaling of municipal tasks. For example, the Nenetski Autonomous Region has taken 18 tasks away from all its municipalities, and Moscow and Orel Oblasti (areas) have taken seven each. In most cases, competences in the field of urban planning (local planning, land-use plans, urban development plans, etc.) are taken away (14 out of 21), but also in heat and water supply (9), waste disposal (7). This brief list alone shows that the core competence of local self-government is affected. It is also interesting to note that among the regions that have deprived the municipalities of core responsibilities are some relatively wealthy regions (with correspondingly relatively wealthy municipalities), including Nenetski and Tyumen (oil regions), and Moscow oblast.

119. Critical voices claim that relationships between the executive bodies of public power at all levels are based on the principle of tight and arbitrary subordination. Local legislative initiatives tend to assume the form of petitions. As for the relationship between legislative bodies of public power in the regions, those are characterised by a lack of legislative initiatives from local governments. Similarly, very few initiatives have been addressed by regional legislative assemblies to the State Duma of the Russian Federation. In recent years, it has been only on very rare occasions that the State Duma has discussed such legislative initiatives.

120. An important consultative and advisory mechanism enabling members of the Federation Council and representatives of the municipal community to discuss draft laws and ways of addressing topical issues in the field of local self-government is the Council on Local Self-Government under the Federation Council. The Council on Local Self-Government is a permanent expert advisory body to the Federation Council and it consists of members of the Federation Council, representatives of federal government bodies, government bodies of the constituent entities of the Russian Federation and municipal entities. This council meets at least twice a year. The meetings are attended by representatives of the authorities from all regions of the country, as well as representatives of the public, non-profit organisations and the scientific community. The main objectives of the council are to develop recommendations for the formation and implementation of public policies in the field of local self-government, to discuss the most significant draft federal laws affecting the relevant legal relations, to analyse the practice of local self-government, to promote the dissemination of good practices and to interact with expert advisory bodies of public authorities.

121. Following the results of the meeting of the Council on Local Self-Government, a decision with recommendations to the Government of the Russian Federation, to other federal authorities, to State authorities of the constituent entities of the Russian Federation and to local authorities is adopted. According to representatives of the Federation Council, in most cases, the recommendations on local self-government are taken into account in the work of public authorities at all levels. In 2018, meetings of the council were devoted to the issues of improvement of human settlements, as well as the formation of a comfortable urban environment. In November 2018, the council held its regular meeting on "Tools to improve the quality of municipal governance", which addressed issues related to the development of mechanisms to improve the quality of municipal governance.

122. With regard to the consideration of the opinion of local self-government bodies, it should be noted, however, that there is currently no direct legislative prescription to take their opinion into account in the

21. See, for example, decisions of the Constitutional Court dated 24 January 1997, No. 1-P; dated 15 January 1998, No. 3-P; dated 30 November 2000, No. 15-P; and dated 29 March 2011, No. 2-P.

legislative work of the parliament. An explanation provided by representatives of the Federation Council was the fact that local self-governance is not considered to be part of the system of State power. However, this would not mean that the position of local self-government bodies is not taken into account. On the contrary, most of the public and political activity, for example, of the relevant committees of the Federation Council and the State Duma would be related to the inclusion of heads of municipal entities in the legislative process. In particular, there is scope to ensure the participation of representatives of municipalities in public events of the Federation Council (parliamentary hearings, round tables, meetings, including field meetings in the regions, conferences, etc.): “they are given the opportunity to speak on the most important issues for them, their position is heard, understood and analysed, and in cases where their initiatives, proposals or comments are recognised as justified, balanced and legally acceptable (including, in terms of constitutional rights and freedoms of citizens), they are supported in the chambers of the federal parliament” (Federation Council).

123. However, there have been cases where even some of the strongest constituent entities have complained about not being heard. In 2004, Moscow City Duma applied to the Constitutional Court of the Russian Federation regarding the constitutionality of Order No. 176 of the President of the Russian Federation of 20 February 1995 “On approval of the list of historical and cultural heritage sites of federal/pan-Russian importance”. This Order of the President classified all historical and cultural monuments which were subject to protection as monuments of State/republic importance and had been subject to State registration and protection in accordance with the established procedure between 1960 and 1994 as historical and cultural heritage sites of federal/pan-Russian importance and included them in the approved list of historical and cultural heritage sites of federal/pan-Russian importance. The following were included in this list without the opinions of the constituent entities of the Russian Federation being taken into account.

- Sites which were previously classed under the established procedure as immovable historical and cultural monuments of local importance or newly discovered sites of historical, scientific, artistic or other cultural value (hereinafter, “newly discovered sites”);
- Sites which were not classed by regulations as historical and cultural monuments or newly discovered sites and which were not subject to State registration and protection in the records of historical and cultural monument protection authorities at the time when Order No. 176 of the President of the Russian Federation entered into force.

124. Concerning compliance with the different paragraphs of Article 4 of the Charter, it is clear that the Russian Federation complies with paragraph 1, since basic powers and responsibilities are prescribed by the constitution and by law.

125. As regards Article 4, paragraph 2, and in the light of the situation described above (see in particular paragraphs 113-116), the rapporteurs are of the opinion that local authorities do not have full discretion to exercise their initiative. There are many detailed legal provisions barely leaving any space for local initiative and therefore it can be stated that the Russian Federation does not comply with Article 4, paragraph 2.

126. The subsidiarity principle is not properly implemented and there are obvious tendencies to upscale several responsibilities without considering the alternative of intermunicipal co-operation. In the case of Moscow, it is obvious that responsibilities are not exercised by those authorities who are closest to the citizen, since nearly all significant responsibilities are concentrated at the city level, while the lower level (the Moscow municipalities) has very few responsibilities and resources. Therefore, the rapporteurs conclude that Article 4, paragraph 3, is violated by the Russian Federation.

127. Similarly, as regards Article 4, paragraph 4, the rapporteurs would like to refer to their conclusions under paragraphs 117-118, which lead them to conclude that the situation in the Russian Federation does not comply with this provision. In fact, powers of local authorities are not exclusive and overlapping of responsibilities is quite frequent (also, Recommendation 297 (2010) suggested an improvement in the division of competence). Overlapping of responsibilities is a problem emerging in many countries and Russia is no exception.

128. As for Article 4, paragraph 5, the discretion of local authorities when they exercise delegated powers seems to be more than limited.

129. Concerning Article 4, paragraph 6, the rapporteurs note that there are several mechanisms and procedures of consultation, but according to some interlocutors met by the delegation, these mechanisms have been eliminated in some constituent entities. It seems that the consultation process differs in law and in practice, which should be improved. Consequently, the rapporteurs consider that the situation partly complies with Article 4, paragraph 6.

3.4 Article 5 – Protection of local authority boundaries

Article 5 – Protection of local authority boundaries

Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.

130. According to Article 131, paragraph 2, of the constitution, “changes in borders of the areas in which local self-government is administered shall be made with the consideration of the opinion of the population of the corresponding areas”.

131. Pertinent regulations also exist at the subnational level. In the Chuvash Republic, for instance, the procedure of conducting a local referendum is provided by the Law of April 28, 2004, No. 2 “On local referendum and voting on issues of changing the boundaries of a municipality, transforming a municipality, recalling a deputy, a member of an elected body of local self-government, an elected official of local self-government”.

132. During the consultation procedure the representatives of the Republic of Chuvashia referred to the Federal Law No. 62-FZ of April 3, 2017 “On Amending the Federal Law “On the General Principles of Organizing Local Self-Government in the Russian Federation” establishes the legal status of a city district. Representatives of the Republic of Chuvashia explain that a city district is constituted by one or several settlements united in a common territory that are not municipal entities in which local self-government is exercised by the population directly and (or) through elective and other local self-government bodies. A city district can exercise certain state powers transferred to local self-government bodies by federal laws as well as by laws of the Federation entities. The settlement is granted the status of a city district by law of the Federation entity on a number of legal grounds and with the consent of the representative body of each of the municipalities. The authorities of the subject of the Federation together with the local authorities should assess the development prospects of territories and the feasibility of endowing these territories with the status of a city district. Citizens of the Russian Federation exercise local self-government through various forms of expression of will, but most often through elected and other bodies of local self-government. The representative body of the municipality in fact represents interests of a particular municipality's residents and expresses their opinion on certain issues.

133. At the same time, it was stressed to the rapporteurs during their visits that Law No. 62-FZ of 3 April 2017 provides for the elimination of rural local governments. According to the relevant provisions, any local territory can be dubbed a “town district”, even though there are no town settlements of adequate size and territory connection. The real aim of this law would be rather to establish a single local authority for a town district as compared to the district (raion) where there existed a two-tier system of local government. Some federal subjects have used this law to do away with local self-government: local settlements have been abolished, direct elections for the head of local government have been scrapped and municipalities have been stripped of their powers and responsibilities. This policy has been pursued in a most aggressive way, notably in the Regions of Moscow, Nizhny Novgorod and Kaliningrad.

134. As an example, the rapporteurs would like to refer to the complaint that was addressed to the Congress in January 2019 by the representatives of some municipalities of the Odintsovo district (Moscow region) and reportedly supported by 14 000 signatures of residents of this district. They claimed that local rural settlements had been transformed into a single urban municipality in violation of Article 5

of the Charter and despite the opposition of the residents against what they perceive as a “forced urbanisation”.

135. According to some interlocutors, the rapporteurs understood that it has become common practice for the regions to establish “town districts” in territories, including rural areas. More than a third of the regions in Russia have been applying this right widely, which results in abolishing local settlements. To achieve this, it is enough for a region to simply change the name of a municipal district to a town district (okrug). This entails the abolition of seven to ten settlements in a district. As a result, the same number of local government heads are dismissed, as are between 50 and 100 local elected representatives for each district. Even though the Russian Federation’s constitution and legislation provide for prior consultation of local communities affected, it seems that in practice several communities have been abolished without prior consultation. Prior consultation of local communities should be organised not only in cases of amalgamation but also in cases where a certain level or category of local authorities is abolished and integrated into a higher level or another category of territorial authorities.

136. Therefore, on the basis of the above-mentioned information, it appears to the rapporteurs that the situation in the Russian Federation does not comply with Article 5 of the Charter.

3.5 Article 6 – Appropriate administrative structures and resources

Article 6 – Appropriate administrative structures and resources for the tasks of local authorities

1. Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management.
2. The conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided.

137. According to Article 131 of the constitution, “the structure of local self-government bodies shall be determined by the population independently”. However, it appears that following relevant provisions of Law No. 136-FZ of 27 May 2014 and the related act of 3 February 2015, No. 8-FZ, it appears that municipalities have lost their right to determine the structure and organisation of local government which has been passed over to regional authorities.

138. Through this legislation, the regulatory discretion of regions has grown considerably. The Russian Constitution stipulates that municipal organs are not State organs and that the population itself decides on their structure and formation within the framework of the law. The previous regulation in Law No. 131-FZ provided that the federal legislator offers a choice of municipal models and the municipalities themselves decide which of them they adopt. The corresponding variant should be anchored in the main statutes of the municipality. After Law No. 136 FZ came into force, the regions received the right to define the municipal models appropriate for their municipalities. In this way, this kind of organisational autonomy was taken away from the municipalities. Other regulations concerning the offices of “municipal heads” (mayors, for example) are particularly sensitive. Although the federal law still provides for direct election (“strong mayor”) and for election by the Council (followed by the appointment of a head of administration – “city director model”), it has now introduced a new model: a person appointed by the Tender Commission can be appointed as mayor or district administrator by the municipal council (city council, district council). Half of the members of the Tender Commission are appointed by the governor of the region who also has the right to nominate candidates. By the end of September 2015, a total of 77 Russian regions had passed corresponding laws on the reorganisation of municipal bodies. Out of these regions, 38 have completely abolished the election of district administrators/mayors and only six have retained the elections, while some regions have left the decision on the respective model to the municipalities themselves. Out of the 77 regional laws analysed by local experts, 32 have already introduced the “hybrid model” with the State-dominated Tender Commission for all or certain types of municipalities. This process continues. Many Russian academics have raised doubts about the constitutionality of these new regulations, and citizens in some large cities filed remedies against the

abolition of direct elections in 2015 (in the case of Irkutsk, even going as far with their appeal as the Constitutional Court). So far, however, this kind of mobilisation against the new law has proved to be in vain.²²

139. In some cases, however, regional laws are sometimes empowering the municipalities to make their own choices. This seems to be the case, for instance, in the Chuvash Republic. According to information provided by the State Council of the Chuvash Republic, the number of deputies of a representative body (assembly) and the term of its office are determined by the municipality and included in its charter. Assemblies are elected on the basis of universal, equal and direct suffrage. The municipality also defines the procedure for the election of a head of the municipality, the status and the powers of this head and the term of office. He/she can be a person elected from among the deputies, or directly elected by the people or by an assembly from among the candidates selected by the Competitive Commission. For instance, in the capital city of Cheboksary, the head of the municipality is a person elected from among the deputies, who guides the activities of the Cheboksary municipal assembly of deputies. The Head of Administration, chief of the executive body of the city, is assigned under a contract concluded on the basis of a competitive procedure for this position, and his/her term of office is defined by the City Charter.

