

# DOKUMENTATION

## Constitution of the Russian Federation<sup>1</sup>

We, the multinational people of the Russian Federation,  
united by the common destiny of our own land,  
revering the memory of ancestors, who have handed down to us their love and respect of our Mother-  
land and sincere belief in good and justice,  
asserting freedom, human rights and worthy life, civil peace and harmony,  
preserving historically established unity of the state,  
proceeding from the generally recognised principles of equality and self-determination of peoples,  
reviving sovereign statehood of Russia and making its democratic foundation unshakeable,  
striving to ensure the well-being and prosperity of Russia,  
proceeding from the responsibility for their Motherland towards present and future generations,  
aware that they are part of the world community,  
adopt the Constitution of the Russian Federation

### SECTION ONE

#### Chapter 1.

#### The Basics of the Constitutional System

##### Article 1

1. The Russian Federation - Russia is a democratic federal law-governed State with a republican form of Government.
2. The terms "the Russian Federation" and "Russia" are equivalent.

##### Article 2

An individual, his rights and freedoms, are the supreme value. Recognition, observance and protection of rights and freedoms of individual and citizen shall be an obligation of the state.

##### Article 3

1. The multinational people of the Russian Federation are a bearer of its sovereignty and the only source of power.
2. The people exercise state power directly, as well as through bodies of state power and organs of local self-government.

<sup>1</sup> Draft Constitution of the Russian Federation as submitted for Referendum on 12 December 1993 - unofficial translation by the Council of Europe - CDL (93)56.

3. The highest expression of the people's direct power shall be a referendum and free election.
4. No person shall misappropriate power in the Russian Federation. Seizure of power or misappropriation of power shall be prosecuted according to federal law.

#### **Article 4**

1. The sovereignty of the Russian Federation shall apply to its whole territory.
2. The Constitution of the Russian Federation and the federal laws shall have supremacy over all the territory of the Russian Federation.
3. The Russian Federation guarantees the unity and the inviolability of its territory.

#### **Article 5**

1. The Russian Federation shall consist of Republics, Territories, Regions, Cities of Federal importance, Autonomous Regions and Autonomous Areas, subjects of the Russian Federation enjoying equal rights.
2. A Republic shall have its own Constitution and legislation. Territories, Regions, Autonomous Regions, Autonomous Areas and Cities of Federal Importance shall have their own Statutes and legislation.
3. Federative relations within the Russian Federation shall be built on the basis of state unity, unity of the state power system, separation of the terms of reference and authorities between the bodies of state power of the Russian Federation and the bodies of state power of the subjects of the Russian Federation, and equality of rights and self-determination of peoples within the Russian Federation.
4. In their relations with federal bodies all the subjects of the Russian Federation have equal rights.

#### **Article 6**

1. Citizenship of the Russian Federation shall be acquired and terminated according to the federal legislation. It shall be uniform and equal irrespective of the grounds of its acquisition.
2. Every citizen of the Russian Federation shall possess, within its territory, full rights and freedoms and shall bear equal responsibilities provided for by the Constitution of the Russian Federation.
3. No citizen of the Russian Federation shall be deprived of his citizenship or the right to change it.

#### **Article 7**

1. The Russian Federation is a social state, the policy of which shall be aimed at the creation of conditions providing a decent life and the free development of personality.
2. In the Russian Federation, labour and health of people shall be protected, a guaranteed minimum level of remuneration for labour shall be established; support of family, motherhood, fatherhood and childhood, disabled and elderly persons shall be guaranteed, system of social services shall be developed, state pensions, allowances and other guarantees of social protection shall be ensured.

#### **Article 8**

1. In the Russian Federation, the integrity of economic space; free movement of goods, services and financial resources; protection of competition, freedom of economic activity not forbidden by law, shall be guaranteed.
2. In the Russian Federation private, state, municipal and other forms of property shall be recognised and equally protected.

#### **Article 9**

1. In the Russian Federation, the land and other natural resources shall be used and protected as a basis of life and activities of the peoples living within the corresponding territory.
2. The land and the other natural resources may be in private, state and municipal property.

#### **Article 10**

The state power in the Russian Federation shall be exercised through separation of the legislative, executive and judicial powers. The bodies of the legislative, executive and judicial powers shall be independent.

#### **Article 11**

1. The state power of the Russian Federation shall be exercised by the President of the Russian Federation, the Federal Sobranie (the Council of the Federation and the State Duma), the Government of the Russian Federation and the courts of the Russian Federation.
2. According to the Constitution of the Russian Federation the state power of the subjects of the Russian Federation shall be exercised through the bodies of power established by them.
3. The delimitation of the terms of reference and authorities between the bodies of state power of the Russian Federation and the bodies of state power of the subjects of the Russian Federation shall be realised on the basis of the present Constitution and Federative and other treaties on the separation of terms of reference and authorities.

#### **Article 12**

The local self-government shall be recognised and guaranteed in the Russian Federation. The local self-government, within its terms of reference, shall be independent. The bodies of the local self-government shall not be included in the system of the bodies of the state power.

#### **Article 13**

1. In the Russian Federation, ideological diversity shall be recognised.
2. No ideology may be established as a state or compulsory one.
3. In the Russian Federation, political diversity and a multiparty system shall be recognised.
4. Social associations shall be equal before the law.
5. Creation and activity of political parties, movements and social associations shall be prohibited, if their aims and actions are directed to the violent change of the foundations of

the constitutional system, the breach of integrity of the Russian Federation; the undermining of the security of the state, the creation of military units not provided for by the Constitution of the Russian Federation and federal laws; the fomenting of social, national and religious strife.

#### **Article 14**

1. The Russian Federation shall be a secular state. No religion shall be established as a state or compulsory one.
2. Religious associations shall be separated from the state and shall be equal before the law.

#### **Article 15**

1. The Constitution of the Russian Federation shall have the highest level force, direct action and shall be applied throughout the territory of the Russian Federation. The laws and other legal acts, adopted in the Russian Federation, shall not contradict the Constitution of the Russian Federation.
2. The bodies of state power, bodies of local self-government, government officials, citizens and their associations shall observe the Constitution of the Russian Federation and its laws.
3. The laws shall be officially promulgated. Non-promulgated laws shall not be applied. Any statutory legal acts affecting rights, freedoms and obligations of individual and citizen shall not be used if they are not officially published for general knowledge.
4. Generally accepted principles and rules of the international law and international treaties of the Russian Federation shall be an integral part of its legal system. If an international treaty of the Russian Federation establishes rules, other than provided for by law, the rules of the international treaty shall be applied.

#### **Article 16**

1. The provisions of the present Chapter of the Constitution shall be firm fundamentals of the constitutional system of the Russian Federation, and cannot be changed other than by the procedure established by the present Constitution.
2. The other provisions of the Constitution may not be contrary to the fundamentals of the constitutional system of the Russian Federation.

### **Chapter 2.**

### **Rights and Freedoms of Individual and Citizen**

#### **Article 17**

1. In the Russian Federation, the rights and freedoms of individual and citizen shall be recognised and guaranteed according to the generally accepted principles and rules of international law and according to the present Constitution.
2. The basic rights and freedoms shall be inalienable and belong to every person from birth.
3. The exercise of rights and freedoms of individual and citizen shall not infringe upon the rights and freedoms of other persons.

### **Article 18**

The rights and freedoms of individual shall always be in force. They shall determine the meaning, content and application of laws, impose responsibility on legislative and executive authorities, bodies of local self-government and shall be guaranteed by justice.

### **Article 19**

1. Every person shall be equal before the law and the court.
2. The equality of the rights and freedoms of individual and citizen shall be guaranteed by the state irrespective of sex, race, nationality, origin, property and official status, place of residence, attitude to religion, convictions, membership of public associations as well as other circumstances. All forms of limitation of rights of citizens according to their social status, race, nationality, language or religion shall be prohibited.
3. Men and women shall have equal rights and freedoms and equal opportunities for their realisation.

### **Article 20**

1. Every person shall have the right to life.
2. Capital punishment pending its abolition may be established by the federal law as an exceptional punishment for especially grave crimes against life and imposed only by a court of justice in the presence of a jury.

### **Article 21**

1. The dignity of a person shall be protected by the State. Nothing shall constitute ground for its derogation.
2. No person shall be subjected to torture, violence, other cruel or degrading human dignity treatment or punishment. No person shall be subjected to medical, scientific or other experiments without his voluntary consent.

### **Article 22**

1. Every person shall have the right to freedom and personal immunity.
2. Arrest and close confinement shall be allowed upon decision of the court only. Before the decision of the court a person may not be detained for more than 48 hours.

### **Article 23**

1. Every person shall have the right to inviolability of private life, personal and family secrets, protection of honour and good name.
2. Every person shall have the right to privacy of correspondence, telephone conversations, post, telegraphic and other communications. Restrictions on this right may be imposed only by a decision of the court.

### **Article 24**

1. Gathering, storage, use and dissemination of information on private life of an individual without his consent shall not be allowed.
2. State bodies and bodies of local self-government, and their officials shall be bound to ensure to everyone the possibility of getting acquainted with documents and materials directly affecting his rights and freedoms, unless otherwise provided for by law.

#### **Article 25**

A home shall be inviolable. No person shall have the right to penetrate the home against the will of those residing in it unless in cases provided for by the federal law or upon the decision of the court.

#### **Article 26**

1. Everyone shall have the right to determine and declare his nationality. Nobody can be forced to determine and declare the nationality.
2. Everyone shall have the right to use his native language, to a free choice of the language of communications, upbringing education and creative work.

#### **Article 27**

1. Every person who legally resides in the territory of the Russian Federation shall have the right to freely move or choose his place of residence or domicile. Exceptions shall be established by federal law.
2. Every person may freely leave the Russian Federation. Citizens of the Russian Federation shall have the right to freely return to the Russian Federation.

#### **Article 28**

Every person shall be guaranteed the right to freedom of conscience, freedom of religion, including the right to confess, either alone or in community with others, any or no religion, to choose, have and disseminate religious or other convictions and to act according to them.

#### **Article 29**

1. Every person shall have the right to freedom of thought and speech.
2. Propaganda and agitation instigating social, racial, national or religious hatred and strife shall not be allowed. The propaganda of social, racial, national, religious or language exclusiveness shall be banned.
3. No person may be compelled to express his views and conviction or to denounce them.
4. Every person shall have the right to freedom of seeking, receiving, transferring, producing and disseminating information by any legal means. An exhaustive list of data representing State secret shall be defined by the federal law.
5. Freedom of mass media shall be guaranteed. Censorship shall be prohibited.

#### **Article 30**

1. Every person shall have the right to freedom of association, including the right to establish trade unions to protect his interests. Free activity of public associations shall be guaranteed.
2. No person may be compelled to join or to belong to an association.

#### **Article 31**

Citizens of the Russian Federation shall have the right to meet peacefully, without arms, and to organise discussions, meetings and demonstrations, as well as processions and pickets.

### **Article 32**

1. Citizens of the Russian Federation shall have the right to take part in the administration of their state, directly or through their representatives.
2. Citizens of the Russian Federation shall have the right to vote and be elected, in accordance with the law, to bodies of state power and local self-government bodies as well as to participate in referendum.
3. Citizens found incapable by the court as well as those contained in places of confinement upon the verdict of the court shall have neither the right to vote, nor to be elected.
4. Citizens of the Russian Federation shall have equal access to public service.
5. Citizens of the Russian Federation shall have the right to administer justice.

### **Article 33**

Citizens of the Russian Federation shall have the right to address personally as well as to send addresses individually or collectively to state bodies and bodies of local self-government.

### **Article 34**

1. Every person shall have the right to freely use his abilities and property for the purpose of business or other economic activities not prohibited by the law.
2. Economic activities aimed at monopolisation or unfair competition shall be prohibited. The state may not give anybody exclusive or preferential rights to perform any economic activity.

