



ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY

Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+
ProEU – 101047580 – ERASMUS-JMO-2021-MODULE
Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme



Book “Good governance in the European Union”

Part 1. Good governance in the European Union: establishment, enforcement, development

<p>Viktoria Minakova Alina Vlasova Third-year students of the Institute of Law, ProEU research team members</p>	<p>1.1. Legal nature of the right to good governance: formation and development</p>	<p>The chapter looks into the main approaches to defining "the right to good governance" in modern European legal science, reveals the areas for implementing European ideas and best practices in Russian legislation. Improving management activities is a permanent duty of the state. Today's decisions make it possible to discover the right vector for the further progressive development of the system of state and municipal government. The consistent implementation of the idea of “good governance” is clearly a priority for the development of the Russian Federation, and the adopted legislative acts testify to the desire of the authorities to build clear and harmonious relations in the “man-state” system</p>
<p>Dr. Danil Feoktistov Associate Professor, ProEU project team member, ProEU research team member</p>	<p>1.2. Role of the European ombudsperson concept in implementing the right to good governance</p>	<p>The purpose of the chapter is to analyze the phenomena of European Union law that ensure the activities of the European Ombudsman as a body that contributes to the integration process in the European Union. The topic of the chapter is legal aspects of the European Ombudsman status, its role and place in the institutional system of the European Union. The chapter provides a brief overview of the European Ombudsman competence and the methods of carrying out its activities, examines the role of the European Ombudsman in implementing the concept good governance, analyzes the practice of the European Ombudsman and its impact on the activity of EU institutions and</p>



Funded by
the European Union



ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY

Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+
ProEU – 101047580 – ERASMUS-JMO-2021-MODULE
Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme



		bodies. It is determined that the decisions of the European Ombudsman against violations of the management procedures, affect relations in various areas of activity of the European Union, contributing to the implementation in practice of the conceptual principles of good governance. Without legally binding force, the decisions of the European Ombudsman are embodied in acts of the EU institutions, establishing the relevant rules as binding ones.
Maria Kostrigina Anna Vasilyeva Third-year students of the Institute of Law, ProEU research team members	1.3. Right of citizens to appeal as an integral element of the right to good governance	The chapter reveals the special importance that is attached to the interaction of citizens and public authorities and administration in terms of the constitutional right of citizens to appeal, as well as innovative areas in developing legal regulation of the constitutional right of citizens to appeal. Implementation of the constitutional right of citizens to appeal requires constant attention from the state authorities and administration. A high level of efficiency of legal regulation of implementing the constitutional right to appeal is achieved only as a result of scientific justification and assumption. Appeals of citizens in the framework of participation in the management of state affairs are a universal legal category. With the help of the right of citizens to appeal, almost all legal categories of the legal status of an individual in the state are implemented
Part 2. Ensuring good governance through socially desirable law enforcement and advocacy: best European and Russian practices		
Dr. Evgenii Bitiutskii Associate Professor, ProEU project team member, ProEU research team member	2.1. Legal framework for ensuring the right to a lawyer in criminal proceedings in European Union law	The chapter analyzes legal mechanisms and European best practices of providing the right to a lawyer in criminal proceedings in the European Union legislation. Almost all constitutions of the European Union countries define the status of a lawyer as a professional participant in legal proceedings who provides legal assistance. Guarantees of the right to defense, enshrined in