140. Only self-sustained municipalities can independently establish their own staff and salaries (that is, between 2 and 4% of all local governments, according to the figures provided to the rapporteurs during their visits). The extent to which local budgets are subsidised determines the degree of their freedom to establish staff and their salaries.

141. Concerning the autonomous determination of internal administrative structures, the Russian Federation used to be a country where municipalities enjoyed a comparatively high degree of organisational autonomy. Since the regions obtained the right to determine these structures, it was clear that several regions would have this autonomy considerably restricted.

142. The rapporteurs believe that Article 6, paragraph 1, is not fully respected in practice.

143. As regard municipal staff and salaries, increased autonomy for self-sustained municipalities is an option that does not exist in many other European countries. In general, the intensity of State regulatory intervention into aspects of employee management in local government is similar to many other European countries.

144. In this respect, the delegation considers that Article 6, paragraph 2, is respected.

3.6 Article 7 – Conditions under which responsibilities at local level are exercised

Article 7 – Conditions under which responsibilities at local level are exercised

1. The conditions of office of local elected representatives shall provide for free exercise of their functions.
2. They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection.
3. Any functions and activities which are deemed incompatible with the holding of local elective office shall be determined by statute or fundamental legal principles.

145. Recommendation 297 (2010) called on national authorities to remove the provisions included in Article 74 of Law 131-FZ for the dismissal of mayors, but this has not happened and governors can remove from office mayors and heads of local administration in local authorities. However, the delegation was informed that nowadays this power is rarely used.

146. During the consultation procedure, the Ministry of Justice of the Russian Federation agreed that this mechanism is based on a judicial review but stressed that “it is extremely rarely used”. It also

22. See E. Markwart, “Local Self-Government in Russia experiences another setback”

stressed that “this mechanism does not go beyond the generally accepted understanding of the responsibility of the head of municipality before the population and local deputies”.

147. Federal Law No. 131 introduced restrictions on the number of deputies who can work in a representative body on a permanent basis and who can receive monetary compensation at the level of municipal employees. Accordingly, deputies exercising powers on a non-permanent basis, as a rule, are not allowed to make permanent use of the premises (offices in the representative body, offices outside the representative body). Some deputies have public reception rooms, which are held at the expense of their own funds and donations, or of the parties of which they are members.

148. Financial conditions for the activities of elected officials of local self-government are characterised by a certain territorial irregularity. Therefore, a general uniform assessment about the sufficiency of remuneration of deputies, members of elected local self-government bodies and elected officials of local self-government exercising powers on a permanent basis is not possible. In general, these people are provided with sufficiently adequate working conditions. At the same time, however, representatives of the Federation Council admitted that many municipal entities whose budgets are subsidised do have a need to improve financial support to elected members of local self-government bodies.

149. In some municipalities, as a rule, deputies exercising their powers on a non-permanent basis do receive permanent monetary compensation for expenses for the execution of their powers, as per the established tradition before the entry into force of Federal Law No. 131. Although the law does not prohibit such forms of compensation, attempts by deputies to introduce regulations providing for such forms of compensation have often been blocked by the strong resistance coming from the administration, aimed at limiting the influence of independent and opposition deputies.

150. Conditions of office are also very different for elected officials at the regional/State entity level. In Moscow, deputies of the City Duma have worked both on a professional permanent basis and also in parallel with their main jobs. The following posts in Moscow are considered to include work on a professional basis: the Chairman of the Duma, his deputies and, by decision of the Duma, the heads of its permanent structural subdivisions. They are forbidden to undertake other paid work, except teaching, academic or other creative activity, or participate as defence counsels or representatives in civil, criminal or administrative cases. Deputies who work on a permanent basis receive financial remuneration, travel expenses, communications expenses, and so on.

151. Deputies who serve in parallel with their main job in Moscow do not receive any financial remuneration for their work as deputies but are not subject to any restrictions concerning their main job. Deputies are excused from their jobs when they attend sessions of the Duma, committees, working groups and parliamentary groups, but for no more than six working days a month. For journeys related to the exercise of their powers as deputies, they are provided with official transportation upon request.

152. During the consultation procedure, representatives of the Leningrad region said that it should be noted that the legislation of the Russian Federation does not contain provisions on the right of governors to dismiss mayors, and all the powers of the heads of regions of the Russian Federation to initiate the judicial procedures are well described in terms of both the legal grounds and procedures, and the deadlines.

153. The rapporteurs wish to highlight that still the dismissal of mayors by decisions of politicians (governors) elected at the regional level raises serious doubts about compliance with Article 8 of the Charter. As it was stressed in the previous report, the rapporteurs consider that the right of governors to dismiss mayors, which constitutes a violation of Article 7, paragraph 1, of the Charter, undermines the principle of free exercise of functions by elected politicians in local authorities. Even if governors make very rare use of this power, the possibility offered to elected politicians at the regional level to dismiss mayors should not exist.

154. Concerning paragraphs 2 and 3 of Article 7, it seems that the Russian Federation complies with these provisions. However, the rapporteurs would like to stress that they did not have the opportunity to

examine the situation in several federal subjects, where conditions for compensation and remuneration of elected representatives can be very different.

3.7 Article 8 – Administrative supervision of local authorities’ activities

Article 8 – Administrative supervision of local authorities’ activities

1. Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by statute.
2. Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities.
3. Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect.

155. A system of supervision of local authorities by other levels of government does not generally exist in Russia. One exception is the supervision of a local authority’s fulfilment of delegated powers. During the consultation procedure the Federation Council objected that this conclusion by the rapporteurs is not correct. It argued that some provisions of the Russian legislation on supervision concern also activities of municipalities, and provides, as an example, “Article 21 of Federal Law No. 2202-I of 17 January 1992 on the Prosecutor’s Office of the Constitution of the Russian Federation and laws in force in the territory of the Russian Federation, including activities of local authorities”.

156. However, the rapporteurs note that annulment of municipal legal acts and their suspension by the competent State authority of the Russian Federation or of a Russian Federation subject is possible only to the extent that the act in question deals with the exercise by local self-government bodies of individual State powers assigned to them by federal laws and the laws of Russian Federation subjects respectively.

157. For instance, according to Law No. 55 of the Chuvash Republic dated 30 November 2006, “On providing local self-government in the Chuvash Republic with separate governmental powers”, local self-governmental authorities of municipalities and city districts are provided for an indefinite period with the State powers of the Chuvash Republic aimed at creating and supporting administrative commissions in order to process the cases of administrative offences, and are provided with the State powers of the Russian Federation to officially register acts of civil status. In this case, one of the Ministry of Justice and Property Relations’ functions is the control of the creation of and support for administrative commissions in municipalities and city districts, as well as the control over the exercise by local authorities of delegated State powers in the field of registration of civil status acts.

158. The cancellation of normative acts and decisions of local self-government bodies can occur only through judicial procedure; with such a claim, the State authorities, and citizens, have the right to apply to the court if their rights and legitimate interests are violated.

159. The Ministry of Justice of the Russian Federation and its regional subdivisions²³ ensure that the legal system of the Russian Federation is uniform. For these purposes, a regional subdivision carries out, in accordance with the established procedure, anti-corruption reviews of the charters of municipalities and municipal legislative instruments in relation to amendments to the charters of municipalities when they are registered with the government.

160. In pretrial procedures, the prosecutor’s office has the right to protest to the local self-government bodies against a normative legal act that contradicts, in the opinion of the prosecutor’s office, the law with the requirement of its abolition or the idea of eliminating violations of the law and the rights of citizens by

23. Russian Ministry of Justice Order No. 26 of 3 March 2014 “On approval of regulations concerning the management of the Ministry of Justice of the Russian Federation in a constituent entity (or entities) of the Russian Federation and the list of departments of the Ministry of Justice of the Russian Federation in the different constituent entities of the Russian Federation”.

the actions of bodies and officials of local self-government, which must be considered without fail within a certain period. If the requirements are not satisfied, the prosecutor's office has the right to file a lawsuit.

161. During their various meetings with interlocutors, the rapporteurs received information that with the current practice, the rights of local self-government are limited a priori since the prosecutor's office shall conduct an anti-corruption expertise of the local self-government bodies' draft regulations in order to check their competence in the light of anti-corruption norms. At the same time, the prosecutor's office often goes far beyond the issues of possible corruption, believing that local government can carry out only those actions that are imputed by law. The federal laws of 21 December 2013 (No. 370-FZ) and 18 July 2017 (No. 171-FZ) have amended Article 77 ("Control and supervision of the activities of the bodies of local self-government and local government officials") of Federal Law No. 131-FZ and established the power of "the Procurator's Office of the Russian Federation to oversee local self-government bodies and officials of local self-government".

162. During the consultation process on the present report, the Russian National Congress of Municipalities stressed that "a preliminary anti-corruption expertise at the prosecutor's office is more beneficial for municipalities than a restriction of their rights. The anti-corruption legislation in Russia is quite complicated; the legislation at federal, regional and local levels is changing constantly. Rural deputies are often not familiar with legal techniques and do not know all the legislation in force. Preliminary examination allows identifying and correcting possible errors in draft municipal acts before its adoption and avoiding administrative fines and time spent in courts".

163. However, the delegation still considers that the Russian Federation lacks a comprehensive system of specialist State authorities responsible for administrative supervision. Today, there are several legal provisions about controls by State authorities and important tasks of supervision are given to the prosecutor's office. Even though there are no clear indices of systematic expediency controls or of disproportionate measures, it is obvious the competence of the prosecutor's office (who is used to acting according to penal law) for administrative supervision appears as a peculiarity and the rapporteurs would encourage the Russian authorities to consider the development of a comprehensive system of administrative supervision by State authorities that could include different versions in the different constituent entities of the Russian Federation.

164. The rapporteurs conclude that there is an obvious need for reform in order to establish a comprehensive transparent system of administrative supervision. As regards Article 8, paragraph 3, the current practice of preventing corruption by the prosecutor's office when local authorities are obliged to send draft regulations for a priori control raises serious doubts about the compliance of this practice, especially with regard to paragraph 3 of Article 8. When this "anti-corruption expertise" steps beyond issues of corruption control then it is clear that Article 8, paragraph 3 (as well as paragraph 1), is violated. Therefore, the rapporteurs consider that it is necessary to clarify per law the limits of this anti-corruption control in a way that will also ensure compliance with the principle of proportionality.

3.8 Article 9 – Financial resources

Article 9 – Financial resources of local authorities

1. Local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers.
2. Local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law.
3. Part at least of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate.
4. The financial systems on which resources available to local authorities are based shall be of a sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.

5. The protection of financially weaker local authorities calls for the institution of financial equalisation procedures or equivalent measures which are designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility.
6. Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.
7. As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.
8. For the purpose of borrowing for capital investment, local authorities shall have access to the national capital market within the limits of the law.

165. According to the Constitution of the Russian Federation, local self-government bodies independently manage municipal property, draw up, approve and execute the local budget, and establish local taxes and fees. According to Article 52 of Federal Law 131-FZ, each municipal entity has its own budget (local budget). Preparation and consideration of the draft local budget, approval and execution of the local budget, and control over its execution, preparation and approval of the report on the execution of the local budget are carried out by local self-government bodies in compliance with the requirements established by the Budget Code of the Russian Federation (Part 2, Article 52 of Federal Law 131-FZ).

166. The Budget Code enshrines, *inter alia*, principles like the principle of balanced budget, the principle of total (aggregate) coverage of budget expenditures, the principle of transparency (openness), and the principle of budget reliability. Budgetary authorities of municipal entities are established by the Budget Code of the Russian Federation (hereinafter referred to as the Budget Code). Articles 61 and 611 to 615 of the Budget Code regulate in detail the issues of revenues of budgets of urban settlements, municipal areas, urban districts, urban districts with intra-city division, intra-city districts and rural settlements.

167. In accordance with Article 55 of Federal Act No. 131-FZ, local budget revenues are generated in accordance with the budget legislation of the Russian Federation, legislation on taxes and fees and legislation on other mandatory payments. The revenue base of local budgets is made up of local taxes and levies, as well as of shares from federal and regional taxes and levies assigned to municipal entities on a permanent basis. At the same time, local taxes include the land tax and the individual property tax, since the tax base of these revenue sources is relatively evenly distributed across the country, and local authorities have a real opportunity to exercise effective control over the relevant objects of taxation. In addition, these tax sources are less subject to volatility as a result of fluctuations in the international economy.

168. Articles 387 to 418 of the Tax Code of the Russian Federation include general provisions for and limits on local taxes and duties (in particular, these provisions determine the taxpayers, objects of taxation, tax base, tax period, limits of tax rates and benefits). Local taxes comprise the land tax, the tax on the property of individuals and the trade tax. The law also provides for mandatory federal budget transfers to local budgets from the revenue of the following federal taxes: individual income tax, excise taxes on petroleum products, special tax regimes for small and medium-sized businesses, the single tax on imputed earnings and the single agricultural tax. According to the Russian legislation, the trade fee can only be set on the territory of federal cities, but for this purpose they need to adopt the relevant law in advance. As of 2019, the legal act (Law No. 62 of 17 December 2014) establishing the trade fee was approved only by the Moscow City authorities and came into force on 1 July 2015. There is no trade tax throughout Russia, except in Moscow.