### **Article 35**

1. The right to private property shall be protected by the law.
2. Every person shall have the right to possess private property, own, use and dispose of it, both personally and jointly with other persons.
3. No person shall be deprived of his property otherwise than upon the decision of the court. Compulsory alienation of property for state purposes can be done only with preliminary and equal value compensation. The right to succession shall be guaranteed.

### **Article 36**

1. Citizens and their associations shall have the right to own the land.
2. Ownership, use and disposal of the land and other natural resources shall be freely exercised by their owners, without damage to the environment and detriment to the interests of other persons.
3. The conditions and the order of the land-use shall be established by the law.

### **Article 37**

1. Labour shall be free. Every person shall have the right to freely dispose of his ability to work, to choose the sphere of his activities and vocation.
2. Forced labour shall be prohibited.
3. Every person shall have the right to labour in the conditions meeting the requirements of safety and hygiene, to the remuneration of his work without any discrimination and not below the minimum level of labour remuneration established by the law, as well as to protection against unemployment.

4. The right to individual and collective labour dispute, including the right to strike with the use of methods of settlement established by the law, shall be recognised.
5. Every person shall have the right to rest. For every person working under a labour contract; working hours, days-off and holidays, paid annual leave established by the federal law shall be guaranteed.

#### **Article 38**

1. Family, maternity and childhood shall be protected by the state.
2. The care of children and their upbringing shall be an equal right and duty of parents.
3. Able-bodied children who have attained 18 years are obliged to care for their not able-bodied parents.

#### **Article 39**

1. Every person shall be guaranteed social insurance in old age, in case of sickness, disablement, loss of capability to work, loss of a bread winner, upbringing of children and other cases established by law.
2. State Pensions, social allowances social aid must ensure the standard of life not lower than the subsistence wage established by the law.
3. Voluntary social insurance, creation of additional forms of social security and charity shall be promoted.

#### **Article 40**

1. Every person shall have the right to housing. No person may be arbitrarily deprived of his home.
2. State bodies and local self-government bodies shall promote house building, create conditions for exercising the right to housing.
3. Needy and other citizens mentioned by the law who seek housing shall receive it free of charge or at an affordable cost from state, municipal and other housing funds according to the standards established by the law.

#### **Article 41**

1. Every person shall have the right to health protection including medical care. Medical care in state and municipal health institutions shall be provided to citizens free of charge and be covered by relevant budget, insurance contributions and other revenues.
2. In the Russian Federation federal programmes of protection and improvement of health of the population shall be financed, measures shall be taken to develop state, municipal and private systems of health care and activities facilitating improvement of health of every person and development of physical culture and sports, ecological as well as sanitary and epidemiological welfare shall be encouraged.
3. Concealment by officials of the facts and circumstances posing threat to life and health of people, shall entail responsibility under the federal law.

#### **Article 42**

Every person shall have the right to a favourable environment, reliable information about the state of the environment, and compensation for damage to his health or property caused by ecological offences.



#### **Article 43**

1. Every person shall have the right to education.
2. Provision of open-door and free pre-school, general secondary and vocational secondary education in the state and municipal educational institutions and enterprises shall be guaranteed.
3. Every person shall have the right to receive, on a competitive basis, free higher education in a state or municipal educational institution or enterprise.
4. Basic general education shall be compulsory. Parents or their substitutes shall ensure that children receive basic general education.
5. The Russian Federation shall establish federal state educational standards and maintain different forms of education and self-education.

#### **Article 44**

1. Freedom of literature, artistic, scientific, technical and other kinds of creative activities, or teaching as well as intellectual property shall be protected by law.
2. Every person shall have the right to participate in cultural life, to use cultural institutions, and to have access to cultural values.
3. Every person shall be bound to care about the preservation of historic and cultural heritage, to protect monuments of history and culture.

#### **Article 45**

1. State protection of rights and freedoms of individual and citizen in the Russian Federation shall be guaranteed.
2. Every person shall have the right to protect his own rights and freedoms using all means not prohibited by law.

#### **Article 46**

1. Every person shall be guaranteed legal protection of his rights and freedoms.
2. Decisions and actions or lack of action of state bodies, bodies of local self-government, public associations and officials may be appealed against in court.
3. Every person shall have the right, in accordance with international treaties of the Russian Federation, to appeal to intergovernmental bodies on human rights and freedoms protection, if all existing internal national legal remedies have been exhausted.

#### **Article 47**

1. No person shall be deprived of the right to the examination of the case in the court and by the judge to whose jurisdiction the present case is related.
2. The accused of committing the crime shall have the right to the examination of his case in court before the jury in cases provided for by federal law.

#### **Article 48**

1. Every person shall be guaranteed the right to qualified legal assistance. In cases provided for by the legislation, this assistance shall be rendered free of charge.
2. Every person arrested, detained or charged with an offence shall have the right to assistance by a lawyer (counsel) from the moment of his arrest, detention or accusation, respectively.

#### **Article 49**

1. Every person charged with an offence shall be presumed innocent until proven guilty in accordance with procedures provided for by the federal legislation and by a final verdict of a court.
2. No person accused shall be bound to prove his innocence.
3. Unremovable doubts in the guilt of the accused shall be interpreted in his favour.

#### **Article 50**

1. No person shall be found guilty twice for the same offence.
2. No evidence obtained by way of violating the federal legislation shall be admissible in administering justice.
3. Every person charged with an offence shall have the right to challenge his verdict in a court of higher level in accordance with the procedure established by the federal legislation, as well as the right to appeal for pardon or mitigation of his sentence.

#### **Article 51**

1. No person shall be bound to testify against himself, his spouse and close relatives specified by the federal legislation.
2. The federal legislation may provide for other cases of exemption from obligation to give testimony.

#### **Article 52**

Rights of victims of crimes and abuses of power shall be protected by law. The state shall ensure them an access to justice and a compensation for a damage caused.

#### **Article 53**

Every person shall have the right to be compensated by the state for the damage caused as a result of illicit actions (inaction) of the state bodies and their officials.

#### **Article 54**

1. The law establishing or aggravating responsibility of a person shall have no retroactive effect.
2. No person may be responsible for the act which at the moment of its commitment has not been recognised as an offence. If after the commitment of an offence the responsibility for it has been removed or mitigated, a new law shall be applied.

#### **Article 55**

1. The enumeration of fundamental rights and freedoms in the Constitution of the Russian Federation shall not be interpreted as a denial of or derogation from other universally recognised rights and freedoms of individual.
2. Laws that deny or derogate from rights and freedoms of individual and citizen shall not be issued in the Russian Federation.
3. Rights and freedoms of individual and citizen may be restricted by federal law only to the extent needed for the purposes of protecting the foundations of the constitutional system, morals, health, rights and legitimate interests of other persons, and ensuring the defence of the nation and security of the state.

#### **Article 56**

1. Under the conditions of a state of emergency, in order to ensure safety of citizens and protection of the constitutional system in conformity with federal constitutional law certain restrictions of rights and freedoms may be established with the indication of limits and terms of their effect.
2. State of emergency throughout the territory of the Russian Federation and in its separate localities may be imposed under certain circumstances, in accordance with the procedure established by federal constitutional law.
3. Rights and freedoms provided for in Articles 20, 21, 23 (Part one), 24, 27, 34 (Part one), 40 (Part one), 46, 47, 48, 49, 50, 51, 52, 53 and 54 of the Constitution of the Russian Federation shall not be subject to restriction.

#### **Article 57**

Every person shall be bound to pay legally imposed taxes and collections. Laws imposing new taxes or aggravating the situation of tax-payers shall have no retroactive effect.

#### **Article 58**

Every person shall be bound to protect nature and the environment, and to manage natural wealth with care.

#### **Article 59**

1. The defence of the Motherland shall be the duty and responsibility of a citizen of the Russian Federation.
2. A citizen shall do his military service under federal law.
3. A citizen whose convictions or religious beliefs are inconsistent with the performance of military service, as well as in other cases provided for by federal law, shall have the right to an alternative civil service.

#### **Article 60**

A citizen of the Russian Federation who has attained the age of 18 shall exercise all his rights and discharge all his duties.

#### **Article 61**

1. No citizen of the Russian Federation may be deported outside the country or extradited to another state.
2. The Russian Federation shall guarantee to its citizens the defence and protection outside the country.

#### **Article 62**

1. A citizen of the Russian Federation may have citizenship of another country (double citizenship) in conformity with a federal law or an international treaty of the Russian Federation.
2. The fact that a citizen of the Russian Federation enjoys citizenship of another country shall not diminish his rights and freedoms and shall not relieve him of his duties arising from the Russian citizenship unless otherwise provided for by the federal law or international treaty of the Russian Federation.

3. Citizens of other countries and stateless persons in the Russian Federation shall enjoy the rights and perform the duties of its citizens unless otherwise provided for by the federal law or international treaty of the Russian Federation concluded in accordance with the principles of reciprocity.

#### **Article 63**

1. The Russian Federation shall grant political asylum to foreign citizens and stateless persons in accordance with the generally accepted rules of international law.

2. In the Russian Federation no extradition to other countries of persons persecuted for political convictions as well as for actions not recognised in the Russian Federation as crimes shall be allowed. Extradition of persons accused of a crime as well as surrender of convicted persons to serve sentence in other countries shall be carried out on the basis of the federal law or an international treaty of the Russian Federation.

#### **Article 64**

The provisions of the present Chapter shall be firm fundamentals of the juridical status of an individual of the Russian Federation and cannot be changed other than by the procedure established by the present Constitution.

### **Chapter 3. Russian Federation**

#### **Article 65**

1. The Russian Federation shall be composed of the following subjects of the Russian Federation:

The Republic of Adygeya (Adygeya), the Republic of Altai, the Republic of Bashkortostan, the Republic of Buryatia, the Chechen Republic, the Chuvash Republic - the Chavash Respubliki; the Daghestan Soviet Socialist Republic - the Republic of Daghestan, the Ingush Republic, the Kabardin-Balkar Republic, the Republic of Kalmykia-Halmg Tangch, the Karachai-Cherkess Republic, the Republic of Karelia, the Republic of Komi, the Republic of Mariy El, the Mordovian Soviet Socialist Republic, the North Ossetian Soviet Socialist Republic, the Republic of Sakha (Yakutia), the Republic of Tatarstan (Tatarstan), the Republic of Tuva, the Udmurt Republic, the Republic of Khakassia;

the Altai Territory, the Krasnodar Territory, the Krasnoyarsk Territory, the Primorsk Territory, the Stavropol Territory, the Khabarovsk Territory;

the Amur region, the Arkhangelsk region, the Astrakhan region, the Belgorod region, the Bryansk region, the Chelyabinsk region, the Chita region, the Ivanovo region, the Irkutsk region, the Kaliningrad region, the Kaluga region, the Kamchatka region, the Kemerovo region, the Kirov region, the Kostroma region, the Kurgan region, the Kursk region, the Leningrad region, the Lipetsk region, the Magadan region, the Moscow region, the Murmansk region, the Nizhnyi Novgorod region, the Novgorod region, the Novosibirsk region, the Omsk region, the Orenburg region, the Orel region, the Penza region, the Perm region, the Pskov region, the Rostov region, the Ryazan region, the Samara region, the Saratov region, the Sakhalin region, the Sverdlovsk region, the Smolensk region, the Tambov region, the Tver region, the Tomsk region, the Tula region, the Tumen region, the

Ulyanovsk region, the Vladimir region, the Volgograd region, the Vologda region, the Voronezh region, the Yaroslavl region;  
 Moscow, the city of federal importance, Saint-Petersburg, the city of federal importance;  
 the Jewish Autonomous region;  
 the Aginsk Buryat Autonomous area, the Chukot Autonomous area, the Evenk Autonomous area, the Khanty-Mansi Autonomous area, the Komi-Permyak Autonomous area, the Koryak Autonomous area, the Nenets Autonomous area, the Taimyr (Dolgano-Nenets) Autonomous area, the Oust-Orda Buryat Autonomous area, the Yamal-Nenets Autonomous area.

