

Constitutional change in Russia

More Putin, or preparing for post-Putin?

SUMMARY

In January 2020, Russia's President, Vladimir Putin, opened the constitutional debate by outlining a series of amendments that, according to him, aimed to improve the balance of power and adapt the Constitution to the changes that had taken place since 1993, when the original text was adopted. With Putin's fourth and – as it seemed till recently – final presidency due to end in four years, observers speculated that the proposed amendments were intended to give Putin options for continuing to rule the country from behind the scenes, beyond 2024.

Events took an unexpected turn in March 2020, when lawmaker and former cosmonaut, Valentina Tereshkova, tabled a last-minute amendment. Her proposal envisaged re-setting the clock for presidential terms, allowing Putin to stay on as president for another 12 years, should he choose to do so. Shortly afterwards, the bill was rubber-stamped by both houses of the federal parliament, and all of Russia's 85 regional parliaments.

Altogether, the amendments revise nearly one-third of the Constitution's 137 articles. Apart from presidential term limits, they also clarify the role of Russia's main institutions, with some additional powers for the parliament. Reflecting growing nationalism and suspicions of liberal Western influences, other provisions bar senior government figures from holding foreign citizenship or bank accounts, give the Constitution primacy over decisions made by international bodies, and affirm traditional values. Socioeconomic changes include annual indexation of pensions and a guarantee that the minimum wage will not fall below the poverty threshold.

Before they can come into effect, the amendments must first be approved by a nationwide vote on a date yet to be scheduled. Surveys suggest that public opinion is divided on the changes; as the economy deteriorates due to the coronavirus crisis, there is a growing risk of a 'no' vote, which would be an unprecedented setback for Putin.



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Procedure for adopting constitutional amendments

Russia's current [Constitution](#) dates from 1993, when it was adopted by a referendum. Apart from a few minor adjustments concerning the names and number of Russia's constituent regions, the only major change to date was in [2008](#), when the terms of office of members of the Duma (lower house of parliament) and president, previously four years each, were extended to five and six years respectively.

On 15 January 2020, Putin announced plans to overhaul the Constitution in his annual state of the nation [address](#). After the mandatory three readings in the Duma, a bill to that effect was adopted by a near-unanimous vote in both houses on 11 March. As required by the Constitution, the bill was also put to Russia's 85 regional parliaments, which also gave it their unanimous approval.

Although there is no constitutional requirement to do so, the amendments will be put to a nationwide vote (not a referendum, which under Russian [law](#) would need at least a 50 % voter turnout for a valid result). Citizens can only vote on the entire package of amendments and not on individual proposals. The vote was originally planned for 22 April 2020, but was postponed due to the coronavirus pandemic; according to sources [cited](#) in *Kommersant* newspaper, 24 June and 8 July are possible dates for the vote. To come into force, the constitutional changes must be approved by over half of participants in the nationwide vote.

Summary of main amendments

The most important change was added by a surprise last-minute amendment, tabled by United Russia deputy Valentina Tereshkova – the first-ever woman to go into space – during the third and final reading. Citing the need for stability, she suggested that Putin's previous presidencies should not count towards the two-term limit, thus opening the door to his remaining in power for 12 more years after his fourth presidency ends in 2024 (in some Russian cities, critics [accusing](#) Tereshkova of being a willing pawn in a Kremlin-orchestrated manoeuvre have proposed that her name be removed from local streets). Apart from this, the [amendments](#), which revise 42 of the Constitution's 137 articles, fall into four main groups, concerning 1) the role of Russia's political institutions, 2) Russian sovereignty, 3) socioeconomic benefits, and 4) values. Putin's January 2020 speech already contained an outline of the main proposals in the first three groups, but the amendments on values were all added subsequently by the State Duma.

Institutional changes to 'improve the balance of power'

In his January 2020 address, Putin argued that a 'greater balance between the branches of power' was needed; however, despite some new competences for the parliament, the general tendency of the amendments is to make the president even more powerful than at present.

The president will be allowed a maximum lifetime total of two terms in office (*currently: a maximum of two consecutive terms*). Presidential terms held at or prior to the entry into force of this amendment will not count towards the total. The president will have additional powers over the government; he will be responsible for directing its work, and will acquire the right to dismiss (*currently: only appoint*) the prime minister. The president will also be able to dismiss Constitutional Court judges and other senior judges for misconduct. Last but not least, the president will have lifelong immunity, and former presidents will become members of the Federation Council for life.

Parliament: two new categories of senator will join the Federation Council (*which currently has 170 members, one from each of Russia's 85 regional governments and parliaments*): former presidents, and up to 30 senators appointed by the president for outstanding services to state or society, of which up to seven may be senators for life. The Federation Council will be consulted by the president on ministerial and other key appointments in fields such as defence, security, as well as home and foreign affairs. The State Duma will confirm (*currently: consents to*) the appointment of the prime minister and ministers (except for those consulted with the Federation Council) nominated by the president. The parliament will have the right to question the government on its work.

The **State Council** (currently a body that advises the president, comprising regional governors and other key figures not mentioned in the Constitution) will become responsible for coordinating state bodies and defining the broad lines of domestic and foreign policies.

