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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**WORKSHOP ON THE RELATIONSHIP OF  
THE CENTRAL CONSTITUTIONAL COURTS  
WITH THE CONSTITUTIONAL COURTS OF FEDERATED ENTITIES**

**Petrozavodsk, Karelia (Russian Fed.)  
22-24 September 1997**

organised by the Constitutional Court of Karelia  
and the Venice Commission

S Y N O P S I S

### **Title of activity**

**Field of activity:** Federalism

**Type of activity:** Workshop

**Budgetary reference:** NI 1100

**Country:** Russian Federation

**Date and place:** 22 - 24 September 1997, Petrozavodsk

**CoE experts** (including national experts): Mr Klaus FINKELNBURG (Germany), Mr Arne MAVCIC (Slovenia), Mr Günter PAUL (Germany), Ms Christina STRESEMANN (Germany).

**CoE Secretariat:** Ms Inkeri AARNIO-LWOFF, Programme Adviser, Division for Pan-European Co-operation Programmes, Directorate of Political Affairs; Mr Schnutz Rudolf DÜRR, Secretariat of the Partial Agreement on the European Commission for Democracy through Law (Venice Commission), Directorate of Legal Affairs.

**Participants** (role/capacity): Presidents and members of the Constitutional Courts of the Russian Federation. (Law students of the University of Petrozavodsk as auditors).

**Total number of participants:** 30.

**Partner institutions/organisations:** Constitutional Court of Karelia.

**Origin/reference to other activities:** The Joint Programme between the European Commission and the Council of Europe for the strengthening of the federal structure, introduction of human rights protection mechanisms and legal system reform for the Russian Federation.

**Objectives:** To examine the relationship between central constitutional courts and constitutional courts of the federal entities. The subject was introduced by a general presentation on the "Models of operation of constitutional courts as regards federal state systems" by Mr MAVCIC, Secretary General of the Constitutional Court, Ljubljana, Slovenia. The specific German experience of Constitutional jurisdiction at the level of federated entities was discussed in three reports: "Constitutional jurisdiction at the German federal and *Länder* levels: an overview" was presented by Prof. FINKELNBURG, President of Constitutional Court of Berlin; the "Delimitation of competencies between the central constitutional courts and the constitutional courts of federated entities and ordinary courts" was presented by Ms STRESEMANN, scientific expert at the Federal Constitutional Court; and "the Powers of constitutional courts of federated entities" by Mr PAUL, Judge of the Constitutional Court of Hesse. The latter intervention was commented on from the Russian point of view by Ms T. MORSHAKOVA, Vice-president of the Constitutional Court of the Russian Federation.

**General evaluation:** At present there are seven constitutional courts proper in the Russian Federation (in the republics of Bashkortostan, Buryatia, Dagestan, Kabarno-Balkaryi, Karelia, Komi and Saha-Yakutia). A law on the Constitutional Court of Tatarstan will probably be approved on 23 November 1997, the Court thus replacing the present Committee of Constitutional Control. In the Republic of the Northern Osetia-Alania there is also a Committee of Constitutional Control and in the Irkutsk region (oblast') there is a Chamber of Charter. One of the problems presented by the Russian participants was the unclear definition of the distribution of the competencies between the federal level and the constituent entity (subject) one. In respect of legislation by the subjects, the main task of the Federal Constitutional Court in Moscow is to secure constitutionality and compatibility of the normative acts of the republic with the federal legislation, whereas the Constitutional Courts of the subjects control mainly the compatibility of legal acts of the subjects with its constitution. In this respect there seem to be problems, as the superiority of the Constitutional Court is not always respected. Furthermore, ordinary courts seem to infringe upon the exclusive constitutional jurisdiction of the Constitutional Courts both on the Federal and the Subject level. The protection of human rights and basic freedoms was seen as a priority task of the Constitutional Courts of the Republics. In this respect improvements could still be achieved, e.g by giving the citizen the right to complain of violation of his rights by other acts than laws. It was recognised that there was a weakness in the execution of the decisions of the constitutional courts as the constitutional law at subject level (in contrast to the federal constitutional law) did not foresee provisions to that effect.

**Results/decisions:** The papers of the workshop will be published in Russian. The organisation of a workshop, within the framework of the Joint Programme, to take place in 1998 in Russia, on the implications of the ratification of the ECHR by Russia in the decisions of the Constitutional Courts, is under consideration.