

37th Session – Strasbourg, France, 29-31 October 2019

Speaking notes for the rapporteur Jos WIENEN (Netherlands, EPP/CCE)

Check against delivery - Seul le prononcé fait foi

Report “Local and regional democracy in the Russian Federation” (37th session of the Congress-31 October 2019)

Strasbourg, France, 30 October 2019

Dear members,

As Stewart Dickson has already touched upon the issue of electoral rights, I will continue to develop this point.

Regarding the conditions of access to elective mandate, we are also seriously concerned by the existence of a so-called “municipal filter”, introduced in 2012. To run in the elections at the level of federal subjects (for instance in Moscow) under this filtering system, candidates are legally required to collect a mandatory number of signatures of municipal councillors in their support.

In practice it means that the candidates running for a governor’s office are filtered by local councillors from local councils dominated by representatives of the ruling party who tend to support “loyal” candidates. In our view, it is difficult to expect a meaningful political competition under such conditions.

The Russian Ministry of Justice has taken a different view on this matter and stressed that - I quote - “the presence of a municipal filter stimulates political competition at local level, forcing political forces to work with local problems and nominate political leaders from their midst who are ready to take responsibilities to solve problems of local communities and cooperate with higher authorities”.

In the case of Moscow, the candidates to the Mayoral office in 2018 election had to win the endorsement of at least one municipal deputy in 110 districts. Given that many Moscow districts did not have opposition deputies, passing the municipal filter for opposition candidates became a “mission: impossible”.

Another issue is collecting of voters’ signatures.

To register as a candidate for a post of a deputy in Moscow City Duma (Moscow legislature) one must gather from 5 to 6 thousand signatures. And, as revealed by the summer protests in Moscow in relation to 8 September local elections, even if this requirement is met, other obstacles may emerge. You probably remember that the protestors rallied against the refusal of local officials to register some independent and opposition would-be candidates, because of allegedly “invalid” signatures.

In our opinion, the filters hinder independent and opposition candidates' access to electoral rights and create an un-level playing field in elections.

In addition to this, we got information that independent and opposition candidates have less access to publicity and media time for electoral campaigning.

Following September municipal elections in the Russian Federation, the Congress President issued a statement in which the importance of democratic framework conditions in order to ensure genuinely free and fair elections, in particular with regard to the registration of independent candidates was specifically underlined.

In the draft recommendation we request Russia to abolish the legal provision requiring an excessive number of signatures and recommend guaranteeing equal access to voting rights to independent and opposition candidates.

Now let me speak about local competences.

Organisation of local self-government belongs to the jointed jurisdiction of the Russian Federation and its constituent entities.

In 2014, the federal legislation gave the right to the regions to withdraw or upscale practically any competences from municipalities, even those which are local by nature. We consider this at odds with the principle of subsidiarity enshrined in the Charter.

Another point of criticisms for us: shared competences between local governments and higher-level authorities are still allowed by the Russian legislation. We consider that this limits autonomy of local self-governments in carrying out the functions assigned to them and may cause a large gap between competences and resources.

In some cases, local authorities, on the contrary, may become overloaded with delegated competences which either are alien to this level of public authorities or are only partially funded in violation of the principle that resources should match competences.

It appears that in the cities with federal status (such as Moscow), the powers of local authorities are very limited.

We cannot conclude undoubtedly that regional authorities systematically restrict the scope of competencies assigned to local authorities in general. Different types of local authorities and corresponding tasks may exist in Russia given the size of the country and the extremely uneven population density.

However, we are convinced that there are many opportunities that could be explored by the Russian authorities to increase the share of local self-government in the regulation and management of public affairs to bring the situation in the Russian Federation in conformity with the requirements of the Charter, notably in Moscow and St. Petersburg.

In general, local self-government in Russia continues to lack funds and to depend highly on transfers from the federal and regional level.

In practice, contrary to the provisions of the Charter, the existing mechanisms and procedures of consultation with local authorities are not sufficiently used by all constituent entities, notably on changes of boundaries, when rural and urban settlements are merged into larger units or when smaller municipalities are being dissolved.

Although important steps have been taken in the fight against corruption, this issue continues to be pending for Russia which ranks 138 out of 180 countries in the Corruption Perceptions Index.

But let me also underline some important positive impressions that we received while visiting the Russian Federation.

I would like to highlight the general respect of cultural and educational rights of some ethno-linguistic groups that we observed in Tatarstan and the Chuvash Republic. We were impressed by cohabitation of different cultural and religious communities there.

We also welcome a great variety of legally available instruments of citizens' participation in local public affairs, such as public hearings and participatory budgeting, local referendums, councils of elders.

We hope that the Russian Federation will sign and ratify the Additional Protocol to the Charter on the right to participate in the affairs of a local authority since in practice it conforms to the Protocol's provisions.

To conclude, even though Russia didn't get as far as the Congress would have liked when it adopted its previous Recommendation in 2010, we hope that the Russian authorities will move forward in the right direction as regards the Charter's implementation.

With that, we are glad to take any questions and hope that you will adopt the draft recommendation.

Thank you.