



COMMISSION EUROPEENNE POUR L'EFFICACITE DE LA JUSTICE  
(CEPEJ)

QUESTIONNAIRE POUR ÉVALUER LES SYSTÈMES JUDICIAIRES 2011

Pays : Fédération de Russie

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## 1. Données démographiques et économiques

### 1. 1. Généralités

#### 1. 1. 1. Habitants et informations économiques

##### 1) Nombre d'habitants (si possible au 1er janvier 2011)

142 914 136

##### 2) Total des dépenses publiques annuelles au niveau national et le cas échéant, les dépenses publiques des collectivités territoriales ou entités fédérales (en €) - (Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP)

	Montant
Niveau national	249 891 324 751
Niveau territorial / entités fédérales (total pour l'ensemble des niveaux territoriaux/entités fédérales)	163 924 263 231

##### 3) PIB par habitant (en €)

7 766

##### 4) Salaire moyen brut annuel (en €)

6 210

##### 5) Taux de change de la monnaie nationale (zone non Euro) en € au 1 janvier 2011

41.4876

#### A.1

**Veuillez indiquer les sources des réponses aux questions 1 à 4 et, le cas échéant, tout commentaire relatif à l'interprétation des données fournies:**

Question 1.

The number of inhabitants as of 1 January 2011 according to the preliminary results of the 2010 national census (the final results will be published in 2012).

The Federal Service of State Statistics.

[http://www.gks.ru/bgd/free/b04\\_03/IssWWW.exe/Stg/d01/65oz-shisl28.htm](http://www.gks.ru/bgd/free/b04_03/IssWWW.exe/Stg/d01/65oz-shisl28.htm)

Question 2.

The specified sums reflect the executed budget.

The expenditure at federal level: 10 117 500 000 000 Russian Roubles.

The consolidated expenditure of all the federal entities of the Russian Federation:

6 636 900 000 000 Russian Roubles.

The Federal Service of State Statistics.

[http://www.gks.ru/free\\_doc/new\\_site/finans/fin21.htm](http://www.gks.ru/free_doc/new_site/finans/fin21.htm)

Question 3.

The 2010 GDP in current prices: 44 939 152 929 320.4 Russian Roubles.

The Federal Service of State Statistics.  
<http://gks.ru/wps/wcm/connect/rosstat/rosstatsite/main/account/>

Question 4.

The average gross annual salary in 2010: 251 426 Russian Roubles.

The Federal Service of State Statistics.

Question 5.

The Central Bank of the Russian Federation.  
[http://www.cbr.ru/eng/currency\\_base/daily.aspx](http://www.cbr.ru/eng/currency_base/daily.aspx)

## 1. 2. Données budgétaires relatives au système judiciaire

### 1. 2. 1. Budgets (tribunaux, ministère public, aide judiciaire, frais)

#### 6) Budget public annuel approuvé pour le fonctionnement de l'ensemble des tribunaux, en €(si possible sans le budget du ministère public et de l'aide judiciaire) :

TOTAL du budget public annuel approuvé pour le fonctionnement de l'ensemble des tribunaux (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Oui	2 912 743 823
1. Budget public annuel alloué aux salaires (bruts)	<input checked="" type="checkbox"/> Oui	1 864 433 723
2. Budget public annuel alloué à l'informatisation (équipements, investissements, maintenance)	<input checked="" type="checkbox"/> Oui	97 767 272
3. Budget public annuel alloué aux frais de justice (frais d'expertise, d'interprètes, etc.), sans l'aide judiciaire. NB: ne concerne pas les taxes et frais à payer par les parties.	<input checked="" type="checkbox"/> Oui	12 964 676
4. Budget public annuel alloué aux bâtiments des tribunaux (maintenance, budget de fonctionnement)	<input checked="" type="checkbox"/> Oui	186 833 154
5. Budget public annuel alloué à l'investissement en nouveaux bâtiments (tribunaux)	<input checked="" type="checkbox"/> Oui	225 871 947
6. Budget public annuel alloué à la formation	<input checked="" type="checkbox"/> Oui	7 929 817
7. Autres (Veuillez préciser)	<input checked="" type="checkbox"/> Oui	516 943 234

#### 7) Dans le cas où vous ne pouvez pas distinguer le budget du ministère public et de l'aide judiciaire du budget alloué à l'ensemble des tribunaux, veuillez l'indiquer clairement. Si "autres", veuillez le préciser :

The "other" category includes:

- the budget allocated to the bodies of the judicial community,
- the budget of the Judicial Department of the Supreme Court of the Russian Federation (3 330 492 900 Russian Roubles), which is a body responsible for the maintenance of the system of courts of general jurisdiction inferior to the Supreme Court of the Russian Federation,
- the budget of the Russian Academy of Justice (see question 131 of this questionnaire),
- other expenses.

#### 8) Existe-t-il une règle générale selon laquelle une personne doit payer une taxe ou des frais pour intenter une procédure devant une juridiction de droit commun :

- en matière pénale ?
- en matière autre que pénale ?

Si oui, existe-t-il des exceptions à la règle de payer une taxe ou des frais ? Veuillez préciser ces exceptions:

Chapter 25.3 (Articles 333.16 - 333.42) of the Tax Code of the Russian Federation (part II).

Individuals and organizations shall pay court fees to initiate proceedings in the courts of general jurisdiction (in civil matters), as well as in the commercial courts. Court fees shall be paid for each stage of court proceedings: first instance examination, appeal, cassation and supervisory review.

Subject to the conditions specified in Articles 333.35 - 333.37 of the Tax Code of the Russian Federation, litigants can be exempted from paying court fees.

According to Articles 333.20 (2) and 333.22 (2), with regard to the financial situation of the litigants, the judges may reduce the amount to be paid or postpone the payment.

### 9) Montant annuel des taxes ou frais judiciaires perçus par l'Etat (en €)

426 511 157

### 10) Budget public annuel approuvé et alloué à l'ensemble du système de justice, en € (ce budget n'inclut pas seulement le budget approuvé pour le fonctionnement de l'ensemble des tribunaux comme défini à la question 6, mais aussi le système pénitentiaire, la protection judiciaire de la jeunesse, le fonctionnement du ministère de la Justice, etc.)

NA

9 129 524 916

### 11) Veuillez préciser les éléments composant le budget de l'ensemble du système de justice.

Si "autre", veuillez préciser dans la case "commentaire" ci-dessous.

Système des juridictions	Oui
Aide judiciaire	Oui
Ministère public	Oui
Système pénitentiaire	Oui
Service de probation	Oui
Conseil de la justice	Oui
Protection judiciaire de la jeunesse	Oui
Fonctionnement du ministère de la justice	Oui
Services des demandeurs d'asile et réfugiés	Non
Autres	Oui

Commentaire :

Comparability note: the approach to calculating this sum is different from the one applied during the previous evaluation cycle.

The whole justice system for the purposes of this questionnaire includes:

- question 6 (court system),
- question 12 (legal aid),

- question 13 (prosecution system),
- the Constitutional Court of the Russian Federation - 527 212 300 Russian Roubles (information on the budgets of the constitutional courts of the federal entities is NA),
- the Federal Bailiff Service and the system of enforcement of court decisions - 34 396 010 100 Russian Roubles,
- the Federal Penitentiary Service and the system of penitentiary and probation institutions - 162 766 888 900 Russian Roubles,
- the Ministry of Justice of the Russian Federation - 10 691 103 300 Russian Roubles (minus 75 943 900 Russian Roubles - the budget for legal aid bureaus which is taken into account in question 12 of this questionnaire).

The budget of the Ministry of Justice of the Russian Federation includes, among other things, the budget of forensic expert institutions - 1 274 496 900 Russian Roubles.

Note: forensic expert institutions exist under the authority of several other public bodies of the Russian Federation (see comment to question 203 of this questionnaire), but the budgets of these bodies are not included in the total sum for this question.

**12) Budget public annuel approuvé et alloué à l'aide judiciaire, en €- Si une ou plusieurs données ne sont pas disponibles, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Total du budget public annuel approuvé et alloué à l'aide judiciaire (12.1 + 12.2)	12.1 Budget public annuel alloué à l'aide judiciaire en matière pénale	12.2 Budget public annuel alloué à l'aide judiciaire en matière autre que pénale
Montant (en €)	105 836 124	103 960 392	1 875 732

**13) Budget public annuel approuvé et alloué au Ministère public (en €). Veuillez ajouter dans la boîte "commentaire" ci-dessous toute information utile à l'interprétation des données.**

Montant 934 551 021

Commentaire :

The budget allocated to the Prosecutor General's Office of the Russian Federation and the prosecution system: 37 837 777 900 Russian Roubles.

This sum includes the budget of the Academy of the Prosecutor General's Office of the Russian Federation (see question 131 of this questionnaire).

For the purposes of question 13, before being converted to Euros, the sum was reduced by 50 000 Russian Roubles - the budget for legal aid at the expense of the State which is taken into account in question 12 of this questionnaire.

Comparability note: in the previous evaluation cycle legal aid budget was not deducted from the budget of the prosecution system.

The specified sum does not include the budget of the Investigative Committee under the Prosecution Service of the Russian Federation.

**14) Instances formellement responsables des budgets alloués aux tribunaux (réponses**

**multiples possibles) :**

	Préparation du budget global des tribunaux	Adoption du budget global des tribunaux	Gestion et répartition du budget entre les tribunaux	Evaluation de l'utilisation du budget au niveau national
Ministère de la justice	Non	Non	Non	Non
Autre ministère	Oui	Non	Non	Non
Parlement	Non	Oui	Non	Oui
Cour Suprême	Oui	Non	Oui	Non
Conseil Supérieur de la Magistrature	Oui	Non	Non	Non
Tribunaux	Non	Non	Non	Non
Organisme d'inspection	Non	Non	Non	Oui
Autre	Oui	Non	Oui	Non

**15) Si autre ministère et/ou organisme d'inspection et/ou autre, veuillez préciser (au regard de la question 14) :**

Comparability note: nothing has changed in the budgetary process since the previous evaluation cycle, but the table for that cycle was filled in with some inaccuracies.

According to Article 1 (1) of the Federal Law "On the financing of the courts in the Russian Federation" (10 February 1999, no. 30-FZ), the court system in the Russian Federation shall be funded from the federal budget.