2. The admission into the Russian Federation and formation therein of a new subject of the Russian Federation, shall be carried out through federal constitutional law.

#### **Article 66**

1. The status of a Republic shall be determined by the Constitution of the Russian Federation and by the Constitution of the Republic.
2. The status of a Territory, Region, City of federal importance, Autonomous region and Autonomous area shall be defined by the Constitution of the Russian Federation and by the Statute of the Territory, Region, City of federal importance, Autonomous region, Autonomous area adopted by the legislative (representative) body of the relevant member of the Russian Federation.
3. On the presentation of legislative and executive bodies of an Autonomous region, Autonomous area a federal law on the Autonomous region, Autonomous area may be adopted.
4. The relations of the Autonomous areas which are part of a Territory of a region can be regulated by a federal law and a treaty between bodies of state power of an Autonomous area and, correspondingly, bodies of state power of a Territory or Region.
5. The status of a subject of the Russian Federation can be changed with a mutual consent of the Russian Federation and the subject of the Russian Federation according to a federal constitutional law.

#### **Article 67**

1. The territory of the Russian Federation shall include the territories of its subjects, internal and territorial sea waters and air space above them.
2. The Russian Federation shall possess sovereign rights and exercise jurisdiction over the continental shelf and in the exclusive economic zone of the Russian Federation as defined by the federal law and the rules of international law.
3. The boundaries between the subjects of the Russian Federation may be altered upon their mutual agreement.

#### **Article 68**

1. The state language of the Russian Federation throughout its territory shall be the Russian language.
2. Republics shall have the right to introduce their own state languages. In state bodies, bodies of self-government and institutions of Republics they shall be used equally with the state language of the Russian Federation.

3. The Russian Federation shall guarantee to all its peoples the right to preserve a native language, create conditions for its learning and development.

#### **Article 69**

The Russian Federation guarantees rights of indigenous minorities in conformity with the generally recognised principles and rules of international law and the international treaties of the Russian Federation.

#### **Article 70**

1. The state flag, emblem and anthem of the Russian Federation, their description and procedures of their official use shall be established by federal constitutional law.
2. The capital of the Russian Federation shall be the city of Moscow. The status of the capital shall be established by federal law.

#### **Article 71**

The jurisdiction of the Russian Federation shall cover:

- a) the approval of and amendment to the Constitution of the Russian Federation and federal laws and the control over their observance;
- b) the federal structure and territory of the Russian Federation;
- c) the regulation and protection of the rights and freedoms of individual and citizen; citizenship of the Russian Federation; regulation and protection of the rights of national minorities;
- d) the establishment of a system of federal bodies of legislative, executive and judicial authority, of the procedure of their organisation and activities; setting up of federal state bodies;
- e) the federal state property and management thereof;
- f) the establishment of foundations of federal policy and federal program in spheres of state, economic, ecological, social, cultural and national development of the Russian Federation;
- g) the establishment of legal foundation of a single market; financial, monetary, credit, customs regulation, emission of money, foundations of pricing policy, federal economic services, including federal banks;
- h) the federal budget, federal taxes and collections, federal funds of regional development;
- i) federal power supply systems, nuclear power engineering, fissionable materials, federal transport, communications, information and telecommunication systems; outer space activities;
- j) foreign policy and international relations of the Russian Federation, international treaties of the Russian Federation; issues of war and peace;
- k) foreign economic relations of the Russian Federation;
- l) defence and security; defence production; determination of procedures of selling and purchasing armaments, ammunition, military equipment and other military property; production of fissionable materials, toxic substances, drugs and their use;
- m) the status and protection of state borders, territorial waters, air space, economic zone and continental shelf of the Russian Federation;

- n) the judicial system; Procurator's office; criminal; criminal procedural and criminal and executive legislation; amnesty and pardon; civil; civil procedural and arbitral procedural legislation; legal regulation of intellectual property;
- o) federal collision law;
- p) meteorological service, norms, standards, metrical system and time measurement; geodesy and mapping, official statistics and accounting;
- q) state decorations and honorary titles of the Russian Federation;
- r) federal state service.

## **Article 72**

1. Common jurisdiction of the Russian Federation and the subjects of Russian Federation shall cover:
  - a) ensuring the conformity of constitutions and laws of republics, statutes, laws and other normative legal acts of Territories, Regions, Cities of federal importance, normative legal acts of Autonomous regions, Autonomous areas to the Constitution of the Russian Federation and federal laws;
  - b) protection of the rights and freedoms of individual and citizen, the rights of national minorities, ensuring legality, law and order public security; border rivers regime;
  - c) questions of ownership use and disposal of land, minerals, water and other natural resources; determination, on a mutual agreement; of the status of federal natural resources taking into consideration the necessity of preserving and supporting historically formed traditional methods of management and utilisation of natural resources in relevant territories;
  - d) division of state property;
  - e) use of natural resources; protection of environment and maintenance of ecological safety; especially protected nature reserves; protection of monuments of history and culture;
  - f) general matters of upbringing, education science, cultural, physical culture and sports;
  - g) coordination of questions of health protection; protection of family, maternity, paternity and childhood; social protection, including social security;
  - h) carrying out measures against disasters, natural disasters, epidemics, elimination of consequences thereof;
  - i) establishment of general principles of taxation and of collections of the Russian Federation;
  - j) administrative, administrative-procedural, labour, family, housing legislation; legislation on land, water, forests, legislation on mineral resources, environmental protection;
  - k) personnel of judicial and law enforcement bodies; the Bar and notary system;
  - l) protection of indigenous habitat and traditional mode of life of ethnic minority communities;
  - m) establishment of the general principles of organisation of local self-government;
  - n) coordination of international and external economic relations of members of the Russian Federation, implementation of the international treaties of the Russian Federation.
2. The provisions of the present Article are equally extended to the Republics, Territories, Regions, Cities of federal importance, Autonomous regions, Autonomous areas.



### **Article 73**

Outside the jurisdiction of the Russian Federation and powers of the Russian Federation on matters of joint jurisdiction of the Russian Federation and the subjects of the Russian Federation, all powers of state authority shall be exercised by the members of the Russian Federation independently.

### **Article 74**

1. Custom borders, duties, charges and any other barriers for free movement of goods, services and financial means in the Russian Federation shall not be allowed.
2. Restrictions on movement of goods and services may be introduced in conformity with a federal law provided it is necessary for ensuring safety, protection of life and health of people, natural resources and cultural values.

### **Article 75**

1. The monetary unit in the Russian Federation shall be the rouble. Emission of money shall be carried out exclusively by the Central Bank of the Russian Federation. Introduction and emission of other currencies in Russia shall not be allowed.
2. The main function of the Central Bank of the Russian Federation, which it shall exercise independently from other bodies of state power, shall be the defence and the ensuring of the stability of the rouble.
3. System of taxes which are levied into the federal budget and the general principles of taxation and charges in the Russian Federation shall be established by federal law.
4. Public loans shall be issued and placed exclusively on the voluntary basis, in accordance with procedures established by federal law.

### **Article 76**

1. With respect to matters of jurisdiction of the Russian Federation adopted shall be federal constitutional laws and federal laws having direct effect throughout the territory of the Russian Federation.
2. With respect to matters of common jurisdiction of the Russian Federation and subjects of the Russian Federation issued shall be federal laws and laws or other normative legal acts of subjects of the Russian Federation issued shall be federal laws and laws or other normative legal acts of subjects of the Russian Federation, adopted in conformity thereof.
3. The federal laws may not contradict the federal constitutional laws.
4. Outside the jurisdiction of the Russian Federation, common jurisdiction of the Russian Federation and subjects of the Russian Federation: Republics, Territories, Regions, Cities of federal importance, Autonomous regions and Autonomous areas shall carry out their own legal regulation including adoption of laws and other statutory legal acts.
5. The laws and other statutory legal acts of subjects of the Russian Federation may not contradict the federal laws adopted according to Chapters I and II of the present Constitution. In case of conflict between the federal law and other act issued in the Russian Federation the federal law shall prevail.
6. In case of a conflict between the federal law and a normative legal act of a subject of the Russian Federation adopted according to paragraph 4 of the present article, the normative legal act of the subject of the Russian Federation shall prevail.



#### **Article 77**

1. The system of bodies of state authority of Republics, Territories, Regions, Cities of federal importance, Autonomous regions and Autonomous areas shall be established by subjects of the Russian Federation independently in conformity with the foundations of the constitutional system of the Russian Federation and with the general principles relating to the organisation of the system of representative and executive bodies of power established by federal law.
2. Within the jurisdiction of the Russian Federation and powers of the Russian Federation on the matters of common jurisdiction of the Russian executive authority and bodies of executive authority of subjects of the Russian Federation shall form a single system of executive authority in the Russian Federation.

#### **Article 78**

1. The federal bodies of executive authority, in order to exercise their powers, may create their territorial structural units and appoint relevant officials.
2. The federal bodies of executive authority upon agreement with the bodies of executive authority of subjects of the Russian Federation may delegate to them a part of their powers; providing this does not contradict the Constitution of the Russian Federation and federal laws.
3. The bodies of executive authority of subjects of the Russian Federation upon agreement with the federal bodies of executive authority may delegate to them a part of their powers.
4. The President of the Russian Federation and the Government of the Russian Federation shall ensure conformity with the Constitution of the Russian Federation exercising powers of the federal state authority throughout the territory of the Russian Federation.

#### **Article 79**

The Russian Federation in conformity with the relevant treaties may participate in inter-governmental associations and delegate to them part of their powers, if treaties may not limit the rights and freedoms of individual and citizen or contradict the fundamentals of the constitutional system of the Russian Federation.

### **Chapter 4.**

#### **President of the Russian Federation**

#### **Article 80**

The President of the Russian Federation shall be the Head of State. The President shall be a guarantor of the Constitution of the Russian Federation, and the rights and freedoms of the individual and the citizen. According to the Constitution he shall take measures to protect the sovereignty of the Russian Federation, its independence and state integrity, and assure the coordinated functioning and interaction of all state bodies. The President of the Russian Federation shall define the guidelines of internal and foreign policy of the State according to the Constitution of the Russian Federation and federal laws. The President as a head of state shall represent the Russian Federation inside the country as well as abroad.

### **Article 81**

1. The President of the Russian Federation shall be elected for a term of four years by citizens of the Russian Federation on the basis of universal, equal and direct suffrage by secret ballot.
2. A citizen of the Russian Federation who has reached the age of 35 and has permanently resided in the Russian Federation for not less than 10 years may be elected a President.
3. The same person may not hold President's office for more than two consecutive terms.
4. The order of elections of the President of the Russian Federation shall be established by a federal law.

### **Article 82**

1. Entering into office the President of the Russian Federation takes the following oath to his people: "I swear that while discharging the powers of President of the Russian Federation I shall respect and protect the rights and freedoms of the individual and the citizen, defend the Constitution of the Russian Federation, defend the sovereignty and independence, security and integrity of the state, and loyally serve the people".
2. The oath shall be taken in solemn circumstances in presence of the members of the Council of the Federation, the deputies of the State Duma and the judges of the Constitutional Court of the Russian Federation.