Funded by
the European Union



ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY

Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+

ProEU – 101047580 – ERASMUS-JMO-2021-MODULE

Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme



		<p>Article 6 of the ECHR, are part of the guarantee of a fair trial. In most European countries, including the European Union states, it is precisely “the guarantee of qualified legal assistance provided by lawyers, persons with a legal education and the status of a lawyer in accordance with national legislation”. At the same time, the restriction of the right to a lawyer at the initial stages of criminal proceedings deprives the accused of the right to a fair trial. The ECtHR practice has formulated four parts of the guarantees arising from paragraph 3c of Article 6 of the ECHR: the right to defend himself in person (“Fouche v. France”); if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require; (John Murray v. the United Kingdom); the right to practical and full legal assistance (Bogumil v. Portugal). The European Court of Human Rights has developed extensive practice under Art. 6 of the Convention, including guaranteeing the participation of a defense counsel in criminal proceedings as the basis of the right to a fair trial.</p>
<p>Dr. Nikolai Svechnikov Associate Professor, research team member</p>	<p>ProEU</p> <p>2.2. Countering the spread of corruption in law enforcement as a way to protect human rights</p>	<p>In the modern world, representatives of all fields of science consider such a negative phenomenon as corruption, ways to counteract and combat its rapid spread. The issue of countering the spread of corruption in the police deserves special attention, since it is called upon to combat this complex and extremely negative phenomenon. The chapter provides an overview of basic international acts in countering corruption: the Convention of the Council of the European Union of May 26, 1997 "On the fight against corruption involving employees of the European Communities or employees of the Member States of the European Union"; 1998 OECD Anti-Bribery Convention; United Nations Convention against Corruption (UNCAC) of</p>



Funded by
the European Union



ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY

Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+
ProEU – 101047580 – ERASMUS-JMO-2021-MODULE
Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme



		October 31, 2003. Police corruption is one of the main threats to human rights. A citizen, turning to the police, expects assistance in restoring violated rights and protection. Corrupt police bodies, on the contrary, will not only refuse to help restore violated rights, but, on the contrary, will create new preconditions for their infringement.
Prof. Dr. Andrei Yashin Professor, ProEU research team member	2.3. Appeal proceedings as a guarantee of protection of the rights, freedoms and legitimate interests of persons participating in criminal proceedings: view of a criminologist	The chapter examines the issues of modern appeal proceedings in criminal cases and the creation of courts of appeal of general jurisdiction, analyzes relevant European and Russian literary sources as well as materials of judicial practice. It highlights that the appeal proceedings play a significant role in improving the effectiveness of the mechanism for protecting the rights, freedoms and legitimate interests of the individual. It states that the activities of the courts of appeal of general jurisdiction contribute to preventing procedural violations and crimes in the field of administration of justice. Appeal proceedings represent an important tool for citizens in protecting against possible judicial errors made by the court of first instance, or their open bias. The chapter describes European best practices of organizing appeal proceedings.
Part 3. European and Russian governance practices for protecting human rights and fundamental freedoms		
Sergey Klimov Kirill Tsarev Third-year students of the Institute of Law, ProEU research team	3.1. Legal framework for the activities of human rights commissioners in the European Union member states and in the Russian Federation	This chapter analyzes the normative legal support regulating the activities of the commissioner for human rights. It considers the issues of improving the legislation of the activities of the Commissioner for Human Rights in the Russian Federation and its subjects taking into account European best practices. The laws on commissioners adopted in the constituent entities of



Funded by
the European Union



ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY

Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+
ProEU – 101047580 – ERASMUS-JMO-2021-MODULE
Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme



members		<p>Russia have a similar structure. They indicate the establishment of the position of the Commissioner, determine the goals of their activities, status, main tasks, place in the system of protection of human rights and freedoms. Today there are no issues, the content of which would not be the subject of consideration by the commissioners for human rights. At the same time, as a rule, decisions on them have already been made by other bodies and officials. Systematic study of the Constitution of the Russian Federation, the Federal Constitutional Law "On the Commissioner for Human Rights in the Russian Federation", the laws of the constituent entities of the Russian Federation on the Commissioner for Human Rights in subjects of the Russian Federation, the practice of the work of the ombudsmen of the Russian Federation and the subjects of the Federation showed the need to make changes to their legal status taking into account European best practices.</p>
Dr. Evgenia Kazakova Associate Professor, research team member	ProEU 3.2. Problems of implementing the right to judicial protection	<p>The chapter considers the implementation of the rights to judicial protection of citizens on the example of constitutional justice. Rights to judicial protection of citizens of the Russian Federation, being directly acting, determine the meaning, content and application of laws, the activities of the legislature and local self-government and are provided with justice. The constitutional independence of the judiciary is ensured by the mechanism of self-organization and self-government, as well as by the constitutional consolidation of social and material guarantees for the independence of judges. At the same time, of the three branches of power, only the judiciary is formed not on a political, but on a professional basis and is designed not only to guarantee the reality of the rights and freedoms of a person and citizen, but also to ensure the action of other branches of government - legislative and</p>