Under Article 171 of the Budgetary Code of the Russian Federation, the preparation of the draft federal budget shall be performed by:

- the Government of the Russian Federation,
- the Ministry of Finance of the Russian Federation.

According to Article 33 (3) of the Federal Constitutional Law "On the court system of the Russian Federation" (31 December 1996, no. 1-FKZ), the preparation of the draft court system budget shall be performed with the participation of:

- the Constitutional Court of the Russian Federation,
- the Supreme Court of the Russian Federation,
- the Judicial Department of the Supreme Court of the Russian Federation,
- the Supreme Commercial Court of the Russian Federation,
- the Judicial Council of the Russian Federation.

According to Article 33 (5) of the Federal Constitutional Law "On the court system of the Russian Federation" (31 December 1996, no. 1-FKZ) and Article 2 of the Federal Law "On the financing of the courts in the Russian Federation" (10 February 1999, no. 30-FZ), the court system budget can be reduced only upon the consent of the All-Russian Congress of Judges or the Judicial Council of the Russian Federation.

The federal budget shall be drawn up in the form of a federal law (Article 11 of the Budgetary Code of the Russian Federation). It shall be approved by the two chambers of the Russian parliament and signed by the President of the Russian Federation (Article 106 (a) and Article 107 of the Constitution of the Russian Federation).

According to Article 4 of the Federal Law "On the financing of the courts in the Russian Federation" (10 February 1999, no. 30-FZ) and Article 158 of the Budgetary Code of the Russian Federation, the administration and distribution of the court system budget shall be vested in:

- the Constitutional Court of the Russian Federation,
  - the Supreme Court of the Russian Federation,
  - the Judicial Department of the Supreme Court of the Russian Federation,
  - the Supreme Commercial Court of the Russian Federation,
- who are the main administrators of the court system budget.

Pursuant to Article 21 (2) of the Budgetary Code of the Russian Federation, the list of the main administrators of the budgetary means for the year 2010 was set in Annex 6 to the Federal Law

"On the federal budget for the year 2010 and for the planned period of 2011 and 2012" (2 February 2009, no. 308-FZ).

The evaluation of the budget execution at national level is performed by:

- the Accounts Chamber of the Russian Federation (Article 264.4 of the Budgetary Code of the Russian Federation),
- the Russian parliament (Articles 153 and 264.5 of the Budgetary Code of the Russian Federation).

## A.2

**Vous pouvez indiquer ci-dessous :**

- **tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**
- **les caractéristiques de votre système budgétaire et les réformes majeures mises en œuvre au cours des deux dernières années**
- **si possible un organigramme avec une description des compétences des différentes instances responsables des procédures budgétaires**

Question 6.

The total budget allocated to all courts: 119 766 113 200 Russian Roubles.

This sum includes:

- 1) the budget allocated to the Supreme Commercial Court of the Russian Federation and the system of commercial courts: 18 384 337 700 Russian Roubles,
- 2) the budget allocated to the Supreme Court of the Russian Federation (the highest instance court of general jurisdiction): 2 273 155 100 Russian Roubles,
- 3) the budget allocated to the Judicial Department of the Supreme Court of the Russian Federation and the system of inferior courts of general jurisdiction: 99 108 620 400 Russian Roubles.

For the purposes of question 6, before being converted to Euros, the total budget allocated to all courts was reduced by 1 836 106 400 Russian Roubles - the budget of the Supreme Court of the Russian Federation and the Judicial Department of the Supreme Court of the Russian Federation for legal aid at the expense of the State which is taken into account in question 12 of this questionnaire.

According to Article 10 of the Federal Law "On the justices of the peace of the Russian Federation" (17 December 1998, no. 188-FZ), the salaries and social payments for the justices of the peace are covered by the federal budget (the Judicial Department of the Supreme Court of the Russian Federation) and are included in the corresponding sum. However, other expenses for the functioning of the justices of the peace are borne by the federal entities, and the information on them is NA.

The figure in question 6-1 includes gross salaries (with income tax) of judges and non-judge staff of the courts, as well as insurance and pension contributions paid by the employers for their employees. It does not include the salaries of the staff of the Judicial Department of the Supreme Court of the Russian Federation.

Commercial courts do not have a separate budget for justice expenses (question 6-3). The savings in the other areas of spending are used to cover such expenses, when necessary.

Comparability note: there is a significant difference between the figure in question 6-3 of this questionnaire and the figure provided for question 8-3 during the previous evaluation cycle. The figure for the previous evaluation cycle was incorrect, it included legal aid budget of the courts of general jurisdiction (it was impossible to separate it) and, by mistake, a figure for the commercial courts that should have been added to the "other" category.

Therefore, by mistake, the 2008 figure specified for justice expenses included the following two figures:

- EUR 47 334 561 (RUR 1 940 717 000) - a figure for the commercial courts, which should have been added to the "other" category,
- EUR 53 543 496 - the legal aid budget of the courts of general jurisdiction (as specified in the answer to question 13), which should have been excluded from total annual approved budget allocated to all courts.

If we deduct both figures from EUR 120 455 439 (the 2008 figure for justice expenses), we get EUR 19 577 382, which differs from EUR 12 964 676 (the 2010 figure for justice expenses) by -



33.8%. This difference could be further explained by a different approach to the budget break down into categories.

To crown it all, the correct figures for the year 2008, which are comparable to the figures for the year 2010, should have been as follows:

- total annual approved budget allocated to all courts (question 6):  
EUR 2 352 742 701 (instead of 2 406 286 197),
- annual public budget allocated to justice expenses (question 8-3):  
EUR 19 577 382 (instead of 120 455 439),
- other (question 8-7):  
EUR 496 457 161 (instead of 449 122 600).

Q6#2#3 : There is an increase of 135.54% of the annual approved budget of the courts allocated to computerization between 2008 and 2010. This significant increase in the expenditure allocated to computerization was connected with the implementation of the Federal Target Program "Development of the Russian Judicial System" for 2007-2011 (mentioned in the answer to question 208).

As in 2008, the Supreme Court of the Russian Federation made no investments in new court buildings in 2010 (question 6-5).

Q6#2#7 : There was a significant growth (180.62%) of the budget allocated to training and education of the court staff between 2008 and 2010.

Q10 : These figures for the years 2008 and 2010 are not comparable.

As for the year 2008, the figures specified in the answers to questions 6 and 12 were the same, and it was mentioned in the comment to question 12:

This value is the same as the value given in response to Question 6 as the justice system in the Russian Federation, for the purposes of budget allocation, includes only those institutions that are covered by question 6.

As for the year 2010, a different approach was taken to calculating the budget of the whole justice system. See the comment to question 11:

Comparability note: the approach to calculating this sum is different from the one applied during the previous evaluation cycle.

And, as further explained in the comment, the budget of the whole justice system for the year 2010 includes:

- question 6 (court system),
- question 12 (legal aid),
- question 13 (prosecution system),
- the Constitutional Court of the Russian Federation,
- the Federal Bailiff Service and the system of enforcement of court decisions,
- the Federal Penitentiary Service and the system of penitentiary and probation institutions,
- the Ministry of Justice of the Russian Federation (minus the budget for legal aid bureaus which is taken into account in question 12 of the questionnaire).

Question 12.

Comparability note: in the previous evaluation cycle information was provided only about the budget for legal aid lawyers allocated to the courts of general jurisdiction.

And, as further explained in the comment, in addition to the budget for legal aid lawyers allocated to the courts of general jurisdiction, the sum specified for the year 2010 includes:

- the budget for the State-run legal bureaus,
- the budget for legal aid lawyers allocated to the bodies entitled to conduct criminal inquiry or investigation or participate in them.

12.2 (other than criminal cases).

The budget for the State-run legal bureaus - 75 943 900 Russian Roubles (included in the budget of the Ministry of Justice of the Russian Federation).

12.1 (criminal cases).

The budget allocated to the courts of general jurisdiction for legal aid lawyers in criminal cases:

- 32 524 900 Russian Roubles in the budget of the Supreme Court of the Russian Federation,
- 1 803 581 500 Russian Roubles in the budget of the Judicial Department of Supreme Court of the Russian Federation.

The budget for legal aid lawyers allocated to the bodies entitled to conduct criminal inquiry or investigation or participate in them:

- 308 024 200 Russian Roubles - the Investigative Committee under the Prosecution Service of the Russian Federation,
- 50 000 Russian Roubles - the Prosecutor General's Office of the Russian Federation,
- 137 719 800 Russian Roubles - the Ministry of Defense of the Russian Federation,
- 1 784 500 300 Russian Roubles - the Ministry of the Interior of the Russian Federation,
- 38 382 200 Russian Roubles - the Federal Security Service of the Russian Federation,
- 80 800 000 Russian Roubles - the Federal Drug Control Service of the Russian Federation,
- 2 678 000 Russian Roubles - the Federal Customs Service,
- 20 845 900 Russian Roubles - the Federal Bailiff Service.

It should be clarified that the comment under the table, at least the one for the Russian Federation, relates only to the budget of all courts, because Table 2.1 contains many other figures. (cf CN 03/07)

### **Veillez indiquer les sources des réponses aux questions 6, 9, 10, 11, 12 et 13.**

Question 6.

Federal Law no. 308-FZ of 2 February 2009

"On the federal budget for the year 2010 and for the planned period of 2011 and 2012", Annex 6. The breakdown of the budget into categories is based on the information provided by:

- the Supreme Court of the Russian Federation,
- the Judicial Department of the Supreme Court of the Russian Federation,
- the Supreme Commercial Court of the Russian Federation.

Question 9.

The sum of court fees for applications to the courts of general jurisdiction (including the Supreme Court of the Russian Federation and the justices of the peace), in civil cases, collected in 2010: 10 118 413 130 Russian Roubles.

The figure was calculated on the basis of the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:

<http://www.cdep.ru/index.php?id=5&item=494>

The following sections of the report were used:

- form no. 3, section 1, column 15 (applications to initiate first instance proceedings),
- form no. 17, section 2, column 11 (applications to initiate appellate proceedings),
- form no. 7, section 1, column 12 (applications to initiate cassational proceedings),
- form no. 9, section 1, column 12 (applications to initiate supervisory proceedings),
- form no. 4, section 2, row 6, columns 2 and 4 (court fees collected upon court decisions).