169. Constituent entities of the Russian Federation also contribute to tax legislation. In the Chuvash Republic, which the rapporteurs visited, and elsewhere, municipal assemblies are empowered to determine, within the limits provided by the Russian Federation Tax Code, the tax rates and the order and terms of tax payments; moreover, they can introduce tax benefits and/or non-taxable amounts for certain categories of taxpayers. In the same republic, the system of "initiative budgeting" exists, when the population and business are involved in a decision-making process in the field of spending budget funds

to finance a specific project. The total cost of the project is made up of funds from the regional and local budgets (82%), funds of individuals and companies (18%). Projects are estimated according to the degree of citizens' participation. During the consultation procedure the representatives of the Republic of Chuvashia stressed to the delegation that in the neighbouring Republic of Tatarstan another variable of "self-taxation" so-called "initiative self-budgeting", was successfully introduced. It provides for the allocation of additional funds from the budget of the republic to the budgets of municipalities in which initiative self-budgeting of citizens is introduced: the republic adds four more to each ruble collected by the residents of the settlements. The collection rate of citizens' funds on the basis of referendums on initiative self-budgeting in 2018 was 79.8% (217 million rubles). On 18 November 2018 in the Republic of Tatarstan in 844 settlements in 43 municipal districts, local referendums were held on initiative self-budgeting of citizens for 2019. In the structure of activities carried out with the attraction of initiative self-budgeting funds, taking into account co-financing from the republican budget, 47% are road works (including the maintenance of bridges), settlements are improved with initiative self-budgeting funds, cemeteries are repaired and maintained, fire safety is ensured, etc.

170. An independent expert met by the delegation highlighted during the consultation procedure that authorities of the constituent entities of the Russian Federation understand the interest of local authorities in introducing self-taxation. However, the residents themselves, who formally submit initiatives, are not interested in additional fees and do not make timely established payments. Funds from self-taxation, which are to be replenished by municipal budgets, do not come in full. For example, in Tatarstan, at the end of 2016, it was possible to collect from 17 to 62% of the planned amount in different municipal entities. The authorities are working on mechanisms of administrative responsibility for non-payers. Similar experience exists in a number of constituent entities of the Russian Federation when fines are applied. Thus, failure to implement the decisions of the referendum is considered as an administrative offense in Ingushetia, Komi, Mari El, Khakassia, Volgograd, Kirov, Nizhny Novgorod, Orenburg, Pskov, Sakhalin, Tver, Orel, Chelyabinsk Regions and Krasnoyarsk Territory. It should be taken into account that the decision on self-taxation does not mean unanimous support from the population. However, in case of introduction of fines, there is a discrediting of the mechanisms of manifestation of initiative.

171. The Chuvash Republic also offers an interesting example of the financial system applied in a big city, more precisely in the capital city of Cheboksary. The city budget of Cheboksary amounts to 12 billion rubles. Out of the total revenue, 40% is tax and non-tax revenue collected in the city, while the rest is in the form of funds transfers provided by the republic. Local tax rates are set by the city assembly in accordance with the Budget Code and the Tax Code of the Russian Federation. Federal legislation leaves a margin of discretion of between 0 and 2% for the property tax and Cheboksary has decided to set a rate of 1%. The main source of revenue is the income tax. The Republic establishes an additional standard in order to transfer 15% of these tax revenues from the consolidated budget of the Chuvash Republic. Another additional standard 7% of those tax revenues are set in favour of the city to local budgets.

172. In a country as diverse as the Russian Federation, it is obvious that revenues of local authorities can be very different in the various territories and/or authorities. In the Republic of Tatarstan, for instance, where total municipal revenue reaches 20% of total public revenue, local revenues made up more than half of all revenues (50.6%) in the budgets of municipalities in 2018, while 10% of all municipalities can cover 100% of their expenditure through their own revenue. Individual income tax yields 62% of total tax revenue of local budgets in Tatarstan and between 60 and 90% of revenue in the different municipalities. When the laws of the republic delegate certain State powers to local authorities, the latter are given subsidies with the aim of compensating additional expenses. The amount of these subsidies is defined through a corresponding methodology that should provide a consistent approach to distribution of given funds. The Accounts Chamber of the Republic carries out a financial assessment of draft laws on delegating State powers to municipalities including the funding methodologies to be approved.

173. The funds allocated to local authorities for implementation of delegated State powers are shown in the budget of the Republic of Tatarstan every fiscal year separately for each delegated task. In 2018, 25 billion rubles were allocated for delegated tasks. The Accounts Chamber carries out audits of the completeness and timeliness of the allocations. The results of these audits are included in the reports of

the Accounts Chamber, which are submitted to the parliament of the Republic of Tatarstan every three months.

174. Taking into account the size of the country, measures are being taken to equalise the financial capabilities of local authorities. At present, such equalisation is being carried out through the provision, from higher budgets, of non-repayable and irrevocable grants, which do not have a specific purpose. Based on the presence of two levels of local self-government entities, subsidies are received through three channels:

- rural/ urban settlements, urban districts without internal division and intra-city districts receive donations from the regional budget in proportion to the size of the population;
- municipal areas and urban districts, and constituent entities of the Russian Federation distribute subsidies, taking into account the potential revenue base and the volume of necessary expenditures to solve local problems;
- municipal areas provide donations to their constituent rural/urban settlements, also taking into account potential revenues and costs of budgets of these rural/urban settlements.

175. Among others, the Republic of Tatarstan has its own statutory methodology of calculating the equalisation transfer. Local authorities independently define what these transfers will be used for. Other subsidies are allocated from the budget of the republic to co-finance expenditure arising from tasks concerning local affairs. These funds are allocated on the basis of agreements with local authorities.

176. In general, according to data provided by the Federation Council, over the past six years (2012-2017), the revenues of local budgets of the Russian Federation show a steady growth rate: from 3.14 trillion roubles in 2012 to 3.85 trillion roubles in 2017. Thus, the growth amounted to 22%. At the same time, two thirds of the revenue comes from the municipalities' own revenue sources: tax and non-tax revenues.

177. According to the data provided by the Federation Council, the Russian Federation complies with paragraph 3 (part of revenue deriving from local taxes and charges) and paragraph 4 (financial system of a diversified and buoyant nature).

178. This being said, people interviewed during these visits stressed that the financial situation of local government has been deteriorating and the number of subsidised local governments has increased (their number rose from 96% to 98% of all municipalities). Settlements today, as before, receive the revenue for their budgets from two local taxes – a property tax and a land tax. But they have not become the primary source of the local budget. Thus, in 2017, according to the enactment of all local budgets, the share of the property tax was 3%, and the share of the land tax 14.5%. As a whole, the budget revenues derived from taxes (even together with an income tax, which is transferred to the local budget on the basis of a specific rate) make up less than half of local budget revenues. An increase in taxes would not be commensurate with the local governments' powers and responsibilities.

179. So, the local budget situation remains very complex. The introduction of a differentiation approach designed to determine the revenue sources of town and rural settlements has been prompted by a change in local government legislation. It implied a significant cutback in the volume of public affairs under local governments' responsibility. Today such a cutback in the revenue sources of rural local governments cannot be considered reasonable. Especially painful for rural authorities has been a cutback in levies from the income tax (it dropped from 10% to 2%). That brought about a drop in the share of tax revenues in local budgets, tipping their balance, and an increase in dependence on the transfers from the raion and, especially, regional budgets.

180. In 2017, rural local governments' budgets – the number of which in Russia exceeds 18 500 out of 22 000 municipalities – received only 6.7% of the tax revenues out of the aggregate volume of tax levies (75.3 billion roubles). Thus, the changes in the legal basis for distribution of revenue and expenditure powers between different levels of government, introduced in 2014, have added to an acute level of demographic problems, a lack of working places and a relatively low level of wages in the country.

181. Concerning the commensurability principle, Article 83, paragraph 1, of the Russian Federation Budget Code provides that whenever a law or other regulatory legal act is adopted, causing an increase in expenditure commitments, or new types of expenditure commitments are introduced, which, prior to the adoption of the act, were not being met by any public-law entity, the said regulatory legal act must contain provisions determining the sources of and procedures for executing the new types of expenditure commitments, including, if necessary, the procedure for transferring funds for the new types of expenditure commitments to the relevant Russian Federation budgets. It has not been possible, however, to confirm whether the aforementioned provisions that are following the commensurability principle are effectively implemented in practice.

182. Federal and regional budgets actively subsidise local authorities to solve problems within the framework of national projects. For example, in recent years, significant funds have been allocated for the construction and reconstruction of schools, kindergartens and sports facilities, as well as for the improvement of courtyards and public spaces. According to critical experts locally, however, there was a negative change in the structure of interbudgetary transfers (a sharp increase in the share of "earmarked" transfers in the form of subsidies and subventions and a drop in the general grant share).

183. More specifically, the period between 2010 and 2017 saw a significant increase in the volume of earmarked transfers to local budgets. A great increase in particular has been characteristic of subventions (more than doubled), i.e. the resources are earmarked for the fulfilment of powers transferred to local governments, which cannot be regarded as a positive trend. The grant volumes for the same period have not changed, which means that the real volume of subsidies has dropped, taking account of a high inflation rate. The share of subsidies in the whole volume of transfers to local governments in 2017 dropped from 23% to 15%. This cannot be positively assessed from the point of view of the European Charter which stipulates (Article 9, paragraph 7) that "As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction".

184. Municipal borrowing is understood to be municipal loans, which are carried out by issuing securities on behalf of the municipality, placed in the domestic market in the currency of the Russian Federation, and loans to the local budget from other budgets of the budgetary system of the Russian Federation and from credit organisations, which incur municipal debt obligations. Municipal borrowing in Russian currency abroad is not allowed under the Budget Code of the Russian Federation. The power to carry out municipal borrowing on behalf of the municipality in accordance with the Budget Code of the Russian Federation and the charter of the municipal entity belongs to the local government assembly.

185. In order to prevent over-indebtedness of local authorities' budgets, the restrictions established by the Budget Code of the Russian Federation are applied. According to Article 921 of the budgetary code the local budget deficit should not exceed 10% of the confirmed total annual revenue (without taking into account the confirmed volume of gratuitous receipts). The maximum volume of municipal debt shall not exceed the approved total annual volume of local budget revenue.

186. In accordance with Article 111 of the Budget Code of the Russian Federation, the volume of expenditure on servicing the public debt should not exceed 15% of the volume of total expenditure. If during the execution of the budget of the subject of the Russian Federation, the local budget violates the limit values specified in the Budget Code, the local government has no right to accept new debt obligations, except for the adoption of the relevant debt obligations for the purpose of restructuring the municipal debt (Article 112 of the Budget Code of the Russian Federation).

187. Concerning the transfer of State property to regional and local authorities, as suggested by Recommendation 297 (2010), the Accounts Chamber of the Russian Federation informed the delegation that during the first three quarters of 2017, the territorial bodies of the Federal Property Management Agency transferred ownership of 4 755 objects of federal property to federal subjects and municipal ownership within the framework of delimitation of powers between public entities. In 2017, the Federal Property Management Agency also transferred, within the framework of special programmes, 327 land

plots with a total area of 1 271 hectares to municipal ownership and 320 land plots with a total area of 2 751 hectares to federal subjects of the Russian Federation.

188. Even though the financial situation of local self-government can vary considerably across the different constituent entities of the Russian Federation, the general impression of the interlocutors is that the Russian Federation partly complies with Article 9 of the Charter. The issue of adequate financial resources leads to some scepticism, especially concerning some types of local authorities, like the municipalities in the city of Moscow that obviously do not have adequate resources.

189. In such cases, Article 9, paragraph 1, is being violated.

190. Concerning the principle of commensurability, it seems that there are several pertinent provisions and mechanisms, but it is not clear whether they are reliable. Other sources of information criticise the tendency to centralise powers which are then transferred to some local authorities as delegated tasks without commensurate funding. Therefore, the rapporteurs conclude that there is a partial compliance with regard to Article 9, paragraph 2.

191. The Russian Federation complies with paragraph 3 since a considerable share of revenue derives from local taxes and charges for which the local authorities can determine the rate.

192. The financial system seems to be sufficiently diversified as required by paragraph 4.

193. Equalisation procedures exist in the Russian Federation and its constituent entities and the Russian Federation complies in principle with Article 9, paragraph 5, even though it is not clear whether these different equalisation mechanisms in the constituent entities are fair and transparent.

194. Apart from some earmarked grants, the majority of allocated funds seems to come from general grants, even though it is not clear how far this is the case in the different constituent entities of the Russian Federation, which, in principle, appears to comply with Article 9, paragraph 7.

195. The same holds true for Article 9, paragraph 8. According to information provided by local interlocutors, it seems that local authorities have access to the national capital market according to the legal framework.

196. Finally, some there is some scepticism concerning the appropriate consultation about the allocation of redistributed resources and consequently the compliance of the Russian Federation with Article 9, paragraph 6. According to information provided by interlocutors to the rapporteurs during the visits, this seems not to be the case in several constituent entities.

3.9 Article 10 – Local authorities’ right to associate

Article 10 – Local authorities’ right to associate

1. Local authorities shall be entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest.
2. The entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities shall be recognised in each State.
3. Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States.

197. Russian legislation provides for the right of intermunicipal co-operation, setting out its forms. In accordance with Articles 8, 66 and 67 of Federal Law No. 131-FZ, municipal associations have been established in each subject of the Russian Federation, together with a pan-Russian umbrella association of municipalities known as the Congress. There are also other intermunicipal co-operation organisations

operating in the Russian Federation, such as the All-Russian Council of Local Self-Government, the Union of Russian Cities, the Association of Small and Medium-sized Cities of Russia, the Association of Siberian and Far Eastern Cities of Russia, etc.