Funded by
the European Union



ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY

Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+
ProEU – 101047580 – ERASMUS-JMO-2021-MODULE
Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme



		executive - within the framework of constitutional and legal space. The chapter analyzes and compares organizational structure of the judiciary in the European countries and Russia.
Dr. Yulia Gartina Associate Professor, research team member	ProEU 3.3. Issues of constitutional protection of the rights of entrepreneurs	The issues of legal protection of the rights of entrepreneurs in the EU countries and Russia are of great importance. This is due to the special importance of the small business sector for the economy of our country as a whole and providing the population with goods and services in full and in sufficient range. Since the majority of small businesses have limited financial resources, the issues of legal protection of their business are among the most important to them. Therefore, this chapter will consider the topical issues of the constitutional protection of entrepreneurs in the EU countries and Russia.
Dr. Danil Feoktistov, Associate Professor, ProEU project team member, ProEU research team member	3.4. Role of the ombudsperson concept in countering corruption	The chapter discusses the role and place of ombudsmen in the anti-corruption system. The use of human rights powers in order to counteract corruption by ombudsmen of various models and levels (general and special competence, federal and regional) has a different scope of legal regulation, or there may be no corresponding legal regulation at all. The purpose of the chapter is to establish and analyze the possible functions of the ombudsman institution, and in particular European Ombudsman and the Commissioner for Human Rights in the Russian Federation, in terms of anti-corruption orientation. The functions of the anti-corruption ombudsman are both indirect (accompanying) and discretionary. The Commissioner for Human Rights in the Russian Federation has not been granted special anti-corruption tools, however, the constitutional powers granted to this body can also be used for the purposes of countering corruption. The Commissioner for Human Rights in the Russian



Funded by
the European Union



ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY

Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+
ProEU – 101047580 – ERASMUS-JMO-2021-MODULE
Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme



		Federation does not aim to combat corruption, concentrating the focus of his powers on the protection of human rights. However, if the function of countering corruption within the discretionary powers is strengthened, the Ombudsman should be provided with an increased level of legal protection in case of opposition from the relevant authorities, one of the measures should be the establishment of indemnity.
Part 4. Federalism as a model for successful policy: features of European and Russian federalism		
Prof. Dr. Gleb Sintsov Professor, ProEU project manager, ProEU research team supervisor	4.1. Problems of centralization and decentralization of state power in the federal states	A feature of the development of a number of federal states is the constant change of two opposite trends: the centralization and decentralization of state power. The replacement of the process of centralization with the process of decentralization of state power and vice versa does not pose any threat to statehood, but, on the contrary, helps to identify the strengths and weaknesses of these processes and choose the one that is most relevant in a given period of development of the state.
Dr. Olga Ilyina Associate Professor, ProEU research team member	4.2. Historical aspects, problems and prospects for the development of federalism	The chapter studies the problems and prospects for the development of federalism. Federalism is best thought of as a spectrum of possible ways of sharing jurisdiction over the same population at different levels of government. An effective model of federalism is the organization of federal relations in the state in accordance with the provisions of the current Constitution, the observance of human and peoples' rights, and the strengthening of the financial foundations of federalism.
Dr. Evgenii Bitiutskii	4.3. European doctrine of federalism	The European doctrine of federalism is unique. European federations are



Funded by
the European Union



ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY

Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+
ProEU – 101047580 – ERASMUS-JMO-2021-MODULE
Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme



Associate Professor, ProEU project team member, ProEU research team member		diverse and can serve as examples of classical federal states. However, despite this diversity, a number of features of the European doctrine of federalism can be distinguished: focus on ensuring the autonomous functioning of the state, civil society and the individual; giving preference to subsidiary management methods; the functioning of European federations based on the dominance of conciliation procedures.
Dr. Andrei Grachev Associate Professor, ProEU research team member	4.4. Features in the organisation and operation of law enforcement agencies (police) in the federal states	Despite the common features of many federal states, each of them is unique in its own way. The federal center has to make a "compromise" with the regions and take into account their cultural, historical and other features. Often, the federal center cedes a number of powers in the field of joint jurisdiction to its subjects. In this regard, it is important to achieve a balance between the interests of the entire state as whole and individual subjects of the federation in particular. The problem of organizing the activities of the police in federal states is one of the problems of organizing state power.
Part 5. Perceptions of referendum and democracy: European models and prospects for the use in the Russian context		
Prof. Dr. Gleb Sintsov Professor, ProEU project manager, ProEU research team supervisor	5.1. Development of the concept of local referendum	The chapter discusses the meaning and essence of the local referendum, describes the restrictions, associated with its organization and features of building relationships between municipal authorities and society, European experience in building the local referendum institution. Particular attention is paid to the definition of legal forms for ensuring the interaction of municipal authorities and society. It is determined that the organizational form of interaction between municipal bodies and society during a referendum acts as a fundamental direction of state policy carried out by municipal bodies.



Funded by
the European Union



ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY

Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+
ProEU – 101047580 – ERASMUS-JMO-2021-MODULE
Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme



Prof. Dr. Gleb Sintsov Professor, ProEU project manager, ProEU research team supervisor	5.2. Problems of consultativeness as a sign of referendum	The chapter presents the legal status of a consultative referendum, as well as an assessment of the legal nature of a consultative referendum from the point of view of the positions of European and Russian law, features and principles of building local self-government.
Prof. Dr. Gleb Sintsov Professor, ProEU project manager, ProEU research team supervisor	5.3. Issues of legal liability in the field of referendum	Legal liability of individuals and legal entities for violations of the law, regulating the procedure for preparing and conducting elections and referendums, is one of the voluminous, complex in content and practically significant institutions of referendum law. Liability for offenses in the field of referendums consists of four independent elements: constitutional (special), administrative, civil and criminal liability, each type of liability has its own specifics: features of the composition of the offense, measures of responsibility (sanctions) and the procedural form of implementation. The chapter analyzes European practices in solving issues of legal liabilities in the sphere of referendum.
Dr. Kirill Gavrilov Associate Professor, ProEU research team member	5.4. Areas of countering corruption in electoral relations	The chapter touches upon the main areas of countering corruption in electoral relations. It analyzes European experience in countering corruption in electoral relations and identifies ways of improving the Russian electoral system. Both positive and negative aspects of the proposed methods of counteraction are listed, as well as an assessment of the currently existing legal opportunities in this area.
Dr. Nikolai Svechnikov Associate Professor, ProEU	5.5. Legal and historical aspects of the initiation of the voting right	Any state is focused on a qualitative increase in the effectiveness of the management mechanism at all levels. In this regard, the search for ways to intensify and optimize the economic and administrative life of the country is



Funded by
the European Union



**ПЕНЗЕНСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ
PENZA STATE UNIVERSITY**

**Проект «Защита прав человека в Европейском Союзе и за его пределами»
в рамках Программы Erasmus+
ProEU – 101047580 – ERASMUS-JMO-2021-MODULE
Project “Protection of Human Rights within and across the European Union”
under the Erasmus+ Programme**



research team member		being implemented. As it is well known, an important basis of the modern constitutional system of any state is democracy. Because of this, the development of the state is impossible without the development of democratic principles in the formation and operation of institutions of government at different levels. The experience of implementing the ideas of self-government and democracy always requires study and generalization, encourages deep historical and legal research. The chapter provides retrospective comparative analysis of development of suffrage in the European countries and in Russia.
----------------------	--	---



**Funded by
the European Union**