The sum of court fees for applications to the commercial courts collected in 2010: 7 150 000 000 Russian Roubles.

The figure was calculated on the basis of the information available on the website of the Supreme Commercial Court of the Russian Federation:

[http://www.arbitr.ru/\\_upimg/A2662B9896BF189C8E6D2D0FC50CE6FD\\_6.pdf](http://www.arbitr.ru/_upimg/A2662B9896BF189C8E6D2D0FC50CE6FD_6.pdf)

Questions 10 and 13.

Federal Law no. 308-FZ of 2 February 2009

"On the federal budget for the year 2010 and for the planned period of 2011 and 2012", Annex 6.

Question 12.

The Ministry of Finance of the Russian Federation,

The Supreme Court of the Russian Federation,

The Judicial Department of the Supreme Court of the Russian Federation.

## 2. Accès à la justice et à l'ensemble des tribunaux

### 2. 1. Aide judiciaire

#### 2. 1. 1. Principes

#### 16) L'aide judiciaire concerne-t-elle :

	Affaires pénales	Affaires autres que pénales
Représentation devant les tribunaux	Oui	Oui
Conseil juridique	Oui	Oui

#### 17) L'aide judiciaire prévoit-elle la couverture ou l'exonération des frais de justice?

- Oui  
 Non

Si oui, veuillez préciser:

See comment to question 8 of this questionnaire.

#### 18) Est-il possible de bénéficier de l'aide judiciaire pour des frais relatifs à l'exécution des décisions de justice (par exemple : honoraires d'un agent d'exécution) ?

- Oui  
 Non

Si oui, veuillez préciser:

#### 19) L'aide judiciaire peut-elle être allouée pour d'autres frais (différents de ceux indiqués aux questions 16 à 18, par exemple honoraires d'un conseiller technique ou expert, honoraires d'autres professionnels de la justice (notaires), frais de voyage, etc.) ? Si oui, veuillez préciser dans la boîte "commentaire" ci-dessous.

	Affaires pénales	Affaires autres que pénales
	Oui	Oui

Commentaire :

According to Article 132 (6) of the Criminal Procedure Code of the Russian Federation, in criminal cases, procedural expenses can be reimbursed from the federal budget if a person who is to pay them is insolvent. The judge can exempt a person from paying procedural expenses or reduce the amount to be paid if such payment will significantly influence the financial situation of the dependents of this person (and the expenses will be recovered from the federal budget).

According to Article 96 (3) of the Civil Procedure Code of the Russian Federation, in civil cases, the judge can exempt a person from paying procedural expenses or reduce the amount to be paid depending on the financial situation of this person (and the expenses will be recovered from the federal or regional budget).

Procedural expenses can be reimbursed to victims, witnesses, their legal representatives, experts, specialists, interpreters (translators) and attesting witnesses.

The reimbursement can cover travel and accommodation expenses, as well as lost earnings and remuneration for performing professional duties incurred in connection with the inquiry, investigation and court proceedings.

The details can be found in Article 131 of the Criminal Procedure Code of the Russian Federation and Article 94 of the Civil Procedure Code of the Russian Federation, respectively.

**20) Nombre d'affaires portées devant les tribunaux et ayant bénéficié de l'aide judiciaire. Veuillez préciser dans la boîte "commentaire" ci-dessous, le cas échéant. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

**[Cette question porte sur le nombre annuel de décisions octroyant l'aide judiciaire aux justiciables qui ont saisi un tribunal. Elle ne concerne pas le conseil juridique fourni pour des affaires qui ne sont pas portées devant un tribunal.]**

	Nombre
Total	NA
en matière pénale	NA
en matière autre que pénale	NA

Commentaire :

**21) En matière pénale, les personnes n'ayant pas les moyens financiers suffisants peuvent-elles bénéficier de l'assistance gratuite (ou financée par un budget public) d'un avocat ? Veuillez préciser dans la boîte "commentaire" ci-dessous.**

Personnes mises en cause	Oui
Victimes	Non

Commentaire :

In criminal matters, legal aid at the expense of the State can be in the form of legal representation and legal advice (including help in drafting legal documents). A legal aid lawyer can be assigned for both purposes by the courts of general jurisdiction or by the bodies conducting inquiry or investigation at any stage of criminal proceedings.

According to Articles 50 and 51 of the Criminal Procedure Code of the Russian Federation, legal aid lawyer can be assigned only to a suspect or an accused (not to a victim). A suspect or an accused may request for a legal aid lawyer to be assigned to him, irrespective of his financial situation. In certain cases the courts of general jurisdiction or the bodies conducting inquiry or investigation are obliged to provide legal representation at the expense of the State to the suspect or the accused.

**22) Si oui, ont-elles le libre choix de l'avocat dans le cadre de l'aide judiciaire?**

- Oui  
 Non

**23) Votre pays procède-t-il à un examen des revenus et/ou des biens (patrimoine) du**

**demandeur avant d'octroyer l'aide judiciaire ? Veuillez ajouter dans la boîte "commentaire" ci-dessous les informations utiles à l'interprétation des données fournies. Si un tel système existe, mais que les données ne sont pas disponibles, veuillez indiquer NA. Si un tel système n'existe pas, veuillez indiquer NAP.**

	montant du revenu (si possible pour une personne) en €	valeur des biens (patrimoine) en €
en matière pénale	NAP	NAP
en matière autre que pénale ?	Yes	NAP

Commentaire :

In criminal cases, legal aid lawyer can be assigned irrespective of the applicant's financial situation (see comment to question 21).

In civil cases, free legal aid in the forms described in the comment to question 16 of this questionnaire is provided to the persons whose income level is below the living wage which is recalculated every three months in each of the federal entities.

As regards the coverage of procedural expenses by means of federal budget, in both civil and criminal cases, the decision is to be taken by a judge based on his assessment of the financial situation of the applicant (see comment to question 19 of this questionnaire).

**24) En matière autre que pénale, est-il possible de refuser l'aide judiciaire pour absence de bien-fondé de l'action (par exemple pour caractère abusif de l'action en justice ou en raison de l'absence d'un éventuel succès) ?**

- Oui  
 Non

Si oui, veuillez expliquer les critères concrets pour refuser l'aide judiciaire :  
 Question 25 is left unanswered because the answer to question 24 is "no".

**25) La décision d'accorder ou de refuser l'aide judiciaire est-elle prise par :**

- le tribunal ?  
 une instance extérieure au tribunal ?  
 une instance mixte (tribunal/organe externe)?

**26) Existe-t-il un système privé d'assurance protection juridique permettant aux personnes physiques (cela ne concerne pas les entreprises ou autres personnes morales) de financer une action en justice ?**

- Oui  
 Non

Le cas échéant, veuillez donner des indications sur le développement actuel de ce type d'assurance dans votre pays; s'agit-il d'un phénomène grandissant ?

**27) La décision judiciaire peut-elle porter sur la manière dont les frais de justice payés par les parties au cours de la procédure seront partagés:**

| en matière pénale ? |

	Yes
en matière autre que pénale ?	Yes

**B.1**

**Vous pouvez indiquer ci-dessous :**

- **tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**
- **les caractéristiques de votre système d'aide judiciaire et les réformes majeures mises en œuvre au cours des deux dernières années**

Question 16.

Legal aid at the expense of the State is not provided for in the system of commercial courts.

As regards legal aid lawyers in criminal matters, see comment to question 21 of this questionnaire.

In civil matters, free legal aid can be obtained through the State-run legal bureaus in the form of:

- legal advice,
- drafting legal documents,
- representation in civil litigation and enforcement proceedings.

Such bureaus began to function back in 2006 on the basis of the Ruling of the Government of the Russian Federation "On the experiment on creating a State system for the provision of free legal aid to low-income population" (22 August 2005, no. 534). Under the Ruling of the Government of the Russian Federation "On the State-run legal bureaus" (25 December 2008, no. 1029), they were put under the jurisdiction of the Ministry of Justice of the Russian Federation.

The bureaus provide legal aid free of charge to:

- low-income groups of population,
- disabled persons (disability of 1st and 2nd category),
- WWII veterans,
- unemployed pensioners.

According to Article 26 of the Federal Law "On the legal practice and advocacy in the Russian Federation" (31 May 2002, no. 63-FZ), free legal aid shall be provided to low-income groups of population in the following situations:

- claimants in the first-instance civil court proceedings concerning the recovery of alimony or compensation for the damage resulting from the death of the bread winner or labour-related injury,
  - WWII veterans in any matters except for those relating to entrepreneurship,
  - the citizens of the Russian Federation applying for pension or allowance,
  - the citizens of the Russian Federation - victims of political repressions seeking rehabilitation,
- Irrespective of their financial situation, minors kept the institutions of the system of minors neglect and delinquency prevention, shall be provided with free legal aid in any matters.

**Veillez indiquer les sources des réponses aux questions 20 et 23:**

## 2. 2. Usagers des tribunaux et victimes

### 2. 2. 1. Droit des usagers et victimes

**28) Existe-t-il des sites/portails Internet officiels (ex: ministère de la Justice, etc.) à partir desquels le public a accès gratuitement :**

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**Les sites internet mentionnés pourraient figurer notamment sur le site internet de la CEPEJ. Veuillez préciser dans la boîte "commentaire" ci-dessous quels documents et informations sont inclus aux adresses concernant "autres documents" :**

- aux textes juridiques (codes, lois, règlements, etc.) ? adresse Internet:  Oui

- à la jurisprudence des hautes juridictions ?  Oui  
 adresse Internet:
- à d'autres documents (par exemple le téléchargement de formulaires, l'enregistrement en ligne) ?  Oui

Commentaire :  
 --- Legal texts ---

<http://www.rg.ru> (website of the "Rossiyskaya Gazeta" newspaper - the official source for the publication of legal texts in the Russian Federation)

<http://www.scli.ru> (website of "Scientific Centre for Legal Information" - an institution of the Ministry of Justice of the Russian Federation that, among other things, maintains an online legal database)

<http://www.kremlin.ru> (website of the President of the Russian Federation features, among other things, an online legal database)

<http://www.consultant.ru> ("Consultant Plus" online legal database)  
<http://www.garant.ru> ("Garant" online legal database)

--- Case-law of the higher courts ---

<http://www.consultant.ru>  
<http://www.garant.ru>

<http://www.ksrf.ru> (the Constitutional Court of the Russian Federation)  
<http://www.supcourt.ru> (the Supreme Court of the Russian Federation)  
<http://www.arbitr.ru> (the Supreme Commercial Court of the Russian Federation)

--- Other documents ---

According to Article 14 of the Federal Law "On the provision of access to information about the activity of the courts in the Russian Federation" (12 December 2008, no. 262-FZ), which has been in force since 1 July 2010, the following pieces of information shall, among other things, be published at the websites of the courts:

- decisions delivered by the court (with few exceptions),
- information on the progress of pending cases and the results of the proceedings in resolved cases,
- legal documents and regulations relating to the functioning of the court,
- reference information for the users of the courts.

