

**Council of Europe**  
**Conseil de l'Europe**



Strasbourg, 15 June 1993

Restricted  
CDL (93) 36

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**Comments on the draft Constitution of  
the Russian Federation (CDL (93) 31)**

**by**

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Comments on Chapter 2 of the Draft  
Russian Constitution

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Chapter 2 of the Draft Russian Constitution, bearing the title "Citizens of the Russian Federation," is written in a clear and concise manner, and covers everything that needs to be covered by such a chapter.

Article 39 includes two important safeguards regarding citizenship: (a) that a citizen cannot be deprived of his citizenship nor of the right to change it; (b) the right not to be deported outside Russia's borders. Article 40 permits dual citizenship, a useful and progressive provision in our age of increasing trans-national mobility.

Several articles in the chapter deal with various aspects of the "social welfare state": Right to social security (Art.44), right to housing (Art.45), right to work (Art.46), right to medical care (Art.47), right to participate in cultural life and free access to cultural assets (Art.49), and the right to education (Art.51). Given the emphasis put by the former Soviet state on social rights, it seems a wise choice on the part of the Russian constitution-makers to maintain the essentials of the social state. It is not clear from the wording of these articles, however, whether they are meant to be judicially enforceable rights, or merely directives to law-makers. In any case, Article 48 is a welcome addition

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designed to reflect the liberal spirit of the new Constitution. Noteworthy and commendable is Article 43, paragraph 2, which states that "labour on the upbringing of children enjoys equal status with all other forms of labour and provides the basis for normal and fitting social security."

Also commendable and modern are the provisions obliging persons "to show concern for the preservation of the historical and cultural heritage and to protect historical, cultural and natural monuments" (Art.49) and "to preserve nature and the environment and to care for natural wealth" (Art.53).

Finally, with regard to the rights and obligations of foreign citizens and stateless persons in the Russian federation, Article 54 states that they "enjoy the rights and bear the obligations of its citizens, except in cases laid down in federal laws and international treaties..." Does this mean that foreign nationals also enjoy political rights (e.g., those provided in Article 42) on the same basis as Russian citizens? If not, the Article should be clarified, or phrased in a more general way such as "the rights and obligations of foreign citizens and stateless persons shall be regulated by law in a manner consistent with international law."