### **Article 83**

The President of the Russian Federation

- a) shall appoint the Chairman of the Government of the Russian Federation with the approval of the State Duma;
- b) shall have the right to chair the meetings of the Government of the Russian Federation;
- c) shall take the decision concerning the resignation of the Government of the Russian Federation;
- d) shall submit to the State Duma the nomination for the President of the Central Bank of the Russian Federation; shall raise before the State Duma the question concerning the release from duty of the President of the Central Bank of the Russian Federation;
- e) shall appoint upon the proposal of the Chairman of the Government of the Russian Federation, the Vice-Chairman of the Government, federal ministers and shall release them from duty;
- f) shall submit to the Council of the Federation nominations for the posts of judges of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation, of the High Tribunal of Arbitration of the Russian Federation as well as a candidature of the General Procurator of the Russian Federation; shall appoint judges of other federal courts; shall submit to the Council of the Federation the proposal concerning the release from duty of the General Procurator of the Russian Federation; shall appoint judges of other federal courts;
- g) shall form and head the Security Council of the Russian Federation, the structure and the functions of which shall be established by federal law;
- h) shall approve the military doctrine of the Russian Federation;
- i) shall form the Administration of the President of the Russian Federation, shall appoint and release from duty its head;

- j) shall appoint and release from duty plenipotentiary representatives of the President of the Russian Federation;
- k) shall appoint and release from duty the High command of the Armed Forces of the Russian Federation;
- l) shall appoint and recall after consultation with the relevant bodies of the chambers of the Federal Sobranie, representatives of the Russian Federation to the foreign states and international organizations.

#### **Article 84**

The President of the Russian Federation

- a) shall call the elections of chambers of the Federal Sobranie according to the Constitution of the Russian Federation and to the federal law;
- b) shall dissolve the State Duma in cases and according to the procedure provided for by the Constitution of the Russian Federation;
- c) shall call a referendum according to the procedure provided for by the federal constitutional law;
- d) shall submit bills to the State Duma;
- e) shall address to the Federal Sobranie annual messages concerning the situation of the country and the guidelines for the internal and foreign policy of the State;
- f) shall sign and promulgate federal laws.

#### **Article 85**

1. The President of the Russian Federation may use reconciliation procedure to settle disputes between bodies of state power of the Russian Federation and the bodies of state power of subjects of the Russian Federation as well as between the bodies of state power of the subjects of the Russian Federation. In case of failure to reach an agreement he has the right to transmit the dispute to consideration of the relevant court.
2. The President of the Russian Federation has the right to suspend acts of the executive authorities of subjects of the Russian Federation in case of conflict of those acts with the constitution of the Russian Federation and federal laws, international engagements of the Russian Federation or violation of the rights and freedoms of the individual and citizen until the decision on this question is taken by a relevant Court.

#### **Article 86**

The President of the Russian Federation

- a) shall execute the guidance of the foreign policy of the Russian Federation;
- b) shall conduct talks and sign international treaties of the Russian Federation;
- c) shall sign the instruments of ratification;
- d) shall receive the credentials and letters of recall of diplomatic representatives accredited to him.

#### **Article 87**

1. The President of the Russian Federation shall be the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation.
2. In case of aggression against the Russian Federation or of direct threat of aggression the President of the Russian Federation shall proclaim martial law throughout the country or in

particular localities immediately reporting about that to the Council of the Federation and the State Duma.

3. The martial law regime is regulated by the federal constitutional law.

#### **Article 88**

The President of the Russian Federation in circumstances and according to the procedure provided for by the Constitution of the Russian Federation and the federal constitutional law shall proclaim martial law immediately report about that to the Council of the Federation and the State Duma.

#### **Article 89**

The President of the Russian Federation

- a) shall make decisions on matters of citizenship of the Russian Federation and grant political asylum;
- b) shall award state decoration of the Russian Federation, confer honorary titles of the Russian Federation, the highest military ranks and the highest special titles;
- c) shall exercise the right of pardon.

#### **Article 90**

1. The President of the Russian Federation shall issue decrees and orders.
2. The decrees and orders of the President of the Russian Federation are effective throughout the territory of the Russian Federation.
3. The decrees and orders of the President of the Russian Federation must [not, the eds.] contradict the Constitution of the Russian Federation and the federal laws.

#### **Article 91**

The President of the Russian Federation enjoys immunity.

#### **Article 92**

1. The term of office of the President of the Russian Federation begins the moment he is sworn in and ends when his term of office expires, following the taking of the oath by a President elected of the Russian Federation.
2. The powers of the President of the Russian Federation end prematurely in case of his resignation, persistent inability to discharge the powers vested him as a result of a poor health condition or his removal from office. Elections of a new President shall be held not later than two months as of the moment of the premature ending of powers.
3. In all instances when the President of the Russian Federation is unable for health reasons to discharge his duties, they are temporarily executed by the Chairman of the Government of the Russian Federation. The acting the President of the Russian Federation shall not have the right to dissolve the State Duma, to hold a referendum, nor to present projects of laws concerning amendments to and revision of the provisions of the Constitution of the Russian Federation.

#### **Article 93**

1. The President of the Russian Federation may be removed from office by the Council of the Federation only upon accusation of treason or other high crimes put forward by the State Duma and confirmed by a conclusion of the Supreme Court of the Russian Federation

on the presence of indications of a crime in the President's action, and as regards the observance of the established procedure for bringing charges against the President of the Russian Federation.

2. The decision of the State Duma on bringing charges and the decision of the Council of the Federation on the removal of the President from his office shall be adopted by two thirds of the total of the votes in each chamber on the initiative of not less than one third of the deputies of the State Duma and provided there is a conclusion of a special commission formed by the State Duma.

3. The decision of the Council of the Federation on the removal of the President from his office shall be adopted not later than three months after the charges against the President were brought by the State Duma. The charges against the President shall lapse if the decision of the Council of the Federation is not adopted within this period.

## **Chapter 5.**

### **The Federal Sobranie**

#### **Article 94**

The Federal Sobranie, the parliament of the Russian Federation, is a representative and legislative body of the Russian Federation.

#### **Article 95**

1. The Federal Sobranie consists of two Chambers - The Council of the Federation and the State Duma.
2. The Council of the Federation consists of two representatives from each subject of the Russian Federation; one each from the representative and executive bodies of power.
3. The State Duma shall comprise 450 deputies.

#### **Article 96**

1. The State Duma is elected for a term of four years.
2. The procedure for electing deputies to the Council of the Federation and the State Duma is established by a federal law.

#### **Article 97**

1. Any citizen of the Russian Federation, who has reached the age of 21 and has the right to take part in the elections may be elected a deputy of the Council of the Federation or a deputy of the State Duma.
2. No single person shall simultaneously be a deputy to the Council of the Federation and the State Duma. A deputy of the State Duma cannot be a deputy of any other representative bodies of state power and bodies of local self-government.
3. Deputies of the State Duma function on a professional permanent basis. Deputies of the State Duma cannot hold a government post, or be engaged in paid activity other than lecturing, research or any other creative activities.

#### **Article 98**

1. Deputies of the Council of the Federation and of the State Duma enjoy immunity for the whole term of office. Deputies must not be detained, arrested or searched, unless they are caught in the act. They must not be subjected to personal examination unless it is established by federal law, to provide the safety of other persons.
2. A deputy may be deprived of his immunity upon a notification of the General Procurator of the Russian Federation by the effect to the respective chamber of the Federal Sobranie.

#### **Article 99**

1. The Federal Sobranie is a permanently working body.
2. The State Duma meets in its first sessions on the thirtieth day following their elections. The President of the Russian Federation has the right to convene a session of a chamber of the Federal Sobranie before that date.
3. The first session is opened up by the eldest deputy.
4. As of the moment the State Duma of a new convocation starts its work, the powers of the State Duma of the previous convocation expire.

#### **Article 100**

1. The Council of the Federation and the State Duma sit in session separately.
2. The Council of the Federation and the State Duma hold open sessions. In cases provided for in the regulations a chamber may meet in camera sessions.
3. The chambers may hold joint sittings to hear messages from the President Federation, messages from the Constitutional Court of the Russian Federation, speeches by leaders of foreign nations.

#### **Article 101**

1. The Council of the Federation elects from its own ranks the Chairman of the Council of the Federation and his deputies. The State Duma elects from its own ranks the Chairman of the State Duma and his Deputies.
2. The Chairman of the Council of the Federation and his deputies and the Chairman of the State Duma and his deputies preside over and administer the interchamber proceedings.
3. The Council of the Federation and the State Duma set up committees and commissions, ensure parliamentary control within their competence and hold parliamentary hearings.
4. Both Chambers approve their own rules and regulations, and decide upon the organisation and carrying out their activities.
5. In order to monitor the federal budget performance the Council of the Federation and the State Duma set up an Accountants' Chamber, composition and activities thereof are defined by the federal law.

#### **Article 102**

1. The jurisdiction of the Council of the Federation shall cover:
  - a) approval of alternation of borders between the subjects of the Russian Federation;
  - b) approval of the decree by the president of the Russian Federation regarding the introduction of martial law;

- c) approval of the decree of the President of the Russian Federation imposing a state of emergency;
  - d) decisions on using Armed Forces of the Russian Federation outside the territory of the Russian Federation;
  - e) setting the election of the President of the Russian Federation;
  - f) removal of the President of the Russian Federation from office;
  - g) appointment of judges of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation and the High Arbitration Tribunal of the Russian Federation;
  - h) appointment of the General Procurator of the Russian Federation and his dismissal from office;
  - i) appointment of the Vice-Chairman and half the auditors of the Accountants' Chamber and their dismissal from office.
2. The Council of the Federation shall the resolutions on the matters with its terms of reference as provided for in the Constitution of the Russian Federation.
3. The resolutions of the Council of the Federation shall be adopted by the majority vote of the deputies of the Council of the Federation, unless stipulated otherwise in the Constitution of the Russian Federation.

#### **Article 103**

1. The jurisdiction of the State Duma shall cover:
- a) giving its consent to the President of the Russian Federation for the appointment of the Chairman of the Government of the Russian Federation;
  - b) decisions on a vote of confidence in the Government of the Russian Federation;
  - c) appointment of the Chairman of the Central Bank of the Russian Federation or his dismissal from office;
  - d) appointment of the Chairman and half the auditors of the Accountants' Chamber or their dismissal from office;
  - e) appointment of the Plenipotentiary Representative on human rights issues acting according to federal constitutional law or his dismissal from office;
  - f) declaration of amnesty;
  - g) bringing charges against the President of the Russian Federation or his removal from office.
2. The State Duma shall take resolutions on the issues within its competence in compliance with the Constitution of the Russian Federation.
3. The resolution of the State Duma shall be adopted by a majority vote of the deputies of the State Duma; unless otherwise provided for by the Constitution of the Russian Federation.

#### **Article 104**

1. The right to initiate new legislation shall be vested in the President of the Russian Federation, the Council of the Federation, the deputies of the Council of the Federation, the State Duma, the government of the Russian Federation and legislative (representative) bodies of the subjects of the Russian Federation. The right to initiate legislation shall also be vested within their terms of reference in the Constitutional Court of the Russian Federation.



tion, the Supreme Court of the Russian Federation and the Higher Court of Arbitration of the Russian Federation.

2. Bills shall be submitted to the State Duma.

3. Bills which are intended to impose or revoke taxes, to provide exemption from their payment, to issue state loans, to change the financial obligations, of the state, other bills envisaging expenses covered by the Federal Budget may be introduced provided a relevant decision is taken by the Government of the Russian Federation.

#### **Article 105**

1. Federal laws shall be adopted by the State Duma.

2. Federal laws shall be adopted by a majority of votes of the total number of elected deputies of the State Duma unless otherwise provided for by the Constitution of the Russian Federation.

3. Laws adopted by the State Duma shall be submitted within five days for consideration by the Council of the Federation.