Websites of the courts of general jurisdiction can be accessed through <http://www.sudrf.ru/>

Websites of the commercial courts can be accessed through <http://www.arbitr.ru>

**29) Votre système prévoit-il une obligation d'informer les parties concernant les délais prévisibles de la procédure judiciaire?**

- Oui  
 Non

Si oui, veuillez préciser:

**30) Existe-t-il un système d'information spécifique, public et gratuit, pour informer et aider les victimes d'infractions?**

Oui Non

Si oui, veuillez préciser:

Here are some examples of hot-lines and information systems for the victims of various incidents, including crimes:

<http://www.mvd.ru/> - the Ministry of the Interior of the Russian Federation runs a hot-line for victims and witnesses of crimes and administrative offences, its website contains a section with useful tips for certain life situations,

<http://soprotivlenie.org> - a human rights movement "Soprotivlenie" runs its own hot-line for psychological and legal advice and offers a list of some other hot-lines at its website.

**31) Existe-t-il des modalités favorables particulières applicables aux catégories de personnes vulnérables suivantes, au cours des procédures judiciaires. Si "autres personnes vulnérables" et/ou "autres modalités particulières", veuillez le préciser dans la boîte "commentaire" ci-dessous.**

**[Cette question ne concerne pas la phase d'investigation par la police et elle ne concerne pas l'indemnisation des victimes d'infractions traitée aux questions 32 à 34.]**

	Dispositif d'information	Modalités particulières pour les audiences	Autres
Victimes de viol	Non	Oui	Non
Victimes du terrorisme	Non	Oui	Non
Enfants (témoins ou victimes)	Non	Oui	Non
Victimes de violence domestique	Non	Oui	Non
Minorités ethniques	Non	Oui	Non
Personnes handicapées	Non	Oui	Non
Délinquants mineurs	Non	Oui	Non
Autres (par exemple, les victimes de la traite des êtres humains)	Non	Oui	Non

Commentaire :

According to Article 51 (1) of the Criminal Procedure Code of the Russian Federation, the participation of a lawyer (either assigned at the expense of the State, or invited by the vulnerable person) is obligatory for:

- minor suspects and accused,
- suspects and accused who do not speak the official language of the proceedings,
- suspects and accused who are physically or mentally disabled.

According to Article 241 (2) of the Criminal Procedure Code of the Russian Federation, an in camera court hearing will be held instead of a public one in the following cases:

- the accused person is under the age of 16,
- the case involves the disclosure of the intimate aspects of life of the participants in the proceedings,
- the case involves the disclosure of degrading information about the participants in the proceedings,
- the safety of the participants in the proceedings, their relatives, close relatives or intimate persons is under threat.

According to Article 278 (5) of the Criminal Procedure Code of the Russian Federation, for security reasons, the participants in the proceedings, their relatives, close relatives or intimate persons can be interrogated out of view of the other participants in the proceedings, and their identity information will not be disclosed.

According to Article 280 (6) of the Criminal Procedure Code of the Russian Federation, victims and



witnesses under the age of 18 can be interrogated in the absence of the accused.

According to Article 48 of the Criminal Procedure Code of the Russian Federation, participation of legal representatives shall be ensured for minor suspects and defendants during criminal proceedings against them.

According to Article 280 (1) and (4) of the Criminal Procedure Code of the Russian Federation, victims and witnesses under the age of 14 shall be interrogated in the presence of a teacher and of a legal representative. The same may apply to those who are 14-18 years old, if the court so decides.

Moreover, Article 280 (5) of the Criminal Procedure Code of the Russian Federation and Article 20 of the Criminal Code of the Russian Federation exempt persons under the age of 16 from liability for false testimony and refusal to testify.

Chapter 50 of the Criminal Procedure Code of the Russian Federation provides for a special procedure in criminal cases against minors.

Almost any participant in criminal proceedings, as well as his or her relatives, close relatives or intimate persons, can be afforded physical protection under Article 2 of the Federal Law "On the State protection of victims, witnesses and other participants in criminal proceedings" (20 August 2004, no. 119-FZ). Such protection can be applied before the initiation of criminal proceedings. According to Article 6 of the law, the security measures include, among other things:

- a personal guard, a guard for property or dwelling,
- change of the place of residence, employment, service, study, detention or imprisonment,
- transfer to a safe place,
- appearance modification.

330 720 000 Russian Roubles have been allocated in the federal budget in 2010 for the development of the system of protection for the participants in criminal proceedings in the framework of a State program "On ensuring the safety of victims, witnesses and other participants in criminal proceedings in 2009-2013" (approved by Ruling of the Government of the Russian Federation of 2 October 2009 no. 792).

### **32) Votre pays dispose-t-il d'une procédure d'indemnisation des victimes d'infractions ?**

- Oui  
 Non

Si oui, pour quels types d'infractions

According to Article 42 (3) and (4) of the Criminal Procedure Code of the Russian Federation, victims are entitled to compensation of the pecuniary and non-pecuniary damage caused to them by crimes (such compensation is recovered from the offenders), as well as to compensation of procedural expenses incurred in connection with the criminal proceedings, which can be recovered either from the offenders or from the federal budget (see comment to question 19).

### **33) Si oui, cette procédure d'indemnisation consiste-t-elle en:**

- un dispositif public ?  
 des dommages et intérêts à payer par la personne responsable (par décision du tribunal) ?  
 un dispositif privé ?

### **34) Existe-t-il des études permettant d'évaluer le taux de recouvrement des dommages et intérêts prononcés par les juridictions pour les victimes ?**

- Oui

Non

Si oui, veuillez préciser le taux de recouvrement, le nom des études, la fréquence des études et l'organe responsable :

**35) Le procureur a-t-il un rôle spécifique au regard des victimes (protection et assistance) ?**

Oui

Non

Si oui, veuillez préciser :

Pursuant to Articles 44(3) and 246 (6) of the Criminal Procedure Code of the Russian Federation, prosecutors shall file or support already filed civil claims in criminal proceedings when it is required for the sake of protection of the rights of the citizens (including victims), as well as of public or State interests.

**36) Les victimes d'infractions peuvent-elles contester une décision du procureur de classer une affaire?**

-----

**Veuillez vérifier la cohérence de votre réponse avec celle de la question 105 qui traite de la possibilité pour un procureur "de classer une affaire sans suite, sans avoir besoin d'obtenir une décision du tribunal".**

Oui

Non

NAP (le procureur ne peut pas décider de classer une affaire de son propre chef. Une décision judiciaire est nécessaire)

Le cas échéant, veuillez préciser :

According to Article 226 (3) of the Criminal Procedure Code of the Russian Federation, before the beginning of court proceedings, prosecutors can deliver decisions to discontinue less serious criminal cases, which are subject to criminal inquiry, but not criminal investigation. According to Article 223 (1) of the Code, inquirer is also entitled to deliver decisions to discontinue such criminal cases, subject to approval by a prosecutor.

As regards other criminal cases, according to Article 213 (1) of the Code, only investigators can deliver decisions to discontinue them before the beginning of court proceedings.

Note: until the institution of the Investigative Committee under the Prosecution Service of the Russian Federation on 7 September 2007 (which entailed quite significant changes to the criminal procedure), prosecutors had been entitled to deliver decisions to discontinue any criminal case.

Pursuant to Articles 42 (2) and 123 - 125 of the Code, decisions of inquirers, investigators and prosecutors to discontinue criminal cases can be challenged by victims.

It should also be noted that, according to Articles 37(4) and 246(7) of the Code, the prosecutor can decide to discontinue criminal prosecution, in full or in part, in the course of court proceedings. Such decision entails a corresponding court decision, which can be challenged by the parties.

## 2. 2. 2. Confiance des citoyens dans leur justice

**37) Existe-t-il un système d'indemnisation pour les usagers dans les circonstances suivantes :**

- durée excessive de la procédure ?
- non exécution des décisions de justice?
- arrestation injustifiée ?
- condamnation injustifiée ?

Le cas échéant, veuillez fournir des renseignements concernant la procédure d'indemnisation, le nombre d'affaires, le résultat des procédures et le dispositif actuel permettant de calculer le montant de l'indemnisation (par exemple, le tarif journalier pour une arrestation ou une condamnation injustifiée) :

The Federal law "On the compensation for the violation of the right to trial within reasonable time and the right to execution of judicial acts within reasonable time" (30 April 2010, no. 68-FZ ), which has been in force since 4 May 2010, provides for a mechanism of compensation for the breaches of the two rights of court users:

- the right to trial within reasonable time,
- and the right to execution of judicial acts within reasonable time.

Citizens can apply to a court for such a compensation if they find that criminal investigation, civil or criminal court proceedings or execution of a judicial act has lasted unreasonably long. The court shall analyze the circumstances of the case, the conduct of the authorities and of the applicant in order to decide on the amount of money to be awarded to the applicant.

The law was developed in cooperation with the Committee of Ministers of the Council of Europe and with regard to the case-law of the European Court of Human Rights.

Chapter 18 of the Criminal Procedure Code of the Russian Federation describes the rehabilitation procedure, which allows to receive compensation for the damage resulting from wrongful arrest, detention and conviction.