198. There are, however, some pieces of legislation that pose obstacles to intermunicipal co-operation. This involves, in particular, budgetary legislation (the problem of mutual financing of local government's powers and responsibilities by co-operating municipalities), legislation on privatisation and some other problems. For example, according to Federal Law No. 44-FZ, municipal property cannot be transferred to any other entity other than via an open tender. Therefore, if municipalities form some intermunicipal governing body, they cannot transfer any property or means directly to this body. For the same reason a municipality has no ability to purchase any service providing public goods from another municipality, although such a form of co-operation is common in many countries.

199. Another reason provided to the delegation is that municipalities themselves are not motivated enough to co-operate with each other. For most of them it is safer and more convenient to solve their problems at the upper level of governance, also because regional State governance would usually be reluctant and suspicious of any form of intermunicipal co-operation "behind its back". On top of this, there is a very low level of trust between local governments, and a lack of tradition of intermunicipal co-operation, much less positive experience or practice.

200. The most typical forms of intermunicipal co-operation are maintained through the representative bodies such as intermunicipal associations (federal and interregional – North-West, Siberia and Russian Far East, etc.) or are regional or sectoral (between small cities, coal cities, etc.). These associations are quite widespread and many are active in exchanging experiences and lobbying for municipal interests at the State level, although some aspects of their activity are not quite clear according to the existing legislature.

201. However, forms of intermunicipal economic co-operation at the micro level are developed very poorly. Several intermunicipal agreements signed by municipalities of the same metropolitan area do exist but most of them are mere declarations of intentions and rarely concern issues of economic or social activity. There are quite a few successful intermunicipal projects in the areas of transportation system co-ordination and cemetery management, among others, but they are considered as rare exceptions. Probably the only type of micro-level intermunicipal co-operation that gained some popularity is the co-ordination in the field of strategic planning, but this does not imply economic activity as well.

202. Interlocutors from the Federation Council have stressed their co-operation with the All-Russian Public Organisation "All-Russian Council of Local Self-Government" (VSMS). The most important direction of work for this organisation is identifying the best practices of municipal management and the organisation of exchanges of experience between representatives of various municipalities. The VSMS also pays special attention to the issues of assistance for improving the potential of staff within the municipalities and the formation of a personnel reserve for the local self-government bodies.

203. The Federation Council Committee on Federal Structure, Regional Policy, Local Self-Government and Northern Affairs closely co-operates with the Russian National Congress of Municipalities (OKMO). This is a non-profit organisation, which includes councils (associations) of municipal entities of the constituent entities of the Russian Federation. In accordance with Article 67 of Federal Law No. 131-FZ, it is this organisation that submits proposals on the composition of candidates for the representatives of the Russian Federation in the Chamber of Local Authorities of the Congress of Local and Regional Authorities of the Council of Europe.

204. It has been pointed out that most local government associations in the regions have not been able to defend local government's interests, and merely limit their actions to representative functions. The Russian National Congress of Municipalities would be even less capable of standing for local self-government in general and municipalities in particular.

205. During the consultation procedure on the present report, the Russian National Congress of municipalities objected that OKMO drew attention on some local issues such as lack of funding of local budgets, hold congress meetings and that a consultation takes place with the Federal Assembly and Federal ministries regarding the implementation of their recommendations.

206. Formally, the delegation concludes that the Russian Federation seems to comply with Article 10, even though there is an obvious need for further development of pertinent legislation that would encourage independent initiatives of intermunicipal co-operation to be implemented in practice.

3.10 Article 11 – Legal protection of local self-government

Article 11 – Legal protection of local self-government

Local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.

207. According to Article 133 of the Russian Federation Constitution, local authorities have the right of recourse to a judicial remedy. Moreover, according to Article 7, paragraph 5, of the statutory Law 131-FZ on local government, if a local self-government body considers that a federal law or another regulatory legal act of the Russian Federation or a law or another regulatory legal act of a Russian region concerning issues of organisation of local self-government and/or the establishment of rights, duties and liabilities of local self-government bodies and local self-government officials does not comply with the Constitution of the Russian Federation, federal constitutional laws, federal laws, agreements on delineation of cognisance and powers between governmental bodies of the Russian Federation and governmental bodies of a Russian region the issue of compliance shall be resolved by the responsible court.

208. In practice, however, according to information provided during the visits, local authorities make rather rare use of this right. Partly, this is explained by the growing dependence of the judicial system, its subordination to the executive bodies and the Procurator's Office. This is felt especially in the actions and rulings by the Constitutional Court of the Russian Federation. For a long period of time it had remained to a certain extent a custodian of local self-government, but in recent times it has lost this function, according to critical experts locally.

209. The legal framework of the Russian Federation also stipulates the existence of regional constitutional courts; however, only 15 federal subjects have established their own constitutional court, whereas 70 federal subjects decided not to take this step. In the Republic of Tatarstan, the law provided for the existence of a Constitutional Court in 1992. According to information provided by this court, eight out of 60 decisions implementing international law have been the implementation of the European Charter of Local Self-Government. During the consultation procedure the Constitutional Court of the Russian Federation stated that the court ruling No. 81-P of 5 March 2019, referred to in the draft report, deals with the transfer of municipal property when changing the boundaries of municipalities, rather than providing resources for the exercise of delegated powers. The Constitutional Court of the Republic of Tatarstan noted in its ruling that the constitutional nature of the order of changing the boundaries of municipalities is based on proactive discretion and mutual consent of municipalities to implement such transformations, which in itself presupposes the observance of reasonable terms when initiating the transfer (acceptance) of municipal property in the ownership of another municipality in order to distinguish between municipalities.

210. The rapporteurs conclude that the Russian Federation complies with Article 11. Criticisms bringing into question the independence and impartiality of the judicial system could not be examined further, as it is not part of the mandate of the Congress.

4. ANALYSIS OF THE SITUATION OF REGIONAL DEMOCRACY IN THE LIGHT OF THE REFERENCE FRAMEWORK FOR REGIONAL DEMOCRACY

4.1 Antecedents: main developments concerning regional democracy

211. It has been pointed out that some autonomous regions have been abolished, being merged with the contiguous oblasts (for example, the Komy-Permyak Autonomous Region merged with the Perm Region and the Koryak District with the Kamchatka Oblast).

212. According to some of the people interviewed, mechanisms of consultation with municipalities have been eliminated in many regions as “not wanted”. Where they are still retained, they involve, as a rule, the consultative councils made up of the heads of municipalities, which operate under the governors or heads of elected councils under regional legislative assemblies. Their main aim (judging from practical experience) is to approve regional initiatives. Formally, consultative powers have been conferred on the local government associations; they may as well come up with legislative initiatives at regional level. But there have been no cases, according to these experts, when such powers have been exercised.

4.2 Constitutional scheme for regional democracy

213. The legal status of regional authorities in the Russian Federation, that is, the State authorities of the constituent entities of the Russian Federation, is established by the Constitution of the Russian Federation (Articles 3, 5, 8, 10, 11, 65-68, 70-74, 76-78) and by Federal Act No. 184 of 6 October 1999 on general principles for the organisation of legislative (representative) and executive authorities of the constituent entities of the Russian Federation (hereinafter – Federal Law No. 184-FZ). At the same time, as it was stressed during the consultation procedure by the representatives of the Republic of Tatarstan, due to Tatarstan’s law No 92-ZRT of 15.11.2013 “On communication between government authorities of the Republic of Tatarstan and Council of municipalities of Tatarstan”, federal and republic legislative projects are addressed to the Council. Those projects are about local self-government organization and execution. Council’s legal department made assessments on more than 160 federal and republic legislative projects in 2018.

214. Main constitutional provisions for the regions are included in Chapter 3 (“The Federal Structure”) of the constitution.

Article 65 paragraph 1 of the revised Constitution 2014 provides the list of the constituent entities of the Russian Federation (lists of the Republics, krais, oblasts, cities of federal significance and okrugs).

Article 66

1. The status of a republic shall be determined by the Constitution of the Russian Federation and the constitution of the republic.

2. The status of a kray (territory), oblast, city of federal significance, autonomous oblast, autonomous okrug (area) shall be determined by the Constitution of the Russian Federation and the charter of the kray, oblast, city of federal significance, autonomous oblast and autonomous okrug which is adopted by the legislative (representative) body of the corresponding constituent entity of the Russian Federation.

3. On a submission from legislative and executive bodies of an autonomous oblast or autonomous okrug, a federal law concerning an autonomous oblast or autonomous okrug may be adopted.

4. Relations among autonomous okrugs within krais and oblasts may be regulated by federal law or by a treaty between State government bodies of the autonomous okrug and, accordingly, State government bodies of the kray or oblast.

5. The status of a constituent entity of the Russian Federation may be changed by mutual agreement between the Russian Federation and the constituent entity of the Russian Federation in accordance with federal constitutional law.

Article 72

1. The following shall be within the **joint jurisdiction** of the Russian Federation and constituent entities of the Russian Federation:

a. measures to ensure the correspondence of constitutions and laws of republics, the charters, laws and other normative legal acts of krays, oblasts, cities of federal significance, autonomous oblast and autonomous okrugs to the Constitution of the Russian Federation and federal laws;

...

m. establishment of general principles of the organisation of the system of State government and local self-government bodies.

2. The provisions of this article shall be equally valid for republics, krays, oblasts, cities of federal significance, autonomous oblast and autonomous okrugs.

Article 73

Outside the limits of authority of the Russian Federation and the powers of the Russian Federation on issues under the joint jurisdiction of the Russian Federation and constituent entities of the Russian Federation, the constituent entities of the Russian Federation shall enjoy full State power.

Article 76

1. On issues under the jurisdiction of the Russian Federation, federal constitutional laws and federal laws shall be adopted. These shall have direct force on the entire territory of the Russian Federation.

2. On issues under the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation, in addition to federal laws, laws and other normative legal acts of constituent entities of the Russian Federation shall be issued which are adopted in accordance with those federal laws.

3. Outside the limits of authority of the Russian Federation and of the joint jurisdiction of the Russian Federation and constituent entities of the Russian Federation, republics, krays, oblasts, cities of federal significance, autonomous oblast and autonomous okrugs shall exercise their own legal regulation, including the adoption of laws and other normative legal acts.

4. Laws and other normative legal acts of the constituent entities of the Russian Federation shall not conflict with federal laws which are adopted in accordance with parts one and two of this article. In the event of a conflict between a federal law and any other act issued in the Russian Federation, the federal law shall prevail.

5. In the event of a conflict between a federal law and a normative legal act of a constituent entity of the Russian Federation issued in accordance with part four of this article, the normative legal act of the constituent entity of the Russian Federation shall prevail.

Article 77

1. The system of State government bodies of republics, krays, oblasts, cities of federal significance, autonomous oblast and autonomous okrugs shall be established by the constituent entities of the Russian Federation independently in accordance with the basic principles of the constitutional order of the

Russian Federation and the general principles of the organisation of representative and executive State government bodies which are established by federal law.

2. Within the limits of the jurisdiction and powers of the Russian Federation on issues under the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation, federal executive government bodies and executive government bodies of the constituent entities of the Russian Federation shall form a unified system of executive authority in the Russian Federation.

215. Within the Constitutional system of powers, the Federation Council (Совет Федерации, Soviet Federatsii, commonly abbreviated to SovFed) is the most important body for federal subjects. More specifically, according to Article 95 of the constitution, the Federation Council is the upper house of the Federal Assembly and its mission is to represent and give a voice to the subjects of the federation. The Chairman of the Federation Council is the third highest political position in the country after the president and the prime minister: in the case of any incapacity of the president and prime minister, the Chairman of the Federation Council becomes Acting President of the Russian Federation.

216. Each one of the federal subjects of the Russian Federation sends two representatives: one from the legislative (representative) body of the given subject and one from the subject's executive authorities. Since 2013, there have been two different election procedures, one for each type of member who must have an "impeccable reputation".

- A delegate from a subject's legislative body must be a member of the component region's legislative assembly. He or she is nominated as a candidate by the chairman of the regional assembly, by one party faction represented in the assembly, or by at least one fifth of the assembly members. Then, the regional legislative assembly votes for one of the nominated candidates.
- A delegate from a subject's executive authority is appointed by the government of the given subject. The delegate is selected from among three people named by the candidates for the office of governor, and the winner of the gubernatorial election appoints one of the three he/she previously named to serve on the Federation Council. Since July 2014, the president has been able to appoint representatives of the Russian Federation, the number of which shall not be more than ten per cent of the members of the Council of Federation – representatives from legislative (representative) and executive bodies of State governments of constituent entities of the Russian Federation.

4.3 Internal organisation

217. Recommendation 297 (2010) of the Congress suggested the introduction of the direct election of governors. Indeed, Russian authorities restored in 2012 the institute of direct election for the highest office in constituent entities of the Russian Federation (Federal Law No. 40-FZ of 2 May 2012). Currently, Federal Law No. 184-FZ provides for two ways to elect the position of the highest official (head of the highest executive body of State power) of the Russian Federation:

- a. direct election on the basis of universal, equal and direct suffrage by secret ballot (Article 18, paragraph 3, of Federal Act No. 184-FZ);
- b. election by the legislative (representative) body of the constituent entity following a corresponding proposal of the Russian Federation President, if this type of election is enshrined in the constitution (charter) of the constituent entity (Article 18.32 of Federal Law No. 184-FZ).