4. A federal law shall be deemed adopted by the Council of the Federation when passed by a majority of the total number of deputies and not examined by the Council of the Federation within fourteen days. In case the Council of the Federation rejects a federal law the two chambers may form a conciliation commission to overcome differences, after which the federal law is subject to repeat examination of the Council of the Federation.

5. In the event of disagreement of the State Duma with the decision of the Council of the Federation, a law shall be deemed adopted if during a second vote it is passed by no less than two thirds of the total number of deputies of the State Duma.

#### **Article 106**

It shall be the duty of the Council of the Federation to consider the federal laws passed by the State Duma which deal with:

- a) federal budget;
- b) federal taxes and collections;
- c) regulation of finances, foreign currency, credits and customs as well as with monetary issues;
- d) ratification and denunciation of international treaties of the Russian Federation;
- e) status and defence of the state borders;
- f) war and peace.

#### **Article 107**

1. After its adoption, federal law shall be submitted within five days to the President of the Russian Federation for signature and promulgation.

2. The President of the Russian Federation shall sign and promulgate it within fourteen days.

3. If the President declines the federal law within fourteen days, beginning from the date of its submission, the State Duma and the Council of the Federation shall once again consider the given law in a manner envisaged by the Constitution of the Russian Federation. If on a second consideration a law is passed in a previous wording by a majority of no less



than two thirds of the total number of deputies of each chamber, it shall be signed by the President of the Russian Federation within seven days and promulgated.

#### **Article 108**

1. Federal constitutional laws shall be adopted on matters stipulated by the Constitution of the Russian Federation.
2. A federal constitutional law shall be deemed adopted when passed by a majority of no less than three quarters of the total number of deputies of the Council of the Federation and no less than two thirds of the total number of deputies of the State Duma. After its adoption, the federal constitutional law shall be signed by the President of the Russian Federation and promulgated within fourteen days.

#### **Article 109**

1. The State Duma may be dissolved by the President of the Russian Federation in instances stipulated in Article 111 and Article 117 of the Constitution of the Russian Federation.
2. In the event of the dissolution of the State Duma the President of the Russian Federation shall set the date for election so that the newly elected State Duma convenes no later than four months as of the moment of dissolution of the former.
3. The State Duma may not be dissolved on the grounds envisaged by Article 117 of the Constitution of the Russian Federation within a year after its election.
4. The State Duma may not be dissolved from the date of bringing accusation against the President of the Russian Federation until the Council of the Federation takes appropriate decision.
5. The State Duma may not be dissolved during a state of emergency and martial law which [is, the eds.] enforced throughout the Russian Federation as well as within six months before the expiration of the terms of office of the President.

### **Chapter 6.**

#### **The Government of the Russian Federation**

#### **Article 110**

1. The executive power of the Russian Federation shall be vested in the Government of the Russian Federation.
2. The Government shall consist of the Chairman, Vice-Chairman and Federal Ministers.

#### **Article 111**

1. The Chairman of the Government of the Russian Federation shall be appointed by the President of the Russian Federation on the approval of the State Duma.
2. The nominations of the Chairman of the Government of the Russian Federation shall be made no later than two weeks after the assumption of office by the newly elected President of the Russian Federation or after the resignation of the Government, after the first sitting of State Duma of a new convocation.
3. The State Duma examines the candidacy for the chairmanship of the Government of the Russian Federation submitted by the President of the Russian Federation within a week of the day the candidacy proposal is submitted.

4. In case the State Duma refuses to give its approval even at this time, the President may appoint a Chairman of the Government dissolve the State Duma and set new elections.

#### **Article 112**

1. The Chairman of the Government of the Russian Federation no later than a week after his appointment shall submit to the President of the Russian Federation proposals on the structure of the federal bodies of executive authority.

2. The Chairman of the Government of the Russian Federation shall propose to the President of the Russian Federation candidates for the post of Vice-Chairman of the Government as well as of Federal Ministers.

#### **Article 113**

The Chairman of the Government of the Russian Federation, in accordance with the Constitution of the Russian Federation, federal laws and decrees of the President of the Russian Federation shall define the guidelines for the Government's activities and shall organise its work.

#### **Article 114**

1. The Government of the Russian Federation shall:

- a) work out and submit to the State Duma the federal budget and ensure its performance; submit to the State Duma a report on the performance of the federal budget;
- b) ensure in the Russian Federation a uniform financial, credit and monetary system;
- c) ensure in the Russian Federation a uniform policy in the field of culture, science, education, health care, social security and ecology;
- d) carry out the management of federal property;
- e) take measures to ensure national defence, state security, realisation of foreign policy of the Russian Federation;
- f) take measures to ensure legality, rights and freedoms of citizens, protection of property, maintenance of public order, struggle against crime;
- g) implement other functions as entrusted to it by the Constitution of the Russian Federation, federal laws and decrees of the President of the Russian Federation.

2. The order of functioning of the Government of the Russian Federation shall be defined by a federal constitutional law.

#### **Article 115**

1. The Government of the Russian Federation, on the basis and in pursuance of the Constitution of the Russian Federation, the federal laws and the decrees of the President of the Russian Federation shall issue decisions and orders and verify their execution.

2. The decisions and orders of the Government of the Russian Federation shall be binding throughout the Russian Federation.

3. The decisions and orders of the Government of the Russian Federation in case of their incompatibility with the Constitution of the Russian Federation, federal laws and decrees of the President of the Russian Federation may be revoked by the President of the Russian Federation.

#### **Article 116**

The Government of the Russian Federation surrenders its powers to a newly elected President of the Russian Federation.

#### **Article 117**

1. The Government of the Russian Federation may submit its resignation which the President of the Russian Federation may either **accept** or refuse.
2. The President of the Russian Federation **may take** the decision on the resignation of the Government of the Russian Federation or any member of the Government.
3. The State Duma may give the Government of the Russian Federation a vote of no confidence. A decision of no confidence shall be **taken** by a majority of votes of the total number of deputies of the State Duma. The State Duma having given the Government a vote of no confidence, the President of the Russian Federation shall have the right either to declare the resignation of the Government or **not accept** the decision of the State Duma. In case the State Duma within three months **has once again** given the Government of the Russian Federation a vote of no confidence, the President of the Russian Federation shall either declare the resignation of the Government or dissolve the State Duma.
4. The Chairman of the State Duma may **request** before the State Duma a vote of confidence to the Government of the Russian Federation. If the State Duma refuses the vote of confidence, the President may **take the decision** on the resignation of the Government or on the dissolution of the State Duma and the **setting** of new elections within seven days.
5. In case of its resignation, the Government continues to act on the instructions of the President until the appointment of a new Government.

### **Chapter 7.**

#### **Justice**

#### **Article 118**

1. In the Russian Federation justice shall be administered by the courts only.
2. Justice shall be administered by constitutional, civil, administrative [and, the eds.] criminal proceedings.
3. Judicial system of the Russian Federation shall be provided for by the Constitution of the Russian Federation and by the federal constitutional law. Creation of emergency courts shall be inadmissible.

#### **Article 119**

The judges shall be citizens of the Russian Federation who have attained the age of 25, have higher judicial education and no less than five years of service in judicial system. The federal law may impose additional requirements to the judges of the courts of the Russian Federation.

#### **Article 120**

1. Judges shall be independent and be responsible only to the Constitution and the Law.
2. The court having established while hearing that the acts of State authority or other body are incompatible with the law, shall deliver a judgment in keeping with the law.

#### **Article 121**

1. The judges shall be irremovable.
2. Functions of a judge may be stopped or suspended provided there are grounds for it and in a following the procedure for provided by federal law.

#### **Article 122**

1. Judges shall be inviolable.
2. Judges may not face criminal prosecution except in cases provided for by federal law.

#### **Article 123**

1. Proceedings in all courts shall be open to the public. Hearings *in camera* shall be only allowed in cases provided for by law.
2. No hearing *in absentia* of criminal cases in courts shall be admissible except the cases provided for by law.
3. Legal proceedings shall be conducted on a competitive and equal basis.
4. In cases provided for by federal law, hearings are conducted with the participation of jurors.

#### **Article 124**

Courts shall be financed only from federal budget thus providing complete and independent administration of justice in conformity with the requirements on federal law.

#### **Article 125**

1. The Constitutional Court of the Russian Federation shall consist of nineteen members.
2. The Constitutional Court of the Russian Federation, on the request of the President of the Russian Federation, the Council of the Federation, the State Duma, one fifth of the deputies of a chamber of the Federal Sobranie, the Government of the Russian Federation, the Supreme Court of the Russian Federation and the Higher Court of Arbitration of the Russian Federation, legislative and executive bodies of the subjects of the Russian Federation, shall adjudicate in cases concerning the compatibility with the Constitution of the Russian Federation of:
  - a) federal laws and the legislation of the President of the Russian Federation, the Council of the Federation, the State Duma, the Government of the Russian Federation;
  - b) the constitutions of the Republics, the statutes, laws and other regulations of the subjects of the Russian Federation which are under the jurisdiction of the bodies of the state power of the Russian Federation and under the common jurisdiction of bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation;
  - c) treaties between the bodies of state power of the Russian Federation and bodies of state power of the subjects of the Russian Federation; also treaties between the bodies of state power of different subjects of the Russian Federation;
  - d) international treaties of the Russian Federation which have not yet come into force.
3. The Constitutional Court of the Russian Federation shall settle disputes with regard to competence:
  - a) between federal bodies of state power.

- b) between federal public bodies and public bodies of subjects of the Russian Federation, between public bodies of subjects of the Russian Federation.
- c) between supreme bodies of state power of different subjects of the Russian Federation.
- 4. The Constitutional Court of the Russian Federation, upon complaints about violations of the constitutional rights and freedoms of citizens and upon requests of the courts, shall verify the conformity with the Constitution of any law which is applied or shall be applied in a concrete case in a way established by federal law.
- 5. The Constitutional Court of the Russian Federation, upon the requests of the President of the Russian Federation, the Council of the Federation, the State Duma, the Government of the Russian Federation or the legislative bodies of the subjects of the Russian Federation, interprets the Constitution of the Russian Federation.
- 6. Acts and their provisions which are not in conformity with the Constitution lose validity. International treaties which are not in conformity with the Constitution of the Russian Federation shall not be implemented and applied.
- 7. The Constitutional Court of the Russian Federation upon a request of the Council of the Federation issues a ruling on whether the bringing of charge against the President of treason or the commission of other grave crime complies with established procedure.

#### **Article 126**

The Supreme Court of the Russian Federation shall be the highest judicial body for hearing civil, criminal, administrative and other cases, which fall within the competence of the courts of common jurisdiction, and within the limits established by law shall exercise judicial supervision over their activity and explain the matters of judicial practice.

#### **Article 127**

The Higher Court of Arbitration of the Russian Federation shall be the highest judicial body to settle economic disputes and other cases under the jurisdiction of arbitration bodies, shall exercise, following the procedure established by law judicial supervision over their activity and explain the matters of judicial practice.

#### **Article 128**

- 1. Members of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Court or Arbitration of the Russian Federation shall be appointed by the Council of the Federation upon their presentation by the President of the Russian Federation.
- 2. Judges of other federal courts shall be appointed by the President of the Russian Federation following the procedure established by federal law.
- 3. The powers, the procedure of formation and functions of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Court of Arbitration of the Russian Federation shall be established by the federal constitutional law.

#### **Article 129**

- 1. The Procurator's Office of the Russian Federation shall be a single, centralised system in which lower-level procurators shall be subordinate to higher-level procurators and to the Procurator-General of the Russian Federation.

2. The Procurator-General of the Russian Federation shall be appointed and released from office by the Council of the Federation upon the presentation by the President of the Russian Federation.