**38) Votre pays a-t-il mis en place des enquêtes auprès des professionnels de la justice et des usagers des tribunaux pour mesurer leur confiance dans la justice et leur degré de satisfaction par rapport au service rendu ? (plusieurs options possibles)**

- enquêtes (de satisfaction) auprès des juges
- enquêtes (de satisfaction) auprès du personnel des tribunaux
- enquêtes (de satisfaction) auprès des procureurs
- enquêtes (de satisfaction) auprès des avocats
- enquêtes (de satisfaction) auprès des parties
- enquêtes (de satisfaction) auprès d'autres usagers des tribunaux (par exemple jurés, témoins, experts, interprètes, représentants des agences gouvernementales)
- Enquêtes (de satisfaction) auprès des victimes

Si possible, veuillez préciser leurs titres, objets et sites internet où elles peuvent être consultées :

Section III of the federal target program "The development of the Russian judicial system" for the years 2007-2012 (approved by Ruling of the Government of the Russian Federation of 21 September 2006 no. 583), among other things, provides for the conduct of regular surveys of court users.

Annex 2 to this program sets the following indicators:

- the proportions of the citizens who trust / don't trust the judicial institutions,
- the proportion of the citizens who consider that there is a lack of information about the court activities,
- the proportion of the citizens who consider that the level of organization of the court activities is insufficient,
- the proportion of the citizens who have noticed inattention and rudeness of the court staff.

The questionnaires are usually published at the court websites or distributed in the court buildings.

The surveys are also carried out by academic institutions and non-governmental and commercial organizations, for instance:

- <http://www.levada.ru/> - "Levada Center",
- <http://wciom.com/> - Russian Public Opinion Research Center.

### 39) Si possible, veuillez préciser :

	Enquêtes systématiques (par exemple annuelles)	Enquêtes occasionnelles
Enquêtes au niveau national	Oui	Oui
Enquêtes au niveau des tribunaux	Oui	Oui

### 40) Existe-t-il un dispositif national ou local permettant de déposer une plainte concernant le fonctionnement du système judiciaire (par exemple le traitement d'une affaire par un juge ou la durée d'une procédure)?

- Oui  
 Non

### 41) Veuillez préciser l'autorité compétente pour traiter de telles plaintes et informer si l'autorité doit ou ne doit pas respecter un délai pour répondre et/ou un délai pour traiter la plainte (plusieurs réponses possibles). Veuillez donner des informations sur l'efficacité de cette procédure de plainte dans la boîte "commentaire" ci-dessous.

	Délai pour répondre (par exemple pour accuser réception de la plainte, pour informer des suites qui lui seront données, etc.)	Délai pour traiter la plainte	Pas de délais
Tribunal concerné	Oui	Oui	Non
Instance supérieure	Oui	Oui	Non
Ministère de la Justice	Non	Non	Non
Conseil supérieur de la magistrature	Oui	Oui	Non
Autres organisations extérieures (ex. médiateur)	Non	Non	Non

Commentaire :

Comparability note: nothing has changed in this sphere since the previous evaluation cycle, but the table

for that cycle was filled in with some inaccuracies.

The Federal Law "On the examination of applications of the citizens of the Russian Federation" (2 May 2006, no. 59-FZ) sets the basic requirements to the procedure according to which State bodies (including the courts) shall deal with the applications of the citizens.

According to Article 8 of the law, written and electronic applications shall be registered within 3 days after having been received. If the problem described in the application is beyond the competence of the State body that have received it, the application shall be forwarded to the competent authority within 7 days after its registration, and the applicant shall be notified accordingly.

Article 12 of the law sets the 30 days time limit for the resolution of written and electronic applications (the term is counted from the date of registration). In exceptional cases the term can be extended for up to 30 days, and the applicant shall be notified accordingly.

The described procedure applies to complaints of administrative (not procedural) nature. The complaints about the breaches listed in question 37 of this questionnaire are of procedural nature, and the time limits for dealing with them are different.

### 3. Organisation des tribunaux

#### 3. 1. Fonctionnement

##### 3. 1. 1. Tribunaux

**42) Nombre de tribunaux considérés comme entités juridiques (structures administratives) et implantations géographiques. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Nombre total
42.1 Tribunaux de droit commun de 1ère instance (entités juridiques)	9 978
42.2 Tribunaux spécialisés de 1ère instance (entités juridiques)	92
42.3 Tous les tribunaux (implantations géographiques) (ce chiffre inclut les tribunaux de droit commun de 1ère instance, les tribunaux spécialisés de 1ère instance, tous les tribunaux de seconde instance et cours d'appels et toutes les cours suprêmes)	NA

**43) Nombre (entités juridiques) de tribunaux spécialisés (ou ordre judiciaire spécifique) de 1ère instance. Si "autres tribunaux spécialisés de 1ère instance", veuillez donner des précisions dans la boîte "commentaire" ci-dessous. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

Total (il doit correspondre au nombre indiqué à la question 42.2)	92
Tribunaux commerciaux	92
Tribunaux du travail	NAP
Tribunaux des affaires familiales	NAP
Tribunaux des affaires locatives (tribunaux des baux)	NAP
Tribunaux de l'exécution des sanctions pénales	NAP
Tribunaux administratifs	NAP
Tribunaux des assurances et/ou de la sécurité sociale	NAP
Tribunaux militaires	NAP
Autres tribunaux spécialisés de 1ère instance	NAP

Commentaire :

cf CN 30/08

Since 2010, commercial cassational courts have been entitled to examine, as first instance courts,

complaints lodged under the Federal law "On the compensation for the violation of the right to trial within reasonable time and the right to execution of judicial acts within reasonable time" (30 April 2010, no. 68-FZ).

Question 42-1.

According to Article 4 of the Federal Constitutional Law "On the courts of general jurisdiction in the Russian Federation" (7 February 2011, no. 1-FKZ), the courts of general jurisdiction deal with administrative, criminal and civil cases.

According to Article 1 (2) of the same law, military courts are included in the system of the courts of general jurisdiction. According to Article 7 of the Federal Constitutional Law "On the military courts of the Russian Federation" (23 June 1999, no. 1-FKZ), military courts deal with administrative, criminal and civil cases involving military servicemen.

According to Article 41 (2) of the Federal Constitutional Law "On the courts of general jurisdiction in the Russian Federation" (7 February 2011, no. 1-FKZ), only the Supreme Court of the Russian Federation and the courts of the federal entity level are legal entities, though the other courts of general jurisdiction are nonetheless separate administrative structures.

As of 1 January 2011, the system of the courts of general jurisdiction in the Russian Federation included:

- the Supreme Court of the Russian Federation (1),
- the courts of federal entity level (83) and circuit (fleet) military courts (12),
- district (city) courts (2319) and garrison military courts (119),
- justices of the peace (7444).

Each of these courts can act as a first-instance court.

Question 43.

According to Article 1 of the Russian Commercial Procedure Code, commercial courts resolve economic disputes and other types of cases connected with business and economic activity.

The system of commercial courts in the Russian Federation includes:

- the Supreme Commercial Court of the Russian Federation (1),
- commercial cassational courts (10),
- commercial appellate courts (20),
- commercial courts of the federal entity level (81).

According to Article 34 of the Russian Commercial Procedure Code, only commercial appellate courts cannot function as first instance courts.

Comparability note: since 2010, commercial cassational courts have been entitled to examine, as first instance courts, complaints lodged under the Federal law "On the compensation for the violation of the right to trial within reasonable time and the right to execution of judicial acts within reasonable time" (30 April 2010, no. 68-FZ), see comment to question 37 of this questionnaire for details.

**44) Une réforme dans la structure des tribunaux est-elle envisagée (par exemple une diminution du nombre de tribunaux (implantations géographiques) ou une réforme de la compétence des tribunaux) ?**

Oui

Non

Si oui, veuillez préciser :

A reduction in the number of the district courts of general jurisdiction is expected.

At the same time, Articles 1(2) and 32(2) of the Federal Constitutional Law "On the courts of general jurisdiction in the Russian Federation" (7 February 2011, no. 1-FKZ) allow for the introduction of inter-district courts of the same level as district and city courts of general jurisdiction.

Moreover, Articles 24(3) and 33(2) of the law allows for the institution of permanent court representations in the courts of general jurisdiction of the federal entity and district (city) level. This means that, for instance, court A can have a permanent representation situated in the building of court B functioning as a division of the court A.

The introduction of inter-district courts and permanent court representations is aimed at optimizing the structure of the courts of general jurisdiction and raising their accessibility to the citizens.

Permanent court representations are also foreseen by Articles 33.11 and 43.1 of the Federal Constitutional Law "On the commercial courts in the Russian Federation" (28 April 1995, no. 1-FKZ)

A more case-law oriented approach is being taken by the commercial courts.

The Federal Law "On the amendment of the Commercial Procedure Code of the Russian Federation" (23 December 2010, no. 379-FZ) has changed Article 311 of the Russian Commercial Procedure Code to allow for the review of the court decisions that have come into force in connection with the revision by the decision of the Russian Supreme Commercial Court of the practice of application of the corresponding legal norms.

Article 304 of the Russian Commercial Procedure Code has always allowed for the review of the court decisions that have come into force in case the Russian Supreme Commercial Court establishes that they do not comply with the uniform application and interpretation of the corresponding legal norms.

**45) Nombre de tribunaux de 1ère instance (implantations géographiques) compétents pour les affaires suivantes. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Nombre de tribunaux
le recouvrement d'une petite créance.	7525
le licenciement	2438
le vol avec violence	2438

**Veuillez préciser la définition d'une petite créance et indiquer le montant financier en dessous duquel une créance est considérée comme telle :**

Debt collection for small claims.

In civil cases, according to Article 23 (1-5) of the Russian Civil Procedure Code, the monetary value of small claims shall not exceed 50 000 Russian Roubles (1 235 Euros), and they shall be heard in the first instance by justices of the peace.

In commercial cases, according to Article 227 (3) of the Russian Commercial Procedure Code, the monetary value of small claims shall not exceed 20 000 or 2 000 Russian Roubles (494 or 49 Euros), depending on whether the debtor is a legal entity or an individual entrepreneur. Such cases shall be heard in the first instance by way of a simplified procedure by commercial courts of the federal entity level.

Comparability note: in the previous evaluation cycle wrong figure was specified for the number of courts competent to hear debt collection cases (it should have been 7516 instead of 7554).