218. The constitutions (charters) of the majority of the constituent entities of the Russian Federation provide for the direct election of governors, while several constituent entities opted for the alternative way, such as the Republic of Adygeya, the Republic of Dagestan, the Republic of Ingushetia, the Kabardino-Balkarian Republic, the Karachay-Cherkessia Republic, the Republic of North Ossetia-Alania, the Nenets Autonomous Okrug, the Khanty-Mansi Autonomous Okrug-Yugra and the Yamal-Nenets Autonomous

Okrug. This option, according to representatives of the Federation Council, is largely related to their ethnocultural characteristics.

219. According to people the rapporteurs met with during their visits to the Russian Federation, it is a fact that most of the federal subjects have introduced a direct election of governors as suggested by Recommendation 297 (2010) of the Congress. But there is a serious problem, since the “municipal filter” (endorsement of municipal councillors) has been introduced, which makes it next to impossible for independent contenders to register: local councils are dominated today by the elected representatives who are members of a ruling party, so they would exclusively support members selected for this end.

220. During both parts of the monitoring mission, however, representatives of the Leningrad Region, the Chuvash Republic and the Tatarstan Republic presented a much better picture of the situation of regional democracy at the level of the Russian Federation constituent entities. In the Republic of Tatarstan, for instance, the president is directly elected and the directly elected parliament has 100 seats; half of the deputies are elected in single-mandate constituencies and the other half with party lists. There are no less than 53 parties in Tatarstan and turn out in elections is one of the highest in the Russian Federation. During the consultation procedure the representatives of the Republic of Tatarstan informed the delegation that over the last years, upon an initiative of the Tatarstan Parliament, electoral threshold for the political parties had been reduced from 7 % to 5 %. In the municipalities around 7 000 members of municipal assemblies are directly elected. The republic lost its special status after the expiration of the 1994 treaty between the Russian Federation and the Republic of Tatarstan, but according to local interlocutors this did not negatively affect educational and cultural rights of the different ethnic groups or the local traditions of tolerance.

4.4 Analysis of the situation of regional democracy on an article-by-article basis, from the perspective of the Council of Europe Framework Reference for Regional Democracy

Regional competence

221. Currently, Article 26.3 of Federal Law No. 184-FZ of 6 October 1999 (as amended on 3 August 2018), “On the General principles of the organisation of legislative (representative) and executive bodies of State power of the subjects of the Russian Federation”, defines 81 powers on the subjects of joint management, which cover a very wide range of topics. Also, these powers are regulated in the sectoral federal laws.

222. Among them, some of the most important for citizens are (as enumerated in the law):

7) organisation and implementation of regional and intermunicipal programmes and projects in the field of environmental protection and environmental safety, solid municipal waste management;

7.1) establishment of standards for waste generation and limits for their disposal, the procedure for their development and approval in relation to economic and (or) other activities of individual entrepreneurs, legal entities (except for small and medium-sized businesses), during which waste is generated at facilities subject to regional State environmental supervision, approval of the order of accumulation (including separate accumulation) of solid municipal waste, standards for the accumulation of solid municipal waste, maximum tariffs in the field of solid municipal waste management, approval of the territorial scheme in the field of waste management, including solid municipal waste;

7.2) organisation of activities on accumulation (including separate accumulation), collection, transportation, processing, utilisation, neutralisation and disposal of solid municipal waste;

11) Implementation of road works in respect of roads of regional or intermunicipal importance and ensuring road safety on them, including the creation and maintenance of parking (parking spaces) provided on a fee basis or without charging;

13) ensuring the State guarantees of the realisation of rights to receive public and free preschool education in municipal preschool educational organisations, public and free preschool, primary general, basic general and secondary general education in municipal educational institutions, providing additional education of children in municipal educational institutions through the provision of subventions to local budgets, including the costs of labour, acquisition of textbooks and teaching aids, learning aids, games and toys (except for expenses for the maintenance of buildings and payment of utilities), according to the standards determined by public authorities of subjects of the Russian Federation;

13.1) organising the provision of general education in State educational organisations of subjects of the Russian Federation, creating the conditions for the implementation of supervision and care of children, and the maintenance of children in the State educational organisations of subjects of the Russian Federation;

13.2) financial support for preschool education in private preschool educational institutions, preschool, primary general, basic general and secondary general education in private general educational organisations engaged in educational activities for State-accredited basic general education programmes, through the provision of subsidies to these educational organisations for reimbursement of costs, purchase of textbooks and teaching aids, teaching aids, games and toys (except for the expenses for the maintenance of buildings and payment of utilities), according to the standards specified in sub-paragraph 13 of this point;

14) provision of secondary vocational education, including State guarantees of the right to free and accessible secondary vocational education;

14.1) organising the provision of additional education for children in State educational organisations of the Russian Federation;

14.1-1) organising the provision of additional professional education in the State educational organisations of the subjects of the Russian Federation;

14.2) care and guardianship for child orphans and children left without parental care;

21) the organisation of rendering to the population of the subject of the Russian Federation of primary health care, specialist, including high-tech, medical care, fast, including emergency specialist, medical care and palliative medical care, carrying out medical examinations, medical examinations and medical examinations in the medical organisations subordinated to executive bodies of the government of the subject of the Russian Federation;

24) social support and social services for elderly people, people with disabilities and people in difficult life situations, as well as orphans, street children, children left without parental care (except for children enrolled in federal educational institutions), social support for veterans of labour²⁴, families with children (including large families, single parents), victims of political repression, people on low incomes, subventions to local budgets for the payment of benefits for public transport fares, other social benefits, for compensation of expenses of municipalities in connection with providing by law of the subject of the Russian Federation privileges to separate categories of citizens, including privileges for payment of communication services, and the organisation of providing subsidies to citizens for payment of premises and utilities;

²⁴ The Medal "Veteran of Labour" was a civilian labour award of the Soviet Union established on 18 January 1974 by Decree of the Presidium of the Supreme Soviet of the USSR to honour workers for many years of hard work in the national economy, sciences, culture, education, healthcare, government agencies and public organisations.

24.2) organisation and implementation of guardianship and custody for minors, elderly people and persons with disabilities;

24.3) organising and ensuring recreation for children (except for the organisation of children recreation in vacation time), implementation of actions to safeguard the lives and health of children during their stay in recreation facilities, implementation of regional control of observance of requirements of the legislation of the Russian Federation in the field of the organisation of rest and improvement of children, implementation of other powers provided by the federal law of 24 July 1998 N 124-FZ "About the basic guarantees of the rights of the child in the Russian Federation";

42) the approval of schemes of territorial planning of the subject of the Russian Federation, the approval of documentation on planning of the territory for placement of capital construction projects of regional value, the approval of regional standards of town-planning design, issuing of permits for construction projects.;

42.1) implementation of State control and supervision in the field of shared construction of apartment houses and (or) other real-estate projects according to the legislation of the Russian Federation on the shared construction of apartment houses and other real-estate projects;

56) implementation of regional State ecological supervision (regarding regional State supervision over geological studies, rational use and protection of subsoil concerning subsoil plots of local value; regional State supervision in the field of protection of atmospheric air; regional State supervision in the field of use and protection of water objects; regional State supervision in the field of waste management for projects of economic and other activity irrespective of forms of ownership);

61) implementation of the regional State housing supervision, regulation of the relations in the field of ensuring capital repairs of common property in apartment houses, implementation of licensing of business activity for the management of apartment houses;

77) the organisation of the activities of multipurpose centres providing State and municipal services according to the federal law of 27 July 2010, N 210-FZ "About the organisation of providing State and municipal services";

81) the organisation and implementation of strategic planning in the subject of the Russian Federation according to the federal law of 28 June 2014, N 172-FZ "about strategic planning in the Russian Federation".

223. The constituent entities' powers are regulated by Law No. 131-FZ. These have extended in recent years. In particular, the Entities of the Federation have come to determine the powers and responsibilities of municipalities in their regions (either removing or redistributing their powers as they wish) as well as to determine the structure and organisation of local governments. According to local independent experts, most of the federal subjects pursue a tight restrictive policy with regard to local authorities. Thus, almost half of them have been removing local government powers for their own benefit. This has included the powers relating to economic resources (territorial planning and development, land use, utility services and advertising). Furthermore, a restrictive policy has been pursued with regard to the structure and organisation of local government bodies. Over 80% of the regions have determined them for all municipalities in their area.

224. According to some people the delegation spoke to, regional bureaucracies from the very beginning of the democratic and market-led reforms strongly opposed local self-government. This attitude was based on the desire to own and dispose of all resources, as the transition of local authorities to the principles of local self-government would distance them from the State authorities and, accordingly, the loss of opportunities for the regional bureaucracy to dispose of resources, Also, the heads of regions understood that political competition in the system of local self-government, which is a democracy in its original form, will greatly complicate their ability to remain in power. As a result, by 1996 local self-

government was practically abolished in many regions of the federation, not only at the level of villages and small towns, but even in large cities.

225. According to these interlocutors, in the process of development and adoption of Federal Law No. 131, the federal centre agreed with the requirements of democratic parties to limit the ability of regional authorities to configure the organisation of local authorities at their own discretion, especially since it corresponded with the intentions of the federal centre to limit the independence of regions and embed them in the so-called “vertical of power”. The powers of regional authorities with regard to local self-government have been limited. But the systemic conflict between the municipal level and regional authorities continues to take place in two main areas.

- First, in the area of financial support for local self-government that generally comes mainly from regional budgets (as a rule, various transfers from regional budgets exceed 50% of local budget revenues).
- Second, in the political sphere, as illustrated by the processes of forming local governments and the de facto appointments of heads of municipalities.

Relations with other subnational authorities

226. As already mentioned, according to Article 72, paragraph 1, of the Constitution of the Russian Federation, the “establishment of general principles of the organisation of the system of State government and local self-government bodies”, *inter alia*, belongs to the joint jurisdiction of the Russian Federation and its constituent entities.

227. In the Leningrad Region, for instance, there is a regional law of 15 June 2010, No. 32-oz “On the administrative-territorial structure of the Leningrad Region and the order of its change”, which establishes the administrative-territorial structure of the Leningrad Region and the order of its change. Today, the Leningrad oblast includes 217 municipal entities: one city (urban) district; and 17 municipal areas which are comprised of 65 urban settlements and 134 rural settlements.

228. Municipalities are not considered to be part of State/regional administration and are not subject to State supervision. However, when delegated powers are exercised and especially when regional funds are spent at the local level, controls by higher-level authorities do exist. In the Republic of Tatarstan, for instance, the Accounts Chamber of the Republic carries out audits of local budgets. Municipal control-accounts bodies take part in control measures and procedures carried out by the Accounts Chamber in different territories of the republic.²⁵ The Accounts Chamber is authorised to carry out audits of local budgets in cases provided for by the Budget Code of the Russian Federation, including control over the performance (efficiency and cost-effectiveness) of the use of interbudgetary transfers allocated to the municipal budgets from the budget of the republic together with the assessment of legal compliance of local authorities who are recipients of interbudgetary transfers.

229. In different federal subjects, there are provisions about consultation of local authorities or even about the possibility of legislative initiatives. The Council of Representative Bodies of Municipal Entities of the Leningrad Region under the Legislative Assembly of the Leningrad Region (hereinafter referred to as “the Council”) was established in accordance with Resolution No. 110 of the Legislative Assembly of the Leningrad Region dated 26 May 1998. Resolution No. 742 of the Legislative Assembly of the Leningrad Region of 17 October 2007 approved the new Regulations on the Council. The Council is a permanent advisory and consultative body established to ensure interaction between the Legislative Assembly of the Leningrad Region and the representative bodies of municipalities of the Leningrad Region and the development of local self-government in the region. The representative bodies of municipalities of the Leningrad Region have the right to initiate legislative initiatives in the legislative assembly to introduce

25. Law of the Republic of Tatarstan from 17 May 2012, N 21-3OPT “On some issues of organisation and work of control-accounts bodies of municipal structures of the Republic of Tatarstan”. The chairman of the municipal control-accounting body serves as a municipal officer.

draft regional laws, federal laws and amendments to draft federal laws. From 2017 to 2018, three regional laws were adopted at the initiative of municipal councils of deputies. In addition, municipal entities have made amendments and proposals to more than 20 draft regional laws. Another form of interaction is the holding of “Municipal School” classes, which are held for the purpose of collective training of the participants, familiarising them with the legal framework for the organisation of local self-government.

230. In the Chuvash Republic, according to Article 85 of the Chuvash Constitution, all draft laws should be sent to representative bodies of municipalities who exercise their right to legislative initiative in the form of amendments to the draft bills pending at the Council of State (Parliament) of the Chuvash Republic. In addition, these representative bodies exercise their right to introduce draft laws they submit to the Council of State. All draft laws are previously given consideration at working groups with invited representatives from local authorities, which means before they are discussed in committees and sessions of the Council of State.