Defending sovereignty from foreign influences

Several amendments aim to protect Russia from foreign influences. Future presidents will need to have lived in Russia for at least 25 years (currently: 10 years), without ever having been a citizen or permanent resident of another country. Ministers, parliamentarians, regional governors, judges and other key figures will be prohibited from being citizens or residents of other countries, or holding foreign bank accounts (currently: not restricted). The Constitutional Court will rule on whether or not decisions contradicting the Constitution and taken by international bodies to which Russia is party (such as the European Court of Human Rights) can be applied.

Socioeconomic provisions to win over public support

The minimum wage may not be less than the poverty threshold. Pensions and other benefits are to be indexed (at least once a year, in the case of pensions). According to some [observers](#), these proposals (supported by over 80 % of respondents to a January 2020 [survey](#)) have been included to ensure a favourable outcome from the nationwide vote.

Enshrining patriotic and conservative values, but also sustainability

Russia's 1993 Constitution, with its declarations of universal human rights, reads very much like that of any other European country. By contrast, the amendments reflect growing nationalism, and rejection of Western liberal values. Among other things, they emphasise Russia's thousand-year history, and its traditional ideals and beliefs. Russian is the language of the 'state-forming nation' (although other ethnic groups will have equal rights, in view of the country's multicultural identity). Russia will defend the rights and interests of ethnic Russians living in other countries. There is strong emphasis on 'traditional family values', children, and marriage, defined exclusively as being between a man and a woman. Separatist acts and speech are proscribed; nor may the nation's achievements in 'defending the Fatherland' be questioned.

However, some amendments reflect a more forward-looking approach: new priorities for the government include the rights of the disabled, environmental protection, biodiversity, civil society, volunteering and entrepreneurship (but not, however, climate change) – all topics that are barely mentioned, if at all, in the current Constitution.

What do the amendments mean for Russia?

When first announced in January, the amendments were [seen](#) as preparing the way for the period after the end of Putin's fourth – and as it seemed at the time, final – presidency in 2024. Putin had repeatedly [denied](#) wanting to amend the Constitution in order to stand for an additional term; speculation therefore focused on options for him to continue ruling the country from behind the scenes, perhaps as chair of the [State Council](#), a previously obscure body that is set to acquire sweeping but vaguely defined powers to define the country's political direction.

Valentina Tereshkova's last-minute amendment means that, after all, the door is open to Putin staying on as president. Addressing the State Duma just after that, Putin [acknowledged](#) that this change was justified by the need for stability in a turbulent and unpredictable world. Whether or not he will avail himself of this opportunity is, however, still unclear; new provisions granting him lifelong immunity and a seat in the Federation Council offer a convenient way out, should he decide to retire (by the end of his current presidency, he will be 71 years old).

The other proposed institutional amendments seem unlikely to change much. Putin initially proposed to strengthen the Duma by allowing it to appoint the prime minister; however, it is unclear how the Duma 'confirming' the president's nominee differs from 'giving consent'. In any case, such

adjustments are irrelevant, so long as the parliament and other institutions are dominated by Putin loyalists. The provision giving Russia's Constitutional Court the final say on international rulings merely confirms an earlier [law](#) adopted in 2015; since then, the Court has overturned several rulings of the European Court of Human Rights. Presidential powers to dismiss federal judges are a [blow](#) to judicial independence – but in practice, this has already been seriously [compromised](#).

Again, Russians already have a [minimum wage](#) set above the poverty threshold and indexed pensions – although pensioners can at least derive comfort from the fact that the government will no longer have the power to withhold indexation during times of economic crisis, as it did in [2016](#).

Since 2014, Russia's Criminal Code prohibits publicly calling for violations of Russia's [territorial integrity](#), or lying about Soviet World War II [history](#), so constitutional provisions to this effect bring nothing new. References to God, the 'state-forming' Russian people, and heterosexual marriage have no direct legal effect, but they have upset [non-Russian minorities](#), and will perhaps further stigmatise the country's embattled LGBT community. On the other hand, references to traditionally neglected areas such as environmental protection (the third most widely supported amendment, according to one [survey](#)) and [disability rights](#) are positive, perhaps reflecting a change of mindset.

Russian public opinion is divided on the amendments

Putin's approval ratings have fallen considerably since 2018. According to independent pollster Levada Centre, in February 2020 [46 %](#) felt that he should step down in 2024, compared to 45 % who would like him to stay on. More Russians believe that the purpose of the amendments is to keep Putin on in power ([47 %](#) of respondents) rather than to improve the Constitution (44 %). However, opinion polls also show that most do not see a credible alternative to him, and that [three-quarters](#) agree with Putin that the country needs a 'strong hand'.

According to recent opinion polls from various sources, including [Levada](#), slightly over half of Russians intend to take part in the nationwide vote. Supporters of the amendments outnumber opponents, but with around one-quarter of respondents undecided, the result is not a foregone conclusion (if the vote is conducted fairly, which cannot be taken for granted in Russia). A dramatic [fall](#) in living standards and higher unemployment expected as a result of the coronavirus crisis could trigger a [protest vote](#), which would be an unprecedented setback for Putin.

A petition signed in March by over 18 000 journalists, academics and writers [denounced](#) the reform as 'an unlawful anti-constitutional coup'. However, protests were [muted](#) even before the coronavirus crisis made public gatherings impossible; an online [protest](#) on 28 April met with little interest (just 50 000 views). With nearly half ([45 %](#)) feeling that the Constitution is either irrelevant or merely a tool for Putin to control the parliament, many probably agree with opposition activist [Alexey Navalny](#) that the document is in any case 'abominable' and 'not worth defending'.

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