Dismissal.

According to Article 24 of the Russian Civil Procedure Code, these cases shall be heard in the first instance by district (city) courts and garrison military courts.

Robbery.

Articles 161 and 162 of the Russian Criminal Code.

According to Article 31 of the Russian Criminal Procedure Code, these cases shall be heard in the first instance by district (city) courts and garrison military courts.

Comparability note: in the previous evaluation cycle wrong figure was specified for the number of courts competent to hear robbery case (it should have been 2549 instead of 10081).

Please note that these figures reflect the number of courts as administrative structures, as it was in the previous evaluation cycle, because the information on the number of courts as geographic locations is NA.

**Veillez indiquer les sources utilisées pour les réponses aux questions 42, 43 et 45 :**

Questions 42 and 43.

The information was provided by the Judicial Department of the Supreme Court of the Russian Federation and the Supreme Commercial Court of the Russian Federation.

**3. 1. 2. Juges et personnels non-juges**

**46) Nombre de juges professionnels siégeant en juridiction (si possible au 31 décembre 2010)**

**(veuillez fournir l'information en équivalent temps plein et pour des postes permanents effectivement occupés, pour tous les types de juridictions confondus – droit commun et spécialisées). Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

**Veillez ajouter dans la boîte "commentaire" ci-dessous toute information utile à l'interprétation des données ci-dessus.**

\*\*\*\*\*

**[Veillez vous assurer que les procureurs et leurs personnels sont exclus des réponses suivantes (ils sont concernés par les questions 55-60). Si la distinction entre personnels attachés aux juges et personnels attachés aux procureurs n'est pas possible, merci de l'indiquer clairement.]**

**Veillez indiquer le nombre de postes effectivement pourvus à la date de référence et non pas les effectifs budgétaires théoriques.]**

	Total	Hommes	Femmes
Nombre total de juges professionnels (1 + 2 + 3)	32313	NA	NA
1. Nombre de juges professionnels de première instance	NA	NA	NA
2. Nombre de juges professionnels dans les cours d'appel (2ème instance)	NA	NA	NA
3. Nombre de juges professionnels dans les cours suprêmes	NA	NA	NA

Commentaire :

Question 46.

1) As it is specified in the comments to questions 42 and 43 of this questionnaire, each court of general jurisdiction can function as a first instance court, it means that all the second instance courts fall within

two rows of the table simultaneously (and the Supreme Court of the Russian Federation falls within all the three rows).

2) The same applies to commercial cassational courts, which can function as both first and second instance courts.

3) Moreover, the systems of courts of general jurisdiction and commercial courts are organized in four levels (first instance, appellate, cassational and supervisory proceedings), not three.

In such a situation, only the first rows of the tables in questions 46 and 47 can be filled in.

The male / female proportion for the justices of the peace is NA, thus only the total number of professional judges can be specified in the table.

The available figures reflect the number of professional judges who were actually working in 2010, including court presidents, and are based on the information provided by the Judicial Department of the Supreme Court of the Russian Federation, the Supreme Court of the Russian Federation and the Supreme Commercial Court of the Russian Federation.

The Supreme Court of the Russian Federation - 107 judges (26 females and 81 males).

The inferior courts of general jurisdiction: 21 043 judges (9 137 males and 11 906 females) + 7 444 justices of the peace.

The commercial courts - 3 719 judges (1213 males and 2506 females):

- the Supreme Commercial Court of the Russian Federation - 56 judges (26 males and 30 females),
- the commercial cassational courts - 387 judges (141 males and 246 females),
- the commercial appellate courts - 544 judges (152 males and 392 females),
- the commercial courts of the federal entity level - 2732 judges (894 males and 1838 females).

Question 47.

The courts of general jurisdiction (including 1 male court president of the Supreme Court of the Russian Federation): 2280 court presidents (1427 males and 853 females).

The commercial courts - 112 court presidents (87 males and 25 females):

- the Supreme Commercial Court of the Russian Federation - 1 male court president,
- the commercial cassational courts - 10 court presidents (9 males and 1 female),
- the commercial appellate courts - 20 court presidents (16 males and 4 females),
- the commercial courts of the federal entity level - 81 court presidents (61 males and 20 females).

Deputy court presidents are not included in these figures (for comparability with the data in question 56).

**47) Nombre de présidents de tribunaux (juges professionnels). Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Total	Hommes	Femmes
Nombre total de juges professionnels (1 + 2 + 3)	2392	1514	878
1. Nombre de président(e)s de tribunaux de première instance	NAP	NAP	NAP
2. Nombre de président(e)s de cours d'appel (2ème instance)	NAP	NAP	NAP
3. Nombre de président(s) de cours suprêmes	NAP	NAP	NAP

**48) Nombre de juges professionnels exerçant à titre occasionnel et rémunérés comme tel**

**(si possible au 31 décembre 2010). Si nécessaire, veuillez indiquer dans la boîte "commentaire" ci-dessous toute information utile pour l'interprétation de la réponse à la question 48.**

Donnée brute NAP  
Si possible, donnée en équivalent temps plein NAP

Commentaire :

**49) Nombres de juges non professionnels, non rémunérés, percevant, le cas échéant, un simple défraiement (si possible au 31 décembre 2010) (y compris les "lay judges" et juges consulaires ; les arbitres et les jurés sont exclus de cette donnée).**

Donnée brute NAP

**50) Votre système judiciaire prévoit-il un jury de jugement avec une participation des citoyens ?**

- Oui  
 Non

Si oui, pour quel(s) type(s) d'affaire(s) ?

## Question 50.

According to Article 30 (2) of the Russian Criminal Procedure Code, upon a request of the accused person, the criminal case in respect of him can be examined by a professional judge and 12 jurors.

Trial by jury is an option in cases initiated in respect of the more serious crimes that fall within the cognizance of the courts of general jurisdiction of the federal entity level and are listed in Article 31 (3) of the Russian Criminal Procedure Code (this list was amended throughout the year 2010).

These crimes are defined in the following Articles of the Russian Criminal Code:

- 105 (2) (aggravated murder),
- 126 (3) (aggravated abduction),
- 131 (3) (aggravated rape),
- 209 (banditry),
- 210 (organization of a criminal community or participation in it),
- 211 (hijacking of an air, water or railway vehicle),
- 227 (piracy),
- 263 (3) (aggravated violation of the rules for traffic safety and operation of the air, water or railway transport),
- 267 (3) (aggravated spoiling of transport vehicles and communications),
- 269 (3) (aggravated violation of the safety rules during the construction, operation or repair of trunk pipelines),
- 277 (encroachment on the life of a State official or a public person),
- 290 (3 and 4) (aggravated bribetaking),
- 294 - 302, 303 (2 and 3), 304, 305 (crimes against the administration of justice),
- 317 (encroachment on the life of a law-enforcement officer),
- 321 (3) (aggravated disruption of the activity of the institutions enforcing imprisonment),
- 322 (2) (aggravated illegal crossing of the State border of the Russian Federation),
- 353 - 358, 359 (1 and 2) and 360 (crimes against the peace and security of humanity).

According to Article 30 (2) of the Russian Criminal Procedure Code, the crimes defined in the following Articles of the Russian Criminal Code are not subject to trial by jury:

- 205 (terrorist act),
- 206 (2 - 4) (aggravated seizure of hostages),
- 208 (1) (organization of an illegal armed formation or participation in it),
- 212 (1) (mass disturbances),
- 275 (high treason),
- 276 (espionage),
- 278 (forcible seizure or retention of power),
- 279 (armed rebellion),
- 281 (sabotage).

The status of jurors is defined in the Federal Law "On the jury in the federal courts of general jurisdiction in the Russian Federation" (20 August 2004, no. 113-FZ).

## Question 51.

31 000 citizens were recorded as eligible for remuneration for their participation in criminal proceedings in the capacity of jurors in 2010.

**51) Veuillez indiquer le nombre de citoyens ayant participé à de tels jurys pour l'année de référence :**

31 000

**52) Nombre de personnel non-juge travaillant dans les tribunaux (si possible au 31 décembre 2010) (cette donnée ne devrait pas inclure le personnel travaillant pour les procureurs, voir question 60) (répondre en équivalent temps plein et pour les postes**

**permanents effectivement occupés). Si « autres personnels non juges », veuillez le préciser dans la boîte "commentaire" ci-dessous.**

Nombre total de personnel non juge travaillant dans les tribunaux (1 + 2 + 3 + 4 + 5)	<input checked="" type="checkbox"/> Oui	96128
1. Rechtspfleger (ou organes équivalents) chargés de tâches juridictionnelles ou para-juridictionnelles, ayant des compétences autonomes et dont les décisions peuvent être susceptibles de recours.		NAP
2. Personnels non juges chargés d'assister les juges à l'instar des greffiers (préparation des dossiers, assistance à l'audience, tenue des procès verbaux, aide à la préparation de la décision)	<input checked="" type="checkbox"/> Oui	46272
3. Personnels chargés de tâches relatives à l'administration et la gestion des tribunaux (gestion des ressources humaines, gestion des moyens matériels y compris de l'informatique, gestion financière et budgétaire, gestion de la formation)	<input checked="" type="checkbox"/> Oui	27665
4. Personnels techniques	<input checked="" type="checkbox"/> Oui	22191
5. Autres personnels non juges		NAP

Commentaire :

Only the total number of non-judge staff working in courts can be compared for the years 2008 and 2010 (that is, the answers to question 55 of the 2009 questionnaire and to question 52-0 of the 2011 questionnaire).

The proper break down of the total number of non-judge staff into categories for the year 2008 was not available for the courts of general jurisdiction (see the comment to question 56). Hence, the sum of the figures specified in question 56 was a lot less than the sum specified in question 55.

Thus, the figures for the year 2008 in the answer to question 56 of the 2009 questionnaire cannot be compared to the figures for the year 2010 in the answer to question 52 of the 2011 questionnaire.

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The Judicial Department of the Supreme Court of the Russian Federation and the courts of general jurisdiction (total - 82 981):

- 1) NAP,
- 2) 20 343 judge assistants + 18 958 court hearing secretaries,
- 3) staff in charge of administrative and management tasks – 23113,
- 4) technical staff – 20567,
- 5) other non-judge staff - NAP.