Involvement in the State decision-making process

231. In order to organise co-operation between the chambers of the Federal Assembly of the Russian Federation and legislative/representative government authorities of the constituent entities of the Russian Federation in the legislative process, the Council of Legislators of the Russian Federation, which is attached to the Federal Assembly of the Russian Federation, was created in 2012. In addition, representatives of regional parliaments are members of various themed working groups created within the State Duma of the Federal Assembly of the Russian Federation. Several regional parliaments also co-operate on an ongoing basis with federal government authorities, submitting draft federal laws in the State Duma, which are prepared at the initiative and with the involvement of regional authorities.

232. It should also be noted that the committees of the Federation Council have the right to preliminarily consider, in co-ordination with the constituent entities of the Russian Federation, draft laws of the constituent entities of the Russian Federation on the issues of joint jurisdiction of the Russian Federation and the constituent entities. This work is carried out on an ongoing basis, feedback on draft laws submitted by the regions is prepared and legal assistance is provided, if necessary, in order to ensure that representatives of the regions can bring their ideas to the attention of deputies and federal executive authorities. These mechanisms are enshrined in legal acts and they are mandatory for both chambers of the federal parliament and the constituent entities of the Russian Federation.

233. Participation in the improvement of federal legislation is an important activity for most regional assemblies. The representatives of the Republic of Tatarstan indicated in the framework of the consultation procedure that all the initiatives must be discussed at meetings of regional parliaments to introduce draft federal laws and amendments to draft federal laws to the State Duma of the Federal Assembly of the Russian Federation, as well as appeals to the State Duma of the Federal Assembly of the Russian Federation and federal executive authorities. Moreover, all the Russian Federation regional parliaments have a right of legislative initiative at the State Duma. The Legislative Assembly of the Leningrad Oblast, for instance, adopts legislative initiatives to introduce draft federal laws and amendments to draft federal laws to the State Duma of the Federal Assembly of the Russian Federation, as well as appeals to the State Duma of the Federal Assembly of the Russian Federation and federal executive authorities.

234. The right of legislative initiative in the Legislative Assembly of the Leningrad Oblast to introduce draft federal laws and amendments to draft federal laws belongs to the deputies of the legislative assembly, the Governor of the Leningrad Oblast, the Election Commission of the Leningrad Oblast, representative bodies of local self-government, the prosecutor of the Leningrad oblast, the chairman of the Leningrad Regional Court on the issues of its management, and the chairman of the Control and Accounts Chamber of the Leningrad Oblast on the issues of its management.

Supervision of regional authorities by State authorities

235. In accordance with Article 85, paragraph 2, of the Russian Federation Constitution and Article 29, paragraph 1, of Federal Law No. 184-FZ, the President of the Russian Federation has the right to suspend acts adopted by the executive authorities of Russian Federation subjects if they conflict with the Constitution of the Russian Federation, federal laws or international obligations of the Russian Federation, or in the event of a violation of human or civil rights or freedoms, until the matter is resolved by the relevant court. According to publicly available information, this right has never been exercised in the time that the Constitution of the Russian Federation has been in force.

236. Federal legislation makes no provision for the annulment or suspension by federal executive authorities of acts adopted by executive authorities of Russian Federation subjects in matters relating to the exercise of their “own” powers. The grounds and procedure for the annulment of acts adopted by executive authorities of Russian Federation subjects in matters relating to the exercise of federal powers assigned/delegated to State authorities of Russian Federation subjects by federal laws or acts of the President or Government of the Russian Federation (Article 26.3, paragraphs 7 and 7.1, of Federal Law No. 184-FZ) are established by the Government of the Russian Federation.

237. Concerning finance, the budgetary legislation of the Russian Federation aims to increase transparency at all stages of the budgetary process: planning, scrutiny, approval and execution of budgets. The planned and targeted financing method is implemented during budget planning. In addition, in current legislation, there has been an expansion of the powers of the Audit Chamber of the Russian Federation and the powers of audit chambers of constituent entities of the Russian Federation in relation to audits of feasibility and performance in terms of achieving strategic goals for socio-economic development, assessing the effectiveness of granted tax or other reliefs and advantages, examining the lawfulness of government guarantees, introducing the treasury tracking system, and budget monitoring, among other things.

238. The Office of the Prosecutor of the Russian Federation supervises the respect for human and civil rights and freedoms, and ensures the enforcement of laws by representative/legislative and executive authorities of constituent entities of the Russian Federation, by local authorities, and also the compliance of legal instruments issued by them with the law. While exercising its powers, the prosecution service carries out anti-corruption reviews of legal instruments of government authorities of constituent entities of the Russian Federation, local authorities, and their officers.²⁶

239. The Ministry of Justice of the Russian Federation and its regional subdivisions²⁷ ensure that the legal system of the Russian Federation is uniform across the territory of a constituent entity (or entities) of the Russian Federation and protect, within the limits of their powers, human and civil rights and freedoms. For these purposes, a regional subdivision carries out the following duties and tasks.

- It participates, within the limits of its powers, in the regulatory activity of government authorities of a constituent entity (or entities). Moreover, the ministry carries out legal assessments of legislative instruments of a constituent entity (or entities) in terms of their compliance with the Constitution of the Russian Federation and federal laws. If it is found that a legislative instrument does not comply with the Constitution of the Russian Federation and/or federal law, the Ministry of Justice of the Russian Federation sends to the government authority of the constituent entity a reasoned expert report including a proposal to repeal the instrument or render it compliant with the Constitution of the Russian Federation and/or federal law.
- It carries out repeat assessments of legislative instruments of a constituent entity (or entities) on the orders of the Russian Ministry of Justice, the Chief Directorate, or in response to requests from the office of the authorised representative of the President of the Russian Federation in a federal district, or government authorities of a constituent entity (or entities) or at its own initiative.

26. Federal Law No. 2202-1 of 17 January 1992 “On the Prosecutor’s Office of the Russian Federation”.

27. Russian Ministry of Justice Order No. 26 of 3 March 2014 “On approval of regulations concerning the management of the Ministry of Justice of the Russian Federation in a constituent entity (or entities) of the Russian Federation and the list of departments of the Ministry of Justice of the Russian Federation in the different constituent entities of the Russian Federation”.

- It carries out, in accordance with the established procedure, anti-corruption reviews of legislative instruments of constituent entities when monitoring their application and when entering information in the federal register of legislative instruments of constituent entities of the Russian Federation.

Protection of regional self-government

240. In 2005, Moscow City Duma lodged an application regarding the constitutionality of paragraph 3 of Article 3 of the Urban Planning Code of the Russian Federation of 29 December 2004, No. 190, and of sub-paragraph 2 of Article 26.3 of Federal Law No. 184 of 6 October 1999 “On the general principles of organisation of legislative/representative and executive government authorities of constituent entities of the Russian Federation”. The reason for this application to the Constitutional Court of the Russian Federation was uncertainty as to whether paragraph 3 of Article 3 of the Urban Planning Code of the Russian Federation of 29 December 2004 No. 190 and of sub-paragraph 2 of Article 26.3 of Federal Law No. 184 of 6 October 1999 “On the general principles of organisation of legislative/representative and executive government authorities of constituent entities of the Russian Federation” conformed to the Constitution of the Russian Federation.

241. Legislation concerning architecture and town planning is not on the list of matters which are classified by Articles 71 and 72 of the Constitution of the Russian Federation as being subject to the authority of the Russian Federation and the joint authority of the Russian Federation and a constituent entity of the Russian Federation. Within the meaning of Article 73 of the Constitution of the Russian Federation, legislation concerning architecture and town planning falls within the responsibilities of constituent entities of the Russian Federation, and the constituent entities of the Russian Federation have full competence in matters of architecture and town planning. The constituent entities of the Russian Federation exercise legal regulation of these matters independently in accordance with paragraph 4 of Article 76 of the Constitution of the Russian Federation, and in the event of a contradiction between federal law and a regulation of a constituent entity of the Russian Federation in the field of architecture and town planning, in accordance with paragraph 6 of Article 76 of the Constitution of the Russian Federation, the regulation of the constituent entity of the Russian Federation prevails.

Right of association

242. Article 8 of Federal Law FZ 131 provides for intermunicipal co-operation and Articles 66 and 67 of the same law for the establishment of representative municipal associations, also at the level of regions (or constituent entities of the Russian Federation). In the Leningrad Region, for instance, the Constitutive Congress of Municipal Entities of the Leningrad Region was held in March 2006. The participants of the congress decided on the establishment of a non-profit public organisation association, the “Council of Municipal Entities of the Leningrad Region”. At the congress, the heads of municipal entities signed the Founding Agreement on the basis of which 219 municipal entities became members of the Council of Municipal Entities of the Leningrad Region. In 2006, the council included 17 municipal districts, one urban district, 62 urban and 139 rural settlements, and three municipalities later became members of the council. The main roles of the council are the organisation of intermunicipal co-operation, co-ordination of the council members’ activities for solving issues of local importance, and representation and protection of economic and other common interests of the council members.

243. According to the information received from the representatives of the Republic of Tatarstan during the consultation procedure, the Council of municipalities of the Republic of Tatarstan was established in March 2006 in accordance with Article 66 of the Federal Law No. 131-FZ of October 6, 2003 “On the General Principles of Organisation of Local Self-Government in the Russian Federation”. In accordance with the main objectives and areas of work defined by the resolution of the 12th Congress of the Council of Municipalities of the Republic of Tatarstan, the Council is aimed to coordinate the activities of local self-governments of municipalities of the republic, organise interaction of local self-governments with government agencies, commercial and non-profit organisations, as well as cooperation with municipalities and associations of municipalities of other constituent entities of the Russian Federation, provide organisational, methodological and legal assistance to local authorities.

Regional finances

244. According to Article 6 of the Russian Federation Budget Code, the budgetary system of the Russian Federation integrates several budgets into one system. In 2018, the budget of the federal level totalled 16 trillion roubles (approximately 220 billion euros), the level of the federal subjects was 9.4 trillion roubles and that of the municipal level 3.9 trillion roubles. The municipalities do not receive funds directly from the federal budget; there are 25 items of municipal expenditure provided by federal laws, but they are financed through regional funds. Mechanisms to replace financial assistance with additional transfers of tax revenues are used in the regions. For example, the Chuvash Republic enshrined in law additional funds transfers to local budgets from the personal income tax revenues (15%) from the regional consolidated budget. Thereby, standard funds transfers to local budgets represent about 30%.

245. According to the Russian Federation Budget Code (Article 103), State borrowing of the Russian Federation's constituent entities are understood to be State loans, carried out by issuing State securities on behalf of a constituent entity of the Russian Federation, and loans attracted to the budget of a constituent entity from other budgets of the budget system of the Russian Federation, credit organisations, foreign banks and international financial organisations, on which there are debt obligations of a constituent entity of the Russian Federation.

246. In accordance with the Rules for Restructuring of Obligations (Debts) of the Constituent Entities, 73 constituent entities that entered into restructuring agreements with the Ministry of Finance have assumed obligations, including the obligation to ensure a budget deficit at the level not exceeding 10 per cent of the amount of budget revenues. At the same time, when receiving financial support from the budgets of the budget system, the constituent entities assume additional obligations in terms of the volume of the budget deficit and the amount and structure of the debt, including the share of market liabilities in the total amount of the debt.

5. OTHER MATTERS RELATED TO THE FUNCTIONING OF LOCAL AND REGIONAL SELF-GOVERNMENT

247. During the monitoring visit, the rapporteurs encountered a number of additional matters of relevance to regional autonomy and local self-government that do not directly relate to articles in the Charter or to the Reference Framework, but which, in the opinion of the rapporteurs, should nevertheless be brought to the attention of the Congress.

248. Russia is the biggest country on the planet, characterised by an uneven distribution of population and a very low population density. These extraordinary attributes affect the organisation and the dynamics of territorial administration and especially of local and regional self-government.

249. Moreover, Russia is a multicultural State with considerable levels of cultural diversity. This is the result of hundreds of years of historical development. Ethnic Russians comprise 81% of the country's population that includes no less than 180 ethno-linguistic groups (3.8% Tatars, 2.9% Ukrainians, 1.1% Bashkirs and 1.1% Chuvash). According to a survey from 2012, 41% of Russian citizens declared themselves to be Eastern Orthodox Christians, 6.9% Muslims, 4.1% other Christians, while Jews, Buddhists and Hinduists accounted for smaller percentages (less than 1% for each one of these groups). Protection of ethno-linguistic minorities and peaceful co-existence of different groups has a long tradition, but at the same time the country's history includes many examples of persecution. Religious freedom has been restored after the fall of communism and a revival of religions is visible.

250. Separatist movements that have led to bloodshed in Chechnya and several terrorist attacks have tended to challenge the federal power and to create a general feeling of insecurity. Corruption had become one of the important social problems. By the beginning of this century, the national leadership focused on reasserting central authority over the regions and even the title of "president" was reserved for the national leader, while the heads of regions are named "governors". The national government has kept this policy unchanged. In 2017, for instance, the agreement signed by Boris Yeltsin on the special

autonomy status of the Tatarstan Republic was not renewed. Nevertheless, at regional and local levels, the cultural and educational rights of the different ethno-linguistic groups are practised and respected in many cases, as the rapporteurs could observe, especially during the second monitoring mission. Therefore, they consider that there is good justification for encouraging all positive undertakings aimed at accommodating diversity and that the way these are being carried out, in particular at the regional and local level, can serve, in several cases, as examples of good practices for preserving and protecting cultural diversity in other European countries.