3. The procurators of the subjects of the Russian Federation shall be appointed by the Procurator-General of the Russian Federation by agreement with the subjects of the Russian Federation.

4. Other procurators shall be appointed by the Procurator-General of the Russian Federation.

5. The powers of the organisation and procedure of activity of the Procurator's Office of the Russian Federation shall be defined by federal law.

## **Chapter 8.**

### **Local self-government**

#### **Article 130**

1. Local self-government in the Russian Federation shall ensure an independent settlement by population of matters of local importance, ownership, use and disposal of municipal property.

2. Local self-government shall be exercised by citizens through referendum, elections, other forms of direct expression of will and through elected and other organs of local government.

#### **Article 131**

1. Local self-government shall be exercised in cities and villages and other territorial units with regard for historical and other local traditions. The structure of bodies of local self-government shall be determined by the population independently.

2. Alteration of the borders of the territories units within which the local self-government is exercised shall be permissible with responsiveness of public opinion of the population of respective territorial units.

#### **Article 132**

1. Bodies of local self-government shall manage independently municipal property, draw up, approve and execute local budget, impose local taxes and duties, protect public order, and shall also settle other matters of local importance.

2. Individual state powers can be vested in bodies of local self-government by law, with the transfer of the material and financial resources necessary to exercise them. The exercise of transferred powers shall be monitored by the State.

#### **Article 133**

Local self-government in the Russian Federation shall be guaranteed the right to judicial protection, compensation for additional expenditures arising as result of decisions adopted by bodies of state power, prohibition of the restriction of the rights of local self-government established by the Constitution of the Russian Federation and federal laws.

## **Chapter 9.**

### **Constitutional amendments and revision of the Constitution**

#### **Article 134**

Proposals on amendments to and revision of provisions of the Constitution of the Russian Federation may be put forward by the President of the Russian Federation, the Council of the Federation, the State Duma, the Government of the Russian Federation, legislative (representative) bodies of subject of the Russian Federation as well as by a deputies groups of not less than one fifth of the total number of deputies of one of the chambers of the Federal Sobranie.

#### **Article 135**

1. Provisions of Chapter 1, 2 and 9 of the Constitution of the Russian Federation shall not be subject to revision by the Federal Sobranie.
2. In case a proposal to change provisions of Chapter 1, 2 and 9 of the Constitution of the Russian Federation has been supported by three-fifth of votes of the total number of deputies in each of the chambers of the Federal Sobranie, in conformity with federal constitutional law the Constitutional Assembly shall be convened.
3. The Constitutional Assembly shall either confirm the immutability of the Constitution of the Russian Federation or elaborate a draft of a new Constitution of the Russian Federation which is adopted by the Constitutional Assembly by a vote of two thirds of the total number of its members or is submitted to a nationwide vote. In case of a nationwide vote, the Constitution of the Russian Federation is considered adopted when approved by a majority of voters casting their votes, provided that more than one-half of voters have cast their votes.

#### **Article 136**

Amendments to provisions of Section 2-8 of the Constitution of the Russian Federation shall be adopted following the procedure envisaged for the adoption of federal constitutional law and shall come into effect after their approval but not less than two-thirds of the subjects of the Russian Federation.

#### **Article 137**

1. Changes in provisions of Article 65 of the Constitution of the Russian Federation determining the composition of the Russian Federation shall be introduced on the basis of federal constitutional law on admission to the Russian Federation and formation within it of a new member of the Russian Federation, on alteration of constitutional and legal status of a member of the Russian Federation.
2. In case name of the Republic, Territory, Region, City with federal status, Autonomous Region, Autonomous Area is changed a new name of a member of the Russian Federation shall be included in Article 65 of the Constitution of the Russian Federation.



## **SECTION TWO**

### **Treaty**

#### **on the Separation of Terms of Reference and Powers between the Federal Bodies of State Power of the Russian Federation and the Bodies of Power of the Sovereign Republics within the Russian Federation**

We, the authorised representatives of the federal bodies of state power of the Russian Federation and of the bodies of power of the sovereign Republics within the Russian Federation, paying respect to the history, traditions, culture, language and national dignity of the peoples of the Russian Federation, recognising our responsibility for preserving the historically formed state unity of peoples of the Russian Federation, the integrity of its constituent Republics and territories, setting as a goal the achievement and strengthening of interethnic concord, confidence and mutual understanding, exercising the priority of rights and freedoms of man and citizen irrespective of nationality and territory of residence, as well as right of peoples to self-determination, striving for a qualitative renewal of federative relations on the basis voluntary distribution of powers and their effective exercise, proceeding from the fact that within their terms of reference the bodies of state power of the Republics within the Russian Federation shall exercise this power independently in respective territories, guided by the declaration of state sovereignty of the Russian Federation declaration on the national sovereignty of the Republics within the Russian Federation, the decisions of the Congress of People's Deputies of the Russian Federation and of the Supreme Soviet of the Russian Federation on matters of federative structure and federative relations in the Russian Federation, have agreed on the following:

### **Article I**

1. The jurisdiction of the federal bodies of state power of the Russian Federation shall extend to:
  - a) approval and amendment of the Constitution of the Russian Federation and federal laws, control over their observance;
  - b) federal structure and territory of the Russian Federation;
  - c) regulation of the rights and freedoms of individual and citizen, regulation and protection of the rights of national minorities; Russian Federation's citizenship;
  - d) establishment of the system of federal bodies of legislative, executive and judicial power and the procedure for their organisation and work formation of the federal state bodies;
  - e) federal state property and its management;
  - f) definition of the fundamentals of federal policy and federal programs in the field of state, economic, ecological, social, cultural and national development in the Russian Federation;
  - g) definition of the legal foundations of a common market; finance exchange, credit and customs control, money emission, fundamentals of pricing policy; federal economic services, including federal banks;
  - h) federal budget; federal taxes and collections; federal funds of regional development;



- i) federal energy systems, nuclear power engineering, fissionable materials; federal transport, communications, information and telecommunications; outer space activities;
  - j) foreign policy and international relations of the Russian Federation, international treaties of the Russian Federation; issues of war and peace;
  - k) foreign economic relations of the Russian Federation;
  - l) defence and security; defence production; determination of the procedure of selling and purchasing of arms, ammunition, military equipment and other military property; production of fissionable materials, toxic substances and drugs and their use;
  - m) status and protection of state borders, territorial waters, air space, economic zone and continental shelf of the Russian Federation;
  - n) judicial system, prosecutor's office; criminal, penal procedure and criminal and executive legislation; amnesty and pardon; civil, civil-procedural and arbitral procedure legislation;
  - o) federal collision law;
  - p) meteorological service, norms, standards, metric system and time measurement; geodesy and mapping; official statistics and accounting;
  - q) state decorations and honorary titles of the Russian Federation;
  - r) federal government service.
2. The bodies of power of Republics within the Russian Federation shall participate in the discharging of federal powers within the limits and in forms established by the Constitution of the Russian Federation and federal laws.
3. The representation of Republics within the Russian Federation in the federal bodies of state power of the Russian Federation shall be guaranteed.

## **Article II**

1. The joint jurisdiction of the federal bodies of state power of the Russian Federation shall extend to:
- a) ensuring of conformity of the Constitution and laws of the Republics within the Russian Federation with the Constitution and laws of the Russian Federation;
  - b) protection of the rights and freedoms of individual and citizen, the rights of national minorities; ensuring of legality, law and order, social security, regime of the border zones;
  - c) differentiation of state property;
  - d) use of natural resources, protection of environment and ensuring of environmental safety; especially protected natural territories; protection of monuments of history and culture;
  - e) general issues of upbringing, education, science, culture, physical culture and sports;
  - f) coordination of the issues pertaining to public health and protection of family, maternity, paternity and childhood; social protection, including social security;
  - g) implementation of measures to combat catastrophes, natural disasters, epidemics, and elimination of their consequences;
  - h) definition of the general principles of tax and duty assessment;
  - i) administrative, administrative and legal, labor, family, land, housing, water, forest legislation; legislation on mineral wealth, environmental protection; legal regulation of intellectual property;
  - j) judicial system; the Bar and notary system; cadres of law-enforcement bodies;

- k) protection of indigenous habitat and traditional way of life of ethnic minorities;
- l) definition of the general principles of organisation of local self-government.
- 2. With regard to the matters mentioned in paragraph 1 of this Article, the federal bodies of state power of the Russian Federation shall issue the fundamentals of legislation under which the bodies of power of the Republics within the Russian Federation shall carry out their own legal regulation, including adoption of laws and other legal acts.
- 3. Bills on matters under joint jurisdiction mentioned in paragraph 1 of this Article shall be transmitted to the Republics within the Russian Federation whose relevant proposals shall be considered in the Supreme Soviet of the Russian Federation.

### **Article III**

- 1. The Republics (States) within the Russian Federation shall have unlimited state (legislative, executive, judicial) power throughout the territory except the powers transferred (assigned) to the jurisdiction of the federal bodies of state power of the Russian Federation under this Treaty. The territory and status of a Republic within the Russian Federation may not be changed without its consent.
- 2. The Republics within the Russian Federation may be independent parties to international and foreign economic relations, agreements with other Republics, Territories, Regions, the Autonomous Regions, Autonomous Areas of the Russian Federation if it does not contradict the Constitution and laws of the Russian Federation and this Treaty. The coordination of international and foreign economic relations of the Republics within the Russian Federation shall be implemented by the federal bodies of state power of the Russian Federation together with the Republics within the Russian Federation.
- 3. The land, minerals, waters, vegetable and animal world shall be the property of peoples living in the territory of the Republics concerned. The matters of ownership, use and disposal of land, mineral wealth, water and other natural resources shall be regulated by the fundamentals of legislation of the Russian Federation and the laws of the Republics within the Russian Federation. The status of federal natural resources shall be determined by mutual agreement between the federal organs of state power of the Russian Federation and the bodies of state power of the Republics within the Russian Federation.
- 4. In case of the imposition of a state of emergency by the federal bodies of state power of the Russian Federation in the territory of a Republic within the Russian Federation in the territory of a Republic within the Russian Federation, the prior consent of the bodies of state power of the Republic concerned shall be obtained. When the circumstances giving rise to the imposition of a state of emergency affect the territory of only one Republic within the Russian Federation, a state of emergency in the Republic may be imposed by the bodies of state power of the Republic with immediate notification of the President of the Russian Federation and the Supreme Soviet of the Russian Federation and shall be carried out in accordance with federal law.

### **Article IV**

- 1. The federal bodies of state power of the Russian Federation upon an agreement with the bodies of power of a Republic within the Russian Federation may delegate a part of their powers to them.

2. The bodies of state power of the Republics within the Russian Federation, may upon an agreement with the federal bodies of state power of the Russian Federation, delegate to them one of their powers.

#### **Article V**

1. The federal bodies of state power of the Russian Federation and the bodies of state power of a Republic within the Russian Federation shall observe federal laws and other legal acts of the Russian Federation in the Republic within the Russian Federation following the procedure determined by the legislation of the Russian Federation.

2. Legal acts issued by the bodies of power of the Russian Federation or a Republic within the Russian Federation within the limits of the terms of reference of these bodies, institutions and officials shall be recognised throughout the Russian Federation.

#### **Article VI**

1. The federal bodies of state power of the Russian Federation may not issue legal acts on the matters under the jurisdiction of the bodies of state power of a Republic within the Russian Federation. If the bodies of power of a Republic within the Russian Federation issue laws and other legal acts on the matters under the exclusive jurisdiction of the federal bodies of state power of the Russian Federation, federal laws shall be applied.

2. Relations between the federal bodies of state power of the Russian Federation and the bodies of state power of the Republics within the Russian Federation shall be based on the Constitution of the Russian Federation, the Constitutions of the Republics, mutual respect and mutual responsibility.