Please note that these figures do not include information on the non-judge staff supporting the justices of the peace.

The Supreme Court of the Russian Federation (total - 1017):

- 1) NAP,
- 2) 12 advisers, 177 consultants, 77 judge assistants and 128 court hearing secretaries,
- 3) staff in charge of administrative and management tasks - 474,
- 4) technical staff - 149,
- 5) other non-judge staff - NAP.

The Supreme Commercial Court of the Russian Federation and the inferior commercial courts (total - 12 130):

- 1) NAP,
- 2) 4092 judge assistants + 2485 court hearing secretaries,

- 3) staff in charge of administrative and management tasks – 4078,  
 4) technical staff – 1475,  
 5) other non-judge staff - NAP.

**53) S'il existe dans votre système la fonction de Rechtspfleger (ou organes équivalents), veuillez décrire brièvement leur statut et leurs fonctions:**

**54) Les tribunaux ont-ils délégué certains services, relevant de leur compétence, à un service privé (par exemple, la maintenance informatique, la formation continue du personnel, la sécurité, les archives, le nettoyage)**

Oui

Non

Si oui, veuillez préciser :

Contracts can be concluded with private providers for the supply of goods and performance of certain work or rendering of certain services.

### C.1

**Vous pouvez indiquer ci-dessous :**

**- tout commentaire utile à l'interprétation des données indiquées dans ce chapitre  
 - les caractéristiques de votre système judiciaire et les réformes majeures mises en œuvre au cours des deux dernières années**

Question 49.

Courts of general jurisdiction:

The Federal Law "On the lay judges in the federal courts of general jurisdiction in the Russian Federation" (2 January 2000, no. 37-FZ) was repealed (and lay judges were abolished) on 1 February 2003 in respect of civil proceedings and on 1 January 2004 in respect of criminal proceedings in connection with the entry into force of the new civil and criminal procedure codes.

Commercial courts:

According to Articles 17 (3) and 19 of the Russian Commercial Procedure Code, upon a request of a party, two lay judges (commercial assessors) can be invited to assist a professional judge in the first-instance proceedings in connection with the particular complexity of the case and (or) the need for specialized knowledge in the spheres of economics, finance and administration. Commercial assessors can participate only in the examination of cases arising from civil law relations (Article 28 of the Russian Commercial Procedure Code).

The status of commercial assessors is defined in the Federal Law "On the commercial assessors in the commercial courts of the federal entities of the Russian Federation" (30 May 2001, no. 70-FZ).

According to Article 6 of this law, commercial assessors receive not only compensation for the costs and expenses incurred in connection with their participation in the court proceedings, but also remuneration proportional to the number of days devoted to administration of justice. That is why they are not mentioned in question 49 of this questionnaire.

According to the information provided by the Supreme Commercial Court of the Russian Federation, 400 citizens were engaged as jurors in the proceedings before the commercial courts in 2010.

**Veillez indiquer les sources utilisées pour les réponses aux questions 46, 47, 48, 49 et 52**

### 3. 1. 3. Procureurs et personnel

**55) Nombre de procureurs au 31 décembre 2010 (veuillez fournir l'information en équivalent temps plein et pour des postes permanents effectivement occupés, auprès de tous les types de juridictions confondus – droit commun et spécialisées). Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP. Veuillez ajouter dans la boîte "commentaire" ci-dessous toute information utile à l'interprétation des données.**

	Total	Hommes	Femmes
Nombre total de procureurs (1 + 2 + 3)	31 557	17 313	14 244
1. Nombre de procureurs auprès des tribunaux de première instance	23 448	13 149	10 299
2. Nombre de procureurs auprès des cours d'appel (2ème instance)	7 142	3 638	3 504
3. Nombre de procureurs auprès des cours suprêmes	967	526	441

Commentaire :

1 - district (city) prosecutor's offices,  
and specialized and military prosecutor's offices of the same level,

2 - prosecutor's offices of the federal entity level,  
and specialized and military prosecutor's offices of the same level,

3 - the Prosecutor General's Office of the Russian Federation.

**56) Nombre de chefs des ministères publics. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP. Veuillez ajouter dans la boîte "commentaire" ci-dessous toute information utile pour l'interprétation des données.**

	Total	Hommes	Femmes
Nombre total de chefs de ministères publics (1 + 2 + 3)	2 714	2 548	167
1. Nombre de chefs de ministères publics auprès de tribunaux de première instance	2 621	2 456	165
2. Nombre de chefs de ministères publics auprès des cours d'appel (2ème instance)	92	91	1
3. Nombre de chefs de ministères publics auprès des cours suprêmes	1	1	0

Commentaire :

Deputy heads of prosecutor's offices are not included in these figures (for comparability with the data in question 47).

**57) D'autres personnes ont-elles des fonctions comparables à celles des procureurs ?**

- Oui  
 Non

Nombre (en équivalent temps plein)

**58) Si oui, veuillez préciser leurs noms et fonctions :**

**59) Si oui, est-ce que leur nombre est inclus dans le nombre de procureurs que vous avez indiqué à la question 55 ?**

- Oui  
 Non

**60) Nombre de personnels (non procureurs) rattachés au ministère public (si possible au 31 décembre 2010) (sans le nombre de personnels non juges, v. question 52) (répondre en équivalent temps plein et pour les postes permanents effectivement pourvus)**

Nombre  Oui 11 933

## C.2

**Vous pouvez indiquer ci-dessous :**

- tout commentaire utile à l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système judiciaire et les réformes majeures mises en œuvre au cours des deux dernières années

**Veuillez indiquer la source des réponses aux questions 55, 56 et 60**

The information was provided by the Prosecutor General's Office of the Russian Federation.

### 3. 1. 4. Budget du tribunal et nouvelles technologies

**61) Quelles instances possèdent des compétences budgétaires au sein des tribunaux ? Si "autre", veuillez le préciser dans la boîte "commentaire" ci-dessous.**

	Préparation du budget	Arbitrage et répartition du budget	Gestion quotidienne du budget	Evaluation et contrôle de l'utilisation du budget
Conseil d'administration	Non	Non	Non	Non
Président du tribunal	Oui	Oui	Oui	Oui
Directeur administratif du tribunal	Non	Non	Non	Non
Greffier en chef	Non	Non	Non	Non
Autre	Oui	Oui	Oui	Oui

Commentaire :

Courts of general jurisdiction (except for the Supreme Court of the Russian Federation):

(1) The preparation of the budget in the courts of general jurisdiction of the federal entity level is performed by court administrators (officers of the Judicial Department of the Supreme Court of the Russian Federation sitting in the courts) together with the heads of the courts' financial and economic divisions.

As regards the courts of general jurisdiction of the district (city) level and the justices of the peace, this function is performed by court administrators together with the heads of the respective financial and



economic divisions of the Judicial Department of the Supreme Court of the Russian Federation.

(2), (3) The allocation and day to day management of the budget in the courts of general jurisdiction of the federal entity level is performed by their financial and economic divisions subject to authorization by their court presidents.

As regards the courts of general jurisdiction of the district (city) level and the justices of the peace, these functions are performed by the respective financial and economic divisions of the Judicial Department of the Supreme Court of the Russian Federation subject to authorization by the heads of the respective territorial divisions of the Judicial Department of the Supreme Court of the Russian Federation.

4) The evaluation and control of the use of budget in the courts of general jurisdiction of all levels (except for the Supreme Court of the Russian Federation) is performed by the Judicial Department of the Supreme Court of the Russian Federation.

The Supreme Court of the Russian Federation:

(1), (2), (3), (4) All the four functions are vested in its financial and economic division subject to authorization by its deputy president.

Commercial courts:

(1), (2), (3), (4) All the four functions are vested in the financial and economic divisions of the commercial courts subject to authorization by their (deputy) presidents.

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the information presented for that cycle was imprecise.

**62) Pour l'assistance directe au travail du juge/du greffier, quelles sont les possibilités offertes par le système informatique existant dans les juridictions ?**

Traitement de texte	100% of courts
Base de données électronique pour la jurisprudence	100% of courts
Dossiers électroniques	-10% of courts
E-mail	100% of courts
Connexion internet	100% of courts

**63) Pour l'administration et la gestion, quelles sont les possibilités offertes par le système informatique existant dans les juridictions ?**

Enregistrement des affaires	100% of courts
Système d'information sur la gestion du tribunal	100% of courts
Système d'information financière	100% of courts
Vidéoconférence	0 % of courts

**64) Pour la communication entre le tribunal et les parties, quelles sont les possibilités offertes par le système informatique existant dans les juridictions ?**

Formulaire électronique	100% of courts
Site internet	100% of courts

Suivi électronique des affaires	100% of courts
Registres électroniques	100% of courts
Recouvrement électronique d'une petite créance	0 % of courts
Recouvrement électronique d'une créance non contestée	0 % of courts
Dépôt d'un recours depuis un poste informatique	-10% of courts
Vidéoconférence	-50% of courts
Autres moyens de communication électronique	-10% of courts

**65) L'utilisation de la vidéoconférence dans les tribunaux (détails de la question 65). Veuillez indiquer dans la boîte "commentaire" ci-dessous toute précision sur le cadre juridique et le développement de la vidéoconférence dans votre pays.**

	65.1 En matière pénale, les tribunaux et les parquets ont-ils recours à la vidéoconférence pour des auditions de prévenus ou de témoins ?	65.2 Ces auditions par le juge / le procureur peuvent-elles avoir lieu dans les services de police ou/et les établissements pénitentiaires ?	65.3 Existe-t-il une législation spécifique sur les conditions d'utilisation de la vidéoconférence par les tribunaux ou les parquets, en particulier pour préserver les droits de la défense ?	65.4 La vidéoconférence est-elle utilisée en matière autre que pénale ?
	Oui	Oui	Oui	Oui

Commentaire :

By the end of 2010, videoconferencing facilities had been installed in all of the courts of general jurisdiction of the federal entity level.

Articles 240 (4) and 278.1 of the Russian Criminal Procedure Code have been introduced in 2011 to expressly allow the use of videoconferencing for interrogation of defendants and witnesses. Previously there were only Articles 376 (3) and 407 (2) of the Code that allowed participation of convicts in cassational and supervisory instance proceedings by means of videoconferencing.