251. Since the early 2000s, the political scene in Russia has been dominated by Vladimir Putin and the United Russia party. According to his critics, Vladimir Putin aimed at creating a strict “vertical of power”. Such an endeavour would, of course, include centralist tendencies, affecting the allocation of power across and within the multilevel governance of the Russian federal system and the position of local self-government. Controlling the media and the dynamics of political competition at all territorial levels would also, of course, be part of the creation of a “vertical of power”. In fact, recentralisation was visible in the early 2000s, but also later on, while the direct election of governors was abolished in 2004 (then restored in 2012) and official registration and candidatures of new parties and independents was made difficult (the minimum number of required signatures was drastically reduced later on).

252. Russia’s domestic politics consists of a complex system composed of what could be divided into three political forces: the incumbents, the systemic opposition and the non-systemic opposition. The opposition represented at the State Duma, composed of the Communist Party, the nationalist party LDPR and the social democrat party A Just Russia, could be considered as a systemic opposition for they are the political entities traditionally tolerated in the national apparatus and do not substantially discuss the government’s political line. The “non-systemic opposition”, which are the oppositional forces that operate outside of the official political establishment, mostly finds its support in the well-educated classes of big cities and is practically absent outside Moscow and Saint Petersburg. This opposition can be referred to as a “non-systemic opposition” for they are “excluded” from the political system and lack both a representation in the State power structures and contacts with the ruling group. They predominantly use unconventional methods of political struggle, have limited resources and are particularly active on social networks. As already shown, opposition parties won a considerable number of seats during the last municipal elections in Moscow in 2017, but municipal formations are nearly powerless in Moscow.

253. In the last presidential election of 18 March 2018, Vladimir Putin was elected for a fourth six-year term as president, winning more than 76% of the votes. Mr Putin’s candidacy was organised independently and he did not represent any political party. The incumbent party, United Russia, has enjoyed an outright majority at the State Duma since the last legislative election that took place in September 2016. This kind of political stability could offer a window of opportunity for decentralisation and democratisation reforms, especially if tensions with Western powers gradually decrease (provided that territorial conflicts with neighbouring countries are resolved).

6. CONCLUSIONS

254. The Russian Federation includes many constituent entities. Its population is made up of no less than 180 ethno-linguistic groups. It is the biggest country on the planet, characterised by an uneven distribution of the population and a very low population density. These extraordinary attributes affect the organisation and the dynamics of territorial administration and especially of local and regional self-government.

255. In 1991, democratic forces prevailed and the Russian Federation was established. In 1996 the Council of Europe welcomed the Russian Federation as its 39th member State. The Russian Federation ratified the European Charter of Local Self-Government in February 1996. The Constitutional Court of the Russian Federation directly applies the provisions of the Charter and there is an interesting corpus of case law as regards local self-government.

256. The principle of local self-government is recognised both in the Constitution of the Russian Federation and in ordinary legislation. Organisation of local self-government belongs to the joint jurisdiction of the Russian Federation and constituent entities. Some of them have introduced disputed territorial and functional reforms. On the other hand, the rapporteurs would like to highlight the good examples they observed in regions they visited, of how diversity can be accommodated and managed as a positive resource.

257. Following the previous monitoring visits and the corresponding Recommendation 297 (2010), the Russian Federation introduced a series of changes, some of which responded in a positive way to suggestions made by the Congress. The Russian Federation reintroduced direct election of governors; it also facilitated the registration of parties, drastically decreasing the required minimum number of members from 50 000 down to 500 (but it is still required to have regional branches in at least half of the constituent entities); moreover, the Russian Federation allowed the participation of associations and other groups in local elections. As suggested by Recommendation 297 (2010) the municipalities take advantage of property taxes.

258. However, a series of shortcomings mentioned in the previous monitoring report seem to persist. These include the dismissal of mayors, the overlapping of responsibilities and the lack of consultation in many cases. Unfortunately, there is also an obvious unwillingness to ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, even though the Russian authorities have presented a series of participatory mechanisms provided in different laws that should encourage the ratification of the protocol.

259. The delegation also identified a number of issues of non-compliance with the Charter. For instance, the rapporteurs would like to express their concern about the information they received that a number of responsibilities (including town planning and/or public health) have been taken away from many municipalities. The subsidiarity principle is not properly implemented and there are obvious tendencies to upscale several municipal responsibilities without considering the alternative of intermunicipal co-operation. The latter should be further developed, according to Article 10 of the Charter, and encouraged.

260. The situation of the Moscow municipalities is particularly problematic, as they are deprived of basic functions and resources. Big cities that are federal subjects also exist in other country members of the Council of Europe (for example, Hamburg and Bremen in Germany), but they include a strong municipal structure at the local level. The situation in Moscow, where practically one level of governance is responsible for 12 million people and municipal formations are deprived of basic tasks and resources, is obviously at odds with Article 3 and in general with the spirit of the Charter.

261. At the level of constituent entities (federal subjects), legal requirements for candidates to gather a considerable number of signatures supporting their candidature and, even more, the municipal “filter” for candidatures (requirement of support from municipal deputies) pose serious obstacles to electoral rights and freedoms.

262. Even though the Russian Federation’s constitution and legislation provide for prior consultation of the local communities affected, it seems that, in practice, several communities have been abolished without prior consultation.²⁸ Prior consultation should be systematically implemented not only in case of amalgamation but also in cases where a certain level or category of local authorities is abolished and integrated into a higher level or another category of territorial authorities.

263. The Russian Federation lacks a comprehensive and transparent system of administrative supervision. Today, there are several legal provisions on controls by different State authorities and important tasks of supervision are given to the prosecutor’s office, which is used to acting according to penal law. Furthermore, the assessment of the competences with anti-corruption measures by the

²⁸ See for instance the issue of Odintsovo district for which Moscow regional Duma passed a law on the merger of Zvenigorod into a single city district. This issue was discussed during a meeting with the rapporteurs in March 2019.

prosecutor's office is a kind of a priori control for legislative acts and leads to violations of the principle of proportionality (Article 8, paragraph 3). As regard the control exercised by the State prosecutor's office, it appears as a peculiarity and the rapporteurs encourage the Russian authorities to consider the development of a comprehensive and transparent system of administrative supervision that could include different versions in the different constituent entities of the Russian Federation.

264. As regards financial matters, the rapporteurs were informed that in many cases municipalities are short of adequate financial resources of their own and funds are not commensurate with delegated tasks. Regarding the equalisation process the representatives of the Leningrad region explained, during the consultation procedure that at present, the Ministry of Finance of Russia is working to improve intergovernmental relations in the Russian Federation and within the framework of this work, the Finance Committee of the Leningrad Region sent proposals to the Ministry of Finance of Russia in particular on:

- carrying out clarifications of the division of powers between the levels of state power and local self-government on the federal level through changes and additions to "branch" federal laws and their synchronization with Article 26.3 of Law 184-FZ and Articles 14,15, 16, 16.2 and 17 of Law 131-FZ respectively. Herewith to prohibit an increase in the powers of the constituent entities of the Russian Federation and municipalities, without amending the Budget Code of the Russian Federation and the Tax Code of the Russian Federation, which would ensure the proper funding of new powers;

- consideration of the establishment of a single-level model of equalization of budgetary provision of municipalities, in which the subject of the Russian Federation levels the consolidated budgets of municipal districts (urban district with intracity division), and municipal districts (urban district with intracity division) align urban and rural settlements (intracity districts). The application of this model will increase the transparency of equalization of the budgetary security of municipalities and the effectiveness of management of municipal finances. At present, the Budget Code of the Russian Federation provides the equalization of budgetary provision of urban and rural settlements by both the subject of the Russian Federation and the municipal area, while the requirements for determining the amount and distribution of subsidies for equalization of budgetary provision are different.

265. However, in the light of the information collected during their visits, the rapporteurs are of the opinion that the lack of transparency in the equalisation system and the distribution of State grants is another matter of concern. Moreover, several constituent entities do not ensure ordinary and transparent consultation about the allocation of redistributed of resources.

266. The rapporteurs trust that the Russian national authorities will take into account their recommendations in order to ensure full compliance with the European Charter of Local Self-Government, and to improve the level of local and regional democracy. They intend to pursue a proper follow-up to these issues and to maintain political dialogue with Russian authorities at all levels of governance.

APPENDIX I – Programme of the first part of the Congress monitoring visit to the Russian Federation

CONGRESS MONITORING VISIT TO THE RUSSIAN FEDERATION Moscow and Saint Petersburg (23-25 October 2018)

Rapporteurs

Mr Jakob WIENEN	Rapporteur on local democracy Chamber of local authorities, EPP/CCE ²⁹ Member of the Monitoring Committee of the Congress Mayor of Haarlem, Netherlands
Mr Stewart DICKSON	Rapporteur on regional democracy Chamber of regional authorities, ILDG Member of the Monitoring Committee of the Congress Member Northern Ireland Legislative Assembly, United Kingdom

Congress secretariat

Ms Stephanie POIREL	Secretary to the Monitoring Committee
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Expert

Mr Nikolaos-Komninos CHLEPAS	Member of the Group of Independent Experts on the European Charter of Local Self-Government (Greece)
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Interpreters

In Moscow:	Ms Olga MOSTINSKAYA Mr Dmitry ZAYTSEV
In Saint Petersburg:	Ms Natalia MURINA Ms Natalia RODIONOVA

The working languages, for which interpretation is provided during the meetings, will be Russian and English.

29. EPP/CCE: European People's Party Group in the Congress; SOC: Socialist Group; ILDG: Independent and Liberal Democrat Group; ECR: European Conservatives and Reformists Group; NR: members not belonging to a political group of the Congress.

**Tuesday, 23 October 2018
Moscow**

- **RUSSIAN NATIONAL DELEGATION TO THE CONGRESS**

- Ms Svetlana ORLOVA**, Head of Delegation, former governor, Vladimir Region
- Mr Vsevolod BELIKOV**, Deputy Head of Delegation, Head of the Finlyandskiy municipal district of the City of Saint Petersburg
- Ms Irina KAREVA**, Deputy, Volgograd city council
- Ms Liudmila KOZINA**, Head of Georgievsk city
- Mr Anatoliy LOKOT**, Mayor of Novosibirsk
- Mr IIsur METSHIN**, Mayor of Kazan
- Mr Stanislav MOSHAROV**, Chairman, Chelyabinsk city council
- Ms Tamara ROMASHOVA**, Deputy Chairperson, Kozhevnikovskiy municipal district council
- Mr Ilya SEREDYUK**, Head of the City of Kemerovo
- Ms Valentina SYROVA**, Chairperson, Arkhangelsk city council
- Mr Evgeniy ARAPOV**, Head, Orenburg city
- Mr Oleg BEKMEMETEV**, Head of Glazov
- Ms Ludmila BELYSHEVA**, Deputy Chairperson of Lukhovitsy Town Deputies Council, Moscow Region
- Ms Vera GALUSHKO**, Chairperson, Krasnodar city
- Ms Zalina LIANOVA**, Chairperson, Magas city council
- Ms Larisa PAIUK**, Head, Chudovsky municipal district
- Ms Irina RYKOVA**, Deputy of the City of Petropavlovsk-Kamchtsky
- Mr Igor SOROKIN**, Head of the City of Novoshakhtinsk
- Mr Yury ZHURIN**, Head of Kostroma city
- Mr Dmitry AZAROV**, Representative of the Governor of the Samara region to the Council of the Federation
- Ms Zinaida DRAGUNKINA**, Representative of the Duma of the Moscow City to the Council of the Federation of the Federal Assembly of the Russian Federation
- Mr Alexander DROZDENKO**, Governor, Leningrad Region
- Ms Svetlana GORYACHEVA**, Representative of the Governor of the Primorye territory to the Council of the Federation
- Mr Aleksey OSTROVSKY**, Governor, Smolensk Region
- Mr Rashid TEMREZOV**, Head, Karachayeva-Circassian Republic
- Mr Konstantin TOLKACHEV**, Chairman, State Assembly-Kurultay of the Republic of Bashkortostan
- Mr Vladimir VARNAVSKIY**, Chairman, Omsk Regional Legislative Assembly
- Mr Sergey ABRAMOV**, Chairman, Duma of the Magadan Region
- Ms Tatyana EGOROVA**, Chairperson, Parliament of Kabardino-Balkarian Republic
- Mr Sergey GAPLIKOV**, Head, Komi Republic
- Ms Marina KOVTUN**, Governor, Murmansk Region
- Mr Alexandr NIKITIN**, Head of the Administration of the Tambov Region
- Mr Aleksey ORLOV**, Head of the Republic of Kalmykia
- Ms Elena PERMINOVA**, Representative of the Governor of the Kurgan Region to the Council of the Federation
- Mr Sergey RUDAKOV**, Deputy Chairman, Duma of the Voronezh Region
- Mr Sergey YAMKIN**, Chairman, Legislative Assembly of the Yamal-Nenets Autonomous Area