Disputes shall be settled with the obligatory use of conciliatory procedures and determined by the Constitution and laws of the Russian Federation.

3. Disputes on matters mentioned in paragraph 1 of the present Article, and on issues related to the matters under joint jurisdiction in accordance with Article II of this Treaty shall be settled by the Constitutional Court of the Russian Federation.

#### **Article VII**

The separation of powers and terms of reference established by this Treaty may not be modified in a unilateral manner.

#### **Article VIII**

The present Treaty shall enter into force as of the date of its signature. After its approval by the Congress of People's Deputies of the Russian Federation it shall become an integral part (separate section) of the Constitution of the Russian Federation. Revisions and amendments to this section of the Constitution of the Russian Federation shall be made upon the consent of the Republics within the Russian Federation, signatories of the present Treaty.

Each Republic within the Russian Federation shall reserve the right either to sign the present Treaty or to regulate the relations on the separation of powers with the federal bodies of state power of the Russian Federation, in accordance with the Constitution of the Russian Federation and the Constitution of this Republic within the Russian Federation.

**Treaty**  
**on the Separation of Powers and Terms of Reference between Federal Bodies of State**  
**Power of the Russian Federation Territories, Regions, Cities of Moscow and Saint-**  
**Petersburg of the Russian Federation**

We, the authorised representatives of the federal bodies of state authority of the Russian Federation and bodies of state authority of territories, regions, cities of Moscow and Saint-Petersburg of the Russian Federation, paying respect to the history, traditions, culture, language and national dignity of the peoples of the Russian Federation, recognising our responsibility for the preservation of historically constituted national unity of the peoples of the Russian Federation and its territorial integrity, pursuing the goal of attaining and enhancing interethnic concord, confidence and mutual understanding, realising the priority of rights and freedoms of individual and citizen irrespective of nationality, place of residence and other circumstances, taking care of their material well-being and spiritual development, aspiring to qualitative renewal of federative relations on the basis of the rational distribution of terms of reference and their efficient implementation, proceeding from the fact that within their terms of reference, the bodies of state authority of territories, regions, cities of Moscow and Saint-Petersburg of the Russian Federation exercise independently their powers on appropriate territory, guided by the declaration of state sovereignty of the Russian Federation, the decisions of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation on issues of federative structures and federative relations of the Russian Federation, agreed on the following:

**Article I**

1. The jurisdiction of the federal bodies of state power of the Russian Federation shall extend to:

- a) approval and amendment of the Constitution of the Russian Federation and federal laws, control over their observance;
- b) federative structure, composition, territory of the Russian Federation and its integrity; approval of the establishment of new territories, regions; approval of changes of borders of territories, regions, cities of Moscow and Saint-Petersburg;
- c) protection of rights and freedoms of individual and citizen and citizenship of the Russian Federation; protection of the rights of national minorities;
- d) establishment of the system of federal bodies of legislative, executive and judicial authority, procedure of their organisation and activity; the establishment of the federal state bodies; the establishment of the general principles of organisation of the system of bodies of representative and executive authority of territories, regions, cities of Moscow and Saint-Petersburg;
- e) definition of the basis of federal policy and federal programme in the area of state, economical, ecological, social, cultural and national development in the Russian Federation;
- f) federal state property and its management;
- g) establishment of the legal foundations of a common market, financial, currency, credit, custom's regulation, monetary emission, basis of pricing policy; federal economic services, including federal banks;
- h) federal budget, federal taxes and collections; federal funds of regional development;
- i) federal energy system, nuclear power engineering, fissionable materials; federal transport, communications, information and telecommunications; outer space activity;

- j) foreign policy and international relations of the Russian Federation; international treaties of the Russian Federation; issues of war and peace;
  - k) foreign economic relations of the Russian Federation;
  - l) defence and security; defence production; definition of procedures of selling and purchasing arms, ammunitions, military equipment and other military property; production of fissionable materials, toxic substances, drugs and their use;
  - m) status, regime and protection of state boundaries, territorial waters, air space, economic zone and continental shelf of the Russian Federation;
  - n) judicial structure; prosecutor's office; penal, criminal and procedural and criminal and executive legislation; amnesty and pardon, civil, civil-procedural and arbitration-procedural legislation; administrative and procedural, family legislation; legal regulation of intellectual property;
  - o) federal collision law;
  - p) meteorologic service, norms, standards, metric system and time measurement; official statistics and accounting; federal civil service;
  - q) state decorations and honorary titles of the Russian Federation.
2. The bodies of power of territories, regions, cities of Moscow and Saint-Petersburg of the Russian Federation participate in the discharging of federal powers within the limits and in forms established by the Constitution of the Russian Federation and federal laws.
  3. The territories, regions, cities of Moscow and Saint-Petersburg shall be guaranteed the representation in representative federal bodies of state power of the Russian Federation.

## Article II

1. The joint jurisdiction of the federal bodies of state power of the Russian Federation and bodies of state power of the territories, regions, cities of Moscow and Saint-Petersburg of the Russian Federation shall extend to:
  - a) ensuring of conformity of statutes and other statutory legal acts of territories, regions, cities of Moscow and Saint-Petersburg with the Constitution and the laws of the Russian Federation;
  - b) protection of the rights and freedoms of an individual and a citizen; ensuring legality, law and order, public security;
  - c) establishment of general principles of territorial division and organisation of local self-government in territories, regions, cities of Moscow and Saint-Petersburg;
  - d) establishment of general principles of taxation in territories, regions, cities of Moscow and Saint-Petersburg;
  - e) the Bar and notary service;
  - f) protection of indigenous habitat and traditional way of life of ethnic minorities;
  - g) administrative and housing legislation; land, water, forest legislation; legislation on mineral wealth; and the environmental protection;
  - h) general issues of upbringing education, science, culture, physical culture and sports;
  - i) public health, protection of family, motherhood, fatherhood and childhood, social protection, including social security;
  - j) use of natural resources, protection of environment and ensuring ecological safety; specially protected natural territories; protection of monuments of history and culture;

- k) quarantine, catastrophes, natural disasters, epidemics control, elimination of their consequences;
- l) other powers put by the Constitution of the Russian Federation under joint jurisdiction of the Russian Federation and territories, regions, cities of Moscow and Saint-Petersburg within the Russian Federation.
- 2. With regard to the matters mentioned in paragraph 1 of this Article, federal bodies of state authority of the Russian Federation shall publish the fundamentals of legislation under which the bodies of state power of territories, regions, cities of Moscow and Saint-Petersburg of the Russian Federation shall carry out their own legal regulation within their terms of reference by adopting legal acts.
- 3. Bills on matter under joint jurisdiction, mentioned in paragraph 1 of this Article shall be transmitted to territories, regions, cities of Moscow and Saint-Petersburg.

### **Article III**

- 1. All powers of state authority not related under Articles I and II of this Treaty to the jurisdiction of federal bodies of state power of the Russian Federation and to joint jurisdiction of federal bodies of state power of the Russian Federation and bodies of state power of territories, regions, cities of Moscow and Saint-Petersburg shall be discharged by bodies of state power of territories, regions, cities of Moscow and Saint-Petersburg independently, in accordance with the Constitution of the Russian Federation.
- 2. Territories, regions, cities of Moscow and Saint-Petersburg shall be independent participants in international and foreign economic relations, agreements with other territories, regions, as well as with the Republics, autonomous regions, autonomous areas within the Russian Federation in accordance with the Constitution and laws of the Russian Federation. The coordination of the international and foreign economic relations of territories, regions, cities of Moscow and Saint-Petersburg shall be undertaken by federal bodies of state power of the Russian Federation together with the bodies of power of territories, regions, cities of Moscow and Saint-Petersburg.
- 3. The matters of ownership, use and disposal of land, minerals, water, forest and other natural resources shall be regulated by the fundamentals of legislation of the Russian Federation and legal acts of territories, regions, cities of Moscow and Saint-Petersburg. The status of federal natural resources shall be determined by mutual agreement of federal bodies of state power of the Russian Federation and bodies of state power of territories, regions, cities of Moscow and Saint-Petersburg.
- 4. A state of emergency shall be imposed in a territory, region, cities of Moscow and Saint-Petersburg by federal bodies of state power of the Russian Federation subject to notification of the bodies of power of the territory, region, cities of Moscow and Saint-Petersburg.

### **Article IV**

- 1. The federal bodies of state power of the Russian Federation may, upon an agreement with the bodies of state power of a territory, region, cities of Moscow and Saint-Petersburg, delegate to these bodies some of their powers in accordance with the Constitution and laws of the Russian Federation.



2. The bodies of state power of a territory, region, cities of Moscow and Saint-Petersburg may, upon an agreement with federal bodies of state power of the Russian Federation, delegate to them some of their powers.

#### **Article V**

1. The federal bodies of state power of the Russian Federation and the bodies of state power of a territory, region, cities of Moscow and Saint-Petersburg shall observe federal laws and other legal acts of the Russian Federation in the territory, region, cities of Moscow and Saint-Petersburg following the procedure determined by the legislation of the Russian Federation.

2. Legal documents issued by bodies of power, institutions and officials of the Russian Federation, territories, regions as well as republics, the autonomous region, autonomous areas within the Russian Federation, within the limits of terms of reference of these bodies, institutions and officials, shall be recognised throughout the Russian Federation.

#### **Article VI**

1. The federal bodies of state power of territories, regions, cities of Moscow and Saint-Petersburg may not adopt legal acts on matters under the jurisdiction of federal bodies of state power of the Russian Federation, nor federal bodies of state power of the Russian Federation may adopt legal acts on matters which under this Treaty are under the jurisdiction of the territories, regions, cities of Moscow and Saint-Petersburg.

2. The event of issuance by the bodies of state power of territories, regions, cities of Moscow and Saint-Petersburg of legal acts on matters under the jurisdiction of the federal bodies of state power of the Russian Federation as well as in case of contradictions between legal acts of territories, regions, cities of Moscow and Saint-Petersburg to federal laws issued on matters under joint jurisdiction of the federal bodies of state power of the Russian Federation and bodies of state power of territories, regions, cities of Moscow and Saint-Petersburg the federal laws shall prevail.

3. Disputes on matters mentioned in paragraph 1 and 2 of this Article shall be settled by the Constitutional Court of the Russian Federation.

#### **Article VII**

Relations between federal bodies of state power of the Russian Federation and bodies of state power of territories, regions, cities of Moscow and Saint-Petersburg shall be based on the Constitution of the Russian Federation, mutual respect and mutual responsibility. Disputes shall be settled with mandatory use of conciliatory procedures following the procedure determined by the Constitution and laws of the Russian Federation.

#### **Article VIII**

The separation of powers and terms of reference established by this Treaty may not be modified in a unilateral manner.

#### **Article IX**

The provisions of this Treaty shall be submitted in accordance with the procedure of joint legislative initiative to the Congress of People's Deputies of the Russian Federation for their incorporation as a section of the Constitution (fundamental law) of the Russian Federation.

