Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 15446
27 January 2022

Examining the legitimacy and legality of the ad hominem term-limit waiver for the incumbent President of the Russian Federation

Motion for a resolution
tabled by Mr Pieter OMTZIGT and other members of the Assembly

---

This motion has not been discussed in the Assembly and commits only those who have signed it

---

In July 2020, Russian President Vladimir Putin enacted 206 amendments to the Constitution, including an *ad hominem* provision waiving his own presidential term-limits. The waiver allows Mr Putin –continuously in power as President or Prime Minister since 2000– to remain in office until 2036.

Serious doubts have been raised about the legitimacy and legality of the amendments. In its Interim Opinion No. 992/2020 of 23 March 2021, the European Commission for Democracy Through Law (Venice Commission) concluded that procedures used for amending the Russian Constitution were "clearly inappropriate". In particular, the Venice Commission noted that several amendments contradict Chapters 1 and 2 of the Constitution; that their passage violated the legal provision that amendments be grouped by interrelated topics rather than adopted *en bloc*; and that they were ratified in an *ad hoc* "nationwide vote" held outside of the scope of the Russian law on referenda and Russia's international commitments, with no airtime given to opponents and no obligation for State institutions to remain neutral.

Previously, in its report on term limits of 20 March 2018 (CDL-AD(2018)010), the Venice Commission stated that "term-limits on the office of the President… are a check against the danger of abuse of power" and that "such amendments (if enacted) should have effect only for future holders of the office, not for the incumbent".

In view of the Russian Federation's upcoming presidential election in 2024, the Parliamentary Assembly should appoint a rapporteur to examine the legitimacy and legality –or lack thereof– of the *ad hominem* term-limit waiver for the incumbent President, and what this entails for international recognition of the election should the waiver provision be used.

Signed (see overleaf)

Signed[1]*:*

OMTZIGT Pieter, Netherlands, EPP/CD
BAUMANE Krista, Latvia, ALDE
BUDRIĶIS Uldis, Latvia, EPP/CD
BULAI Iulian, Romania, ALDE
GADIRLI Erkin, Azerbaijan, EC/DA
GONCHARENKO Oleksii, Ukraine, EC/DA
HOFFMANN Christoph, Germany, ALDE
HOWELL John, United Kingdom, EC/DA
JENSEN Gyde, Germany, ALDE
JUFEREVA-SKURATOVSKI Maria, Estonia, ALDE
KHOMENKO Olena, Ukraine, EC/DA
KRAVCHUK Yevheniia, Ukraine, ALDE
KROSS Eerik-Niiles, Estonia, ALDE
KUHLE Konstantin, Germany, ALDE
LINK Michael Georg, Germany, ALDE
LYDEKA Arminas, Lithuania, ALDE
MASIULIS Kęstutis, Lithuania, EPP/CD
MEZENTSEVA Mariia, Ukraine, EPP/CD
O'LOUGHLIN Fiona, Ireland, ALDE
SOBOLIEV Serhii, Ukraine, EPP/CD
TAMM Raivo, Estonia, EPP/CD
YASKO Yelyzaveta, Ukraine, EPP/CD
ZINGERIS Emanuelis, Lithuania, EPP/CD

1. ALDE: Alliance of Liberals and Democrats for Europe
EC/DA: European Conservatives Group and Democratic Alliance
EPP/CD: Group of the European People's Party