- **NATIONAL CONGRESS OF RUSSIAN MUNICIPALITIES**

Mr Viktor KIDYAEV, President of the Congress

- **ASSOCIATION OF SMALL AND MEDIUM-SIZED CITIES OF RUSSIA**

Mr Valery GAVRILOV, President, Head of Dmitrovsky district of Moscow region

- **UNION OF SMALL CITIES OF THE RUSSIAN FEDERATION**

Mr Evgeny MARKOV, President of the Union

- **UNION OF RUSSIAN CITIES**

Mr Stanislav MOSHAROV, President of the Union, Chair of Cheljabinsk City Duma (City Government)

- **FEDERATION COUNCIL**

Mr Vladimir GORODETSKY, Vice Chairman of the Federation Council Committee on Federal Structure, Regional Policy, Local Government and Northern Affairs

- **STATE DUMA**

Mr Petr TOLSTOY, Deputy Chairman of the State Duma

Mr Alexey DIDENKO, Chair of the Committee of the State Duma on the federal structure and issues of local self-government

- **MOSCOW CITY DUMA (REGIONAL PARLIAMENT)**

- **CITY OF MOSCOW**

Mr Alexey SHAPOSHNIKOV, Chairman of Moscow City Duma

Mr Alexander SEMENNIKOV, Head of the Committee for State Construction and Local Self-Government

Mr Evgenii STRUZHAK, Department of Territorial Executive Authorities of Moscow

- **WORKING DINNER WITH INDEPENDENT EXPERTS** (members of the Group of Independent experts on the European Charter of Local Self-Government)

Wednesday, 24 October 2018
Moscow

- **MINISTRY OF JUSTICE**

Mr Denis NOVAK, Deputy Minister of Justice

Mr Andrei KORNEEV, Director of the Department of Constitutional Legislation, Development of Federal Relations and Local Self-Government

Mr Evgeniy GATALOV, Deputy Director of the Department of Constitutional Legislation, Development of Federal Relations and Local Self-Government

- **MINISTRY OF FINANCE**

Mr Andrey BOKAREV, Director of the Department of International Financial Relations

Ms Anna VALKOVA, Deputy Director of the Department of International Financial Relations

Thursday, 25 October 2018
Saint Petersburg

- **CONSTITUTIONAL COURT**

Mr Nikolay BONDAR, Judge of the Constitutional Court

Mr Vladimir SIVITSKIY, Secretary General of the Constitutional Court

Mr Sergey SERGEVNIN, Director of the Department of International Relations and research of constitutional review practice

- **LENINGRAD REGION ADMINISTRATION**
- **LENINGRAD LEGISLATIVE ASSEMBLY**

Mr Alexander DROZDENKO, Governor of the Leningrad Region

Mr Sergey BEBENIN, Chairman of the Legislative Assembly of the Leningrad Region

APPENDIX II – Programme of the second part of the Congress monitoring visit to the Russian Federation

**CONGRESS MONITORING VISIT TO THE RUSSIAN FEDERATION
Moscow, Kazan, Cheboksary (5-7 March 2019)**

Rapporteurs

Mr Jakob WIENEN

Rapporteur on local democracy
Chamber of local authorities, EPP/CCE³⁰
Member of the Monitoring Committee of the Congress
Mayor of Haarlem, Netherlands

Mr Stewart DICKSON

Rapporteur on regional democracy
Chamber of regional authorities, ILDG
Member of the Monitoring Committee of the Congress
Member Northern Ireland Legislative Assembly, United Kingdom

Congress secretariat

Ms Stephanie POIREL

Secretary to the Monitoring Committee

Expert

Mr Nikolaos-Komninos CHLEPAS

Member of the Group of Independent Experts on the European Charter of Local Self-Government (Greece)

Interpreters

Mr Pavel PALAZHCENKO

Ms Inna BASHINA

The working languages, for which interpretation is provided during the meetings, will be Russian and English.

30. EPP/CCE: European People's Party Group in the Congress;
SOC: Socialist Group; ILDG: Independent and Liberal Democrat Group;
ECR: European Conservatives and Reformists Group;
NR: members not belonging to a political group of the Congress.

**Tuesday, 5 March 2019
Moscow**

- **ASSOCIATION OF INDEPENDENT DEPUTIES IN MOSCOW**

Mr Alexey VILENTC, Cheremushki municipality, President of Association of Independent Deputies
Mr Ilya YASHIN, Head of Krasnoselsky municipality
Mr Konstantin YANKAUSKAS, Zuzino municipality
Ms Yulia GALYAMINA, Timiryasevsky municipality
Mr Andrey MOREV, Head of Yakimanka municipality
Mr Sergey TCUKASOV, Head of Ostankino municipality
Mr Dmitry ZELENOV, Yakimanka municipality
Mr Viktor KARPUSHIN, Ostankino municipality
Ms Tatiana KRASHAKOVA, Kuntsevo municipality
Ms Irina PAVLOVA, Yakimanka municipality

- **REPRESENTATIVES OF ODINTSOVO DISTRICT OF MOSCOW**

Mr Vladimir BELOUSOV, Odintsovo district
Mr Sergey TENYAEV, Head of the Barvikha municipality

- **RUSSIAN UNITED DEMOCRATIC PARTY (YABLOKO)**

Ms Emilia SLABUNOVA, Chair
Ms Olga RADAYEVA, Head of Yabloko International Relations

- **PEOPLE'S FREEDOM PARTY (PARNAS)**

Mr Konstantin MERZLIKIN, Deputy Head of the Parnas party
Mr Daniil ZUBOV, Press secretary of the Parnas party
Mr Mikhail ROGOV, Member of Moscow department of the Parnas party

- **HIGH COMMISSIONER FOR HUMAN RIGHTS IN THE RUSSIAN FEDERATION**

Mr Vladimir LOZBINEV, Chief of the Administration of the High Commissioner for Human Rights in the Russian Federation

**Wednesday, 6 March 2019
Kazan**

- **STATE COUNCIL OF THE TATARSTAN REPUBLIC**

Mr Farid MUKHAMETSHIN, Chair
Mr Albert KHABIBULLIN, Head of the Committee on State Building and Local Self-Government
Mr Khafiz MIRGALIMOV, Head of the Communist Party deputies' group
Mr Ekzam GUBAIDULLIN, Chairman of the Council of Municipalities of the Tatarstan Republic
Ms Sariya SABURSKAYA, Plenipotentiary on Human Rights in the Republic of Tatarstan
Mr Oleg GAVRILOV, Advisor to the Chairman of the State Council
Mr Nikolay KARTSEV, Deputy Head of International Department, the Council of Federation of the Federal Assembly of the Russian Federation, Secretary of the Russian National Delegation to the Congress
Mr Radik VAKHITOV, Representative of the Ministry of Foreign Affairs of the Russian Federation

- **COUNCIL OF THE TATARSTAN REPUBLIC MUNICIPALITIES**

Mr Ekzam GUBAYDULIN, President
Mr Vladimir KOZONKOV, Deputy President
Mr Mikhail AFANASYEV, Head of the Laishev Municipality
Ms Rosa GALEEVA, Head of the Municipality of Aktubinsky
Mr Gennady YEMELYANOV, Head of the Municipality Elabuzhsky
Mr Nailj MAGDEEV, Head of the Municipality Naberezhny Chelny
Ms Svetlana MATVEEVA, Head of the Municipality Khozesanovskoe
Mr Aidar METSHIN, Head of the Municipality Nizhnekamsk
Mr Ilsur METSHIN, Head of the Municipality Kazan
Mr Rais MINNEKHANOV, Head of the Municipality Sabinsky
Mr Ryagat KHUSAINOV, Head of the Municipality of Leninogorsky

- **CONSTITUTIONAL COURT OF TATARSTAN REPUBLIC**

Ms Raisa SAKHIEVA, Vice-President
Ms Farida VOLKOVA, Judge
Ms Ludmila KUZMINA, Judge
Ms Elmira MUSTAFINA, Judge
Mr Artur SHAKARAEV, Judge

- **ACCOUNTS CHAMBER OF THE TATARSTAN REPUBLIC**

Mr Aleksej DEMIDOV, Chair
Mr Albert VALEEV, Deputy Chair
Mr Sergej KOLODNIKOV, Auditor

- **MINISTRY OF FINANCE OF THE TATARSTAN REPUBLIC**

Mr Radik GAYZATULLIN, Minister
Ms Leila GARIFULLINA, Head of the Regional Budget Relations Department

- **MINISTRY OF JUSTICE OF THE TATARSTAN REPUBLIC**

Mr Rustem ZAGIDULIN, Minister
Ms Gulnara KASYMOVA, Head of the department for territorial organisation and control in the field of local self-government

- **CITY HALL OF KAZAN**

Mr Ilsur METSHIN, Mayor, Head of the Municipality, Chair of the City Duma
Ms Evgenia LODVIGOVA, First Vice-Mayor
Mr Denis KALINKIN, Chair of the Executive Committee
Mr Nikolay KARTSEV, Deputy Head of International Department, the Council of Federation of the Federal Assembly of the Russian Federation, Secretary of the Russian National Delegation to the Congress
Mr Radik VAKHITOV, Representative of the Ministry of Foreign Affairs of the Russian Federation

Thursday, 7 March 2019
Cheboksary

- **CITY HALL OF CHEBOKSARY**

Mr Evgeny KADYSHEV, Mayor

Ms Nadezhda KULIKOVA, Head of financial department

Mr Aleksandr POGODEYKIN, Head of the Cheboksary branch of the Russian Foreign Ministry's office in Nizhny Novgorod

Mr Aleksandr RYBAKOV, The Commissioner for the Protection of Entrepreneurs' Rights in the Chuvash Republic

- **MINISTRY OF FINANCE OF THE CHUVASH REPUBLIC**

Ms Svetlana ENILINA, Minister

Ms Neonilla NIKIFOROVA, Head of Regional Budget Relations

Mr Aleksandr POGODEYKIN, Head of the Cheboksary branch of the Russian Foreign Ministry's office in Nizhny Novgorod

Mr Aleksandr RYBAKOV, The Commissioner for the Protection of Entrepreneurs' Rights in the Chuvash Republic

- **SUPREME COURT OF THE CHUVASH REPUBLIC**

Mr Anatolyi PETROV, President

Mr Aleksei SHUMILOV, Vice-President

Ms Galina SAVELNIKOVA, Vice-President

Mr Sergei KARLINOV, Judge

Mr Vyacheslav GOLUBEV, Judge

Ms Nadezhda KRASNOVA, Judge

Mr Aleksandr POGODEYKIN, Head of the Cheboksary branch of the Russian Foreign Ministry's office in Nizhny Novgorod

Mr Aleksandr RYBAKOV, The Commissioner for the Protection of Entrepreneurs' Rights in the Chuvash Republic

- **STATE COUNCIL OF THE CHUVASH REPUBLIC**

Ms Albina EGOROVA, Chairwoman of the State Council of the Chuvash Republic

Mr Aleksandr FEDOTOV, Vice-Chairman of the State Council of the Chuvash Republic – Chairman of the Committee of the State Council of the Chuvash Republic on State Development, Local Self-Government, Regulation and Deputy Ethics

Mr Juriy KISLOV, Deputy Chairman of the State Council of the Chuvash Republic – Chairman of the Committee on Budget, Finance and Taxes

Mr Sergey PAVLOV, Chairman of the Committee of the State Council of the Chuvash Republic on Economic Policy, Agro-Industrial Complex and Ecology

Mr Vjacheslav RAFINOV, Chairman of the Committee of the State Council of the Chuvash Republic on Social Policy and National Issues

Mr Aleksej SUDLENKOV, Chairman of the Public Chamber of the Chuvash Republic

Mr Stanislav NIKOLAEV, Executive Director of the Council of Municipal Entities of the Chuvash Republic

Mr Aleksandr POGODEYKIN, Head of the Cheboksary branch of the Russian Foreign Ministry's office in Nizhny Novgorod

Mr Aleksandr RYBAKOV, The Commissioner for the Protection of Entrepreneurs' Rights in the Chuvash Republic

- **ACCOUNTS CHAMBER OF THE CHUVASH REPUBLIC**

Ms Svetlana ARISTIOVA, Chair

Mr Sergei SHVARDAKOV, Deputy Chair

Ms Nailja VASILJEVA, Auditor

Mr Aleksandr POGODEYKIN, Head of the Cheboksary branch of the Russian Foreign Ministry's office in Nizhny Novgorod

Mr Aleksandr RYBAKOV, The Commissioner for the Protection of Entrepreneurs' Rights in the Chuvash Republic

- **MINISTRY OF JUSTICE OF THE CHUVASH REPUBLIC**

Ms Natalya TIMOFEEVA, Minister

Mr Igor MUKHAYLOV, Deputy Minister

Ms Natalia YAKHATINA, Deputy Minister

Ms Valentina GORELOVA, Head of the Department of Local Self-government Relations

Mr Vyatcheslav PUZYREV, Leading expert of the Staff and Mobilisation Department of the Ministry of Justice and Property Relations of the Chuvash Republic

Mr Evgeniy BONDAREV, Head of the Office of the Public Chamber of the Chuvash Republic

Ms Elizaveta SOKOLOVA, President of the Chamber of Notaries of the Chuvash Republic

Mr Vladimir ARAPOV, Vice-President of the Chuvash Republic Advocacy Chamber

Mr Aleksandr RYBAKOV, The Commissioner for the Protection of Entrepreneurs' Rights in the Chuvash Republic

Mr Aleksandr POGODEYKIN, Head of the Cheboksary branch of the Russian Foreign Ministry's office in Nizhny Novgorod