**Treaty**  
**on the Separation of Powers and Terms of Reference between Federal Bodies of State**  
**Power of the Russian Federation and Bodies of Power of Autonomous Regions,**  
**Autonomous Areas within the Russian Federation**

We, the authorised representatives of the federal bodies of state authority of the Russian Federation and bodies of state authority of autonomous regions, autonomous areas within the Russian Federation, paying respect to the history, traditions, culture, language and national dignity of the peoples of the Russian Federation, recognising our responsibility for the preservation of historically constituted state unity of peoples of the Russian Federation and its territorial integrity, pursuing the goal of attaining and strengthening interethnic concord, confidence and mutual understanding, realising the priority of rights and freedoms of an individual and a citizen irrespective of nationality, place of residence and other circumstances, taking care of their material well-being and spiritual development, striking for a qualitative renewal of federative relations on the basis of national distribution of powers and their efficient implementation, proceeding from the fact that within their terms of reference the bodies of state power of autonomous regions, autonomous areas within the Russian Federation shall independently exercise these powers in the appropriate territories, guided by the declaration of state sovereignty of the Russian Federation, the decisions of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation on matters of federative structure and federative relations in the Russian Federation, have agreed on the following:

**Article I**

1. The jurisdiction of the federal bodies of state power of the Russian Federation shall extend to:

- a) approval of and amendment to the Constitution of the Russian Federation and federal laws, control over their observance;
- b) federative structure, composition, territory of the Russian Federation and its integrity; approval of the establishment of new autonomous regions, autonomous areas; approval of changes of boundaries of autonomous regions, autonomous areas of the Russian Federation;
- c) protection of rights and freedoms of an individual and a citizen; citizenship of the Russian Federation; protection of the rights of national minorities;
- d) establishment of the system of federal bodies of legislative, executive and judicial authority, procedures for their organisation and activity; constitution of the federal state bodies; definition of general principles of organisation of the system of bodies of the representative and executive authority of autonomous regions, autonomous areas within the Russian Federation;
- e) definition of the fundamentals of federal policy and federal programs in the field of state economical, ecological, social, cultural and national development in the Russian Federation;
- f) federal state property and its management;
- g) establishment of legal foundations of a single market, financial, currency, credit, customs control, money emission, basis of pricing policy; federal economic services including federal banks;
- h) federal budget, federal taxes and collections; federal funds of regional development;



- i) federal energy system, nuclear power engineering, fissionable materials; federal transport, communications, information and telecommunications; outer space activity;
- j) foreign policy and international relations of the Russian Federation; international treaties of the Russian Federation; issues of war and peace;
- k) foreign economic relations of the Russian Federation;
- l) defence and security; defence production; determination of procedures of selling and purchasing arms, munitions, military equipment and other military property; production of fissionable materials, toxic substances, drugs and their use;
- m) status, regime and protection of state borders, territorial waters, air space, economic zone and continental shelf of the Russian Federation;
- n) judicial system; prosecutor's office; criminal, penal procedure and criminal and executive legislation; amnesty and pardon, civil, civil procedural and arbitral procedural legislation; administrative procedure, labour and family legislation; legal regulation of intellectual property; measurement; official statistics and accounting;
- o) federal state service;
- p) state decorations and honorary titles of the Russian Federation, special titles.

## **Article II**

1. The joint jurisdiction of the bodies of state power of the Russian Federation and the autonomous region and autonomous areas within the Russian Federation shall extend to:

- a) ensuring of conformity of statutory legal acts of the autonomous region and autonomous areas within the Russian Federation with the Constitution of the Russian Federation and laws of the Russian Federation;
- b) protection of the rights and freedoms of an individual and a citizen; ensuring legality, law and order, public security;
- c) establishment of general principles of territorial division and organisation of local self-government in the autonomous region and autonomous areas within the Russian Federation;
- d) establishment of general principles of taxation in the autonomous region and autonomous areas within the Russian Federation;
- e) The Bar and notary service;
- f) protection of indigenous habitat and traditional way of life of ethnic minorities;
- g) administrative and housing legislation; land, water, forest legislation; legislation on mineral wealth and environmental protection;
- h) general issues of education, training, science, culture, physical culture and sports;
- i) public health, protection of family, maternity, paternity and childhood, social protection including social security;
- j) use of natural resources, protection of environment and ensuring of environmental safety; especially protected natural reserves; protection of monuments of history and culture;
- k) quarantine, catastrophes, natural disasters and epidemics, elimination of their consequences;
- l) other powers put by the Constitution of the Russian Federation under the joint jurisdiction of the Russian Federation and the autonomous region and autonomous areas within the Russian Federation.

2. With regard to the matters mentioned in paragraph 1 of this Article, federal bodies of state power of the Russian Federation shall issue fundamentals of legislation, codes and laws in accordance with which bodies of state power of the autonomous areas within the Russian Federation shall carry out their own legal regulation within their terms of reference by adopting appropriate legal acts. The bodies of state power of the autonomous areas within the Russian Federation shall carry out their legal regulation within their terms of reference in accordance with the foundations of legislation, codes and laws of the Russian Federation and treaties with regions and territories of which the autonomous areas form a constituent part.

3. Bills on matters under joint jurisdiction mentioned in paragraph 1 of this article shall be transmitted to the autonomous region and autonomous areas within the Russian Federation.

### **Article III**

1. All powers of state authority not related under Articles I and II to the jurisdiction of federal bodies of state power of the Russian Federation and to the joint jurisdiction of federal bodies of state power of the Russian Federation and bodies of state power of the autonomous region and autonomous areas within the Russian Federation in accordance with Articles I and II of Russian Treaty shall upon determined by the laws of the Russian Federation, and by other legal acts of the Russian Federation, and shall be implemented by bodies of state power of the autonomous region and autonomous areas themselves in accordance with the Constitution of the Russian Federation.

2. The autonomous region and autonomous areas within the Russian Federation shall be independent participants in international and foreign economic relations and agreements with Territories, Regions and Areas, as well as with Republics, Autonomous region and Autonomous areas within the Russian Federation, in accordance with the Constitution and laws of the Russian Federation. International and foreign economic relations of the autonomous region and autonomous areas within the Russian Federation shall be coordinated by federal bodies of state power of the Russian Federation.

3. The matters of ownership, use and disposal of land, minerals, water and forest and other natural resources shall be governed by foundations of legislation, codes, laws of the Russian Federation and legal acts of the autonomous region and autonomous areas within the Russian Federation. The status of federal natural resources shall be determined by mutual agreement between federal bodies of state authority of the Russian Federation and bodies of state authority of the autonomous region and autonomous areas within the Russian Federation taking into account the need to preserve and maintain historically established traditional forms of economic activity and use of natural resources on their territory.

4. A state of emergency shall be imposed in the autonomous region and autonomous areas within the Russian Federation by federal bodies of state power of the Russian Federation, subject to notification of authorities of the autonomous region or autonomous areas within the Russian Federation.

### **Article IV**

1. The federal bodies of state power of the Russian Federation may, upon an agreement with bodies of state power of the autonomous region and autonomous areas within the

Russian Federation, delegate to these bodies some of their powers in accordance with the Constitution and laws of the Russian Federation.

2. The bodies of state power of the autonomous region and autonomous areas within the Russian Federation may, upon an agreement with federal bodies of state authority of the Russian Federation delegate them some of their powers.

#### **Article V**

1. The federal bodies of state power of the Russian Federation and bodies of state power of the autonomous region and autonomous areas within the Russian Federation shall execute federal laws and other legal acts of the Russian Federation in the autonomous region and autonomous areas within the Russian Federation in accordance with procedures established by the Russian Federation's legislation.

2. Legal documents issued by bodies of power, institutions and officials of the Russian Federation, a Territory or a Region, as well as of a Republic, the Autonomous Region or an Autonomous Area within the Russian Federation within the limits of the terms of reference of these bodies, institutions and officials, shall be recognised throughout the Russian Federation.

#### **Article VI**

1. The bodies of state power of the autonomous region and autonomous areas within the Russian Federation may not adopt legal acts on matters under the jurisdiction of the federal bodies of state power, nor federal bodies of state power of the Russian Federation may adopt legal acts which under this Treaty are under the jurisdiction of the autonomous region and autonomous areas within the Russian Federation.

2. The event of issuance by the bodies of state power of the autonomous region and autonomous areas within the Russian Federation of legal acts on matters under the jurisdiction of the federal bodies of state power, or in case of contradictions between legal acts of the autonomous region and autonomous areas and federal laws issued on matters under joint jurisdiction of the federal bodies of state power of the Russian Federation and the bodies of state power of the autonomous region and autonomous areas, federal laws shall be applied.

3. Disputes on matters mentioned in paragraph 1 and 2 of this Article shall be settled by the Constitutional Court of the Russian Federation.

#### **Article VII**

1. Relations between the federal bodies of state power of the Russian Federation and bodies of state power of the autonomous region and autonomous areas within the Russian Federation shall be based on the Constitution and federal laws of the Russian Federation.

2. Disputes on matters mentioned in paragraph 1 and 2 of Article 6 of this Treaty shall be settled using conciliatory procedure in accordance with the Russian Federation's Constitution and laws.

#### **Article VIII**

The separation of powers and terms of reference established by this Treaty may not be modified in a unilateral manner.

## **Article IX**

Provisions of this Treaty shall be submitted, as a joint legislative initiative, to the Congress of People's Deputies of the Russian Federation for their incorporation in the Constitution (fundamental law) of the Russian Federation as one of its sections.

### **SECTION THREE**

#### **Interim provisions**

1. The Constitution of the Russian Federation shall be promulgated on 1993 and come into force as of that date.

2. Laws and other legal acts which had been in force on the territory of the Russian Federation before the entry into force of this Constitution shall be applied to the extent that they do not contradict the Constitution of the Russian Federation.

Federal constitutional laws shall be adopted by the Federal Sobranie within one year from the beginning of its functioning.

3. Federal bodies of state power, bodies of state power of the subjects of the Russian Federation and bodies of local self-government shall discharge their powers without prejudice to the Constitution of the Russian Federation until the expiry of their respective terms.

4. The President of the Russian Federation shall act as Head of State in accordance with the Part Four of Article 78, Articles 80, 83-92 of the Constitution of the Russian Federation during the term for which he has been elected.

5. First elections to chambers of the Federal Sobranie shall be carried out on ....., 199.. in accordance with the Law of the Russian Federation "On Elections of the Federal Sobranie".

Before the chambers of the Federal Sobranie elected in accordance with the Constitution has begun to function, the powers of the State Duma (excluding powers provided for in Chapter 9 of the Constitution of the Russian Federation) shall be discharged by the Supreme Soviet of the Russian Federation composed of those members who have retained their posts on the date of entry into force of this Constitution, and powers of the Council of the Federation (excluding powers provided for in Chapter 9 of the Constitution of the Russian Federation) - by the Council of the Federation composed of the head of legislative (representative) body and the head of executive body (the President of the Republic) of each member of the Russian Federation.

6. The Council of Ministers serving as a Government of the Russian Federation since the date of entry into force of this Constitution till the formation of the Government in accordance with procedures provided for by this Constitution shall discharge powers provided for in Part Four of Article 78, Articles 110, 113-116 of the Constitution.

7. The Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Court of Arbitration of the Russian Federation shall, after the entry into force of this Constitution, administer justice within their jurisdiction established by this Constitution.

After the entry into force of the Constitution, members of all courts of the Russian Federation shall retain their powers until the expiry of their terms. Vacancies shall be filled in accordance with the procedures established in Article 128 of the Constitution.

8. Pending the adoption and enactment of a federal law on procedures of trial by jury of cases, earlier established procedures of court hearing of relevant criminal cases shall continue to be applied.

Until criminal procedure legislation of the Russian Federation shall retain their powers until the expiry of their terms. Vacancies shall be filled in accordance with the procedures established in Article 128 of the Constitution.

Until criminal procedure legislation of the Russian Federation shall be brought in conformity with provisions of the Part Two of Article 22 of the Constitution of the Russian Federation, earlier established procedures of arrest, taking into custody and detention of persons suspected of committing offences shall continue to be applied.

9. Powers of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation and the Supreme Soviet of the Russian Federation, provided for in Section Two of this Constitution shall be delegated to chambers of the Federal Sobranie.

10. Relations between autonomous areas within a Territory or Region, and corresponding Territory or Region may be governed by the federal legislation and an agreement between bodies of state power of the autonomous area and bodies of state power of the Territory or Region, respectively.