The Russian Civil Procedure Code does not provide for the use of videoconferencing.

By the Federal Law no. 228-FZ of 27 July 2010, the Russian Commercial Procedure Code was amended to allow videoconferencing in commercial procedure (see Articles 64 (2), 136 (1) and 153.1 thereof). Since December 2010, videoconferencing facilities have been available in 100% of commercial courts.

### C.3

**Vous pouvez indiquer ci-dessous :**

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système judiciaire et les réformes majeures mises en œuvre au cours des deux dernières années

Question 62.

Case files in electronic form (electronic files) are used only in the commercial courts.

Comparability note: nothing has changed since the previous evaluation cycle as regards the use of electronic files, but the information presented for that cycle was incorrect.

Question 63.

Videoconferencing is not used by the courts for the administration and management purposes.

Question 64.

Electronic submission of claims is supported only by the commercial courts.

By the Federal Law no. 228-FZ of 27 July 2010, among other things, Articles 125 (1) and 126 (2) of the Russian Commercial Procedure Code were amended to allow electronic submission of claims in commercial procedure.

Videoconferencing is available in the commercial courts of all levels and in the courts of general jurisdiction of the federal entity level (see comment to question 65 of this questionnaire).

Other electronic communication facilities include:

- video recording of the Plenary and Presidium sessions of the Supreme Commercial Court of the Russian Federation that have been available online since May 2010,
- twitter account of the Supreme Commercial Court of the Russian Federation ([http://twitter.com/arbitr\\_ru](http://twitter.com/arbitr_ru)) with news and notifications has been available online since June 2010,
- information kiosks installed in the buildings of the commercial courts,
- audio recording of the sessions of the Supreme Court of the Russian Federation (since 2007),
- information kiosks installed in the building of the Supreme Court of the Russian Federation.

### 3. 2. Performance et évaluation

#### 3. 2. 1. Performance et évaluation

**66) Existe-t-il une institution centralisée responsable de la collecte de données statistiques concernant le fonctionnement des tribunaux et du système judiciaire ?**

Oui

Non

Si oui, veuillez préciser le nom et les coordonnées de cette institution :

The Office of the Supreme Court of the Russian Federation is responsible for gathering statistics about the Supreme Court of the Russian Federation ([www.vsrfr.ru](http://www.vsrfr.ru)). The Judicial Department of the Supreme Court of the Russian Federation ([www.cdep.ru](http://www.cdep.ru)) is responsible for gathering statistics about the inferior courts of general jurisdiction, including the justices of the peace. The Supreme Commercial Court of the Russian Federation ([www.arbitr.ru](http://www.arbitr.ru)) is responsible for gathering statistics about the commercial courts.

**67) Les tribunaux individuels doivent-ils établir un rapport annuel d'activités (qui présente par exemple le nombre d'affaires traitées, d'affaires en instance, le nombre de juges et de personnels administratifs, les objectifs à atteindre et un bilan d'évaluation) ?**

Oui

Non

**68) Existe-t-il dans les tribunaux un système de suivi régulier des activités des tribunaux concernant:**

-----

**Le système de suivi des activités vise à contrôler l'activité quotidienne des tribunaux (en particulier la production des tribunaux) notamment au travers de collectes de données et d'analyses statistiques (v. aussi les questions 80 et 81).**

le nombre de nouvelles affaires ?

le nombre de décisions rendues ?

le nombre d'affaires faisant l'objet d'un renvoi ?

la durée des procédures (délais)?

autre ?

Si autre, veuillez préciser :

**69) Existe-t-il un système d'évaluation régulière de l'activité (en termes de performance et de rendement) de chaque tribunal ?**  
-----

**Le système d'évaluation concerne la performance des systèmes judiciaires, incluant une vision à plus long terme et utilisant des indicateurs et des objectifs. Cette évaluation peut avoir une nature plus qualitative (v. questions 69-77). Elle ne concerne pas l'évaluation globale du (bon) fonctionnement des tribunaux (v. question 82).**

Oui

Non

Veuillez préciser :

**70) Concernant l'activité des tribunaux, avez-vous défini des indicateurs de performance et de qualité (si non, veuillez passer à la question 72) :**

Oui

Non

**71) Veuillez préciser les 4 principaux indicateurs de performance et de qualité qui ont été définis :**

nouvelles affaires

durée des procédures (délais)

affaires terminées

affaires pendantes et stocks d'affaires

productivité des juges et des personnels des tribunaux

pourcentage d'affaires traitées par un juge unique

exécution des décisions pénales

satisfaction du personnel des tribunaux

satisfaction des usagers (au regard des services rendus par les tribunaux)

qualités judiciaire et organisationnelle des tribunaux

coûts des procédures judiciaires

autre

Si autre, veuillez préciser :

**72) Existe-t-il des objectifs quantitatifs de performance (par exemple un nombre d'affaires à traiter par mois) pour chaque juge ?**

Oui

Non

**73) Veuillez préciser qui fixe les objectifs individuels des juges :**

- pouvoir exécutif (par exemple Ministère de la justice)
- pouvoir législatif
- pouvoir judiciaire (par exemple un Conseil supérieur de la Magistrature ou une instance supérieure)
- Autre

Si autre, veuillez préciser :

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the answer to this question in that cycle was incorrect.

Though performance indicators are defined to allow for the evaluation and comparison of the activity of judges, no targets are set for them. Court presidents distribute cases among judges taking into account the volume and complexity of the cases, the caseload and the level of qualification of the judges, as well as the procedural time limits.

Two documents define the workload standards for judges:

- "Workload standards for judges, bailiffs and non-judge staff of the courts of the federal entity level" (approved by the Rulings of the Ministry of Labor and Ministry of Justice of the Russian Federation of 27 June 1996, no. 41a/06-74-124),
- "Workload standards for judges, bailiffs and non-judge staff of the district (city) courts" (approved by the Rulings of the Ministry of Labor and Ministry of Justice of the Russian Federation of 27 June 1996, no. 41b/06-74-125).

These documents were developed at the initiative of the Council of Judges of the Russian Federation and were intended to help determine the appropriate number of judges for a specific court and plan the court's activity and caseload.

Revised versions of the workload standards are being developed. Currently, recommended workload standards are applied in the system of commercial courts.

**74) Existe-t-il des objectifs de performance au niveau des tribunaux (si non, veuillez passer à la question 77)?**

- Oui
- Non

**75) Veuillez préciser qui fixe les objectifs des tribunaux :**

- pouvoir exécutif (par exemple Ministère de la justice)
- pouvoir législatif
- pouvoir judiciaire (par exemple un Conseil supérieur de la Magistrature ou une instance supérieure)
- autre

Si autre, veuillez préciser :

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the answer to this question in that cycle was incorrect.

Though performance and quality indicators are defined to allow for the evaluation of the court's activity, no targets are set for them.

**76) Veuillez préciser les principaux objectifs appliqués aux tribunaux:**

**77) Quelle est l'autorité chargée d'évaluer la performance des tribunaux (v. questions 69 à 76) (réponses multiples possible):**

- Conseil Supérieur de la Magistrature  
 Ministère de la justice  
 organe d'inspection  
 Cour Suprême  
 organe d'audit extérieur  
 autre

Si autre, veuillez préciser :

The Judicial Department of the Supreme Court of the Russian Federation.

**78) Existe-t-il des standards de qualité définis pour l'ensemble du système judiciaire (existe-t-il un système de qualité et/ou une politique de qualité de la justice) ?**

- Oui  
 Non

Si oui, veuillez préciser :

Question 78.

The definitions of qualitative indicators are scattered among various legal acts and include the following:

- caseload of the judge,
- number of quashed or amended decisions,
- quality of the text of decisions,
- compliance with procedural time limits,
- compliance with judicial ethics norms and discipline requirements,
- professional development,
- participation in the activities of the court and of the bodies of judicial community.

Question 79.

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the answer to this question in that cycle was incorrect.

There is no specialised court staff entrusted with quality standards in the Russian Federation.

**79) Existe-t-il des personnels spécialisés dans les tribunaux responsables de ces standards de qualité ?**

- Oui  
 Non

**80) Existe-t-il une procédure d'évaluation permettant de mesurer le stock d'affaires en instance et de repérer les affaires non traitées dans un délai raisonnable :**

- en matière civile  
 en matière pénale  
 en matière administrative

**81) Disposez-vous d'une procédure d'évaluation permettant de mesurer les temps morts durant les procédures judiciaires ?**

- Oui  
 Non

Si oui, veuillez préciser :

Several dates shall be logged for each application: the date of it being filed with a court, the date of it being received by a judge, the date of the first hearing.

**82) Existe-t-il un système d'évaluation globale du (bon) fonctionnement des tribunaux basé sur un plan d'évaluation (calendrier de visites) convenu a priori?**  
-----

**Cette question ne concerne pas l'évaluation spécifique d'indicateurs de performance.**

- Oui  
 Non

Veuillez préciser la fréquence de l'évaluation:

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the answer to this question in that cycle was incorrect.

There is no practice of regular evaluation visits to the courts in the Russian Federation.

**83) Existe-t-il une procédure régulière de suivi et d'évaluation de l'activité du ministère public ?**

- Oui  
 Non

Si oui, veuillez préciser:

The Prosecutor General's Office of the Russian Federation is responsible for gathering statistics about the prosecution system.

**C.4**

**Vous pouvez indiquer ci-dessous :**

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques du système de suivi et d'évaluation des tribunaux

## 4. Procès équitable

### 4. 1. Principes

#### 4. 1. 1. Informations générales

**84) Pourcentage de jugements par défaut de première instance en matière pénale (affaires dans lesquels le suspect n'est ni présent ni représenté par un professionnel juridique durant l'audience) ?**

NA

**85) Existe-t-il une procédure permettant la récusation effective d'un juge si une partie estime qu'il n'est pas impartial ?**

Oui

Non

Si possible, nombre de récusations qui ont abouti (en une année):

**86) Nombre d'affaires relatives à l'Article 6 de la Convention Européenne des Droits de l'Homme (durée et non-exécution). Si la donnée n'est pas disponible, veuillez indiquer NA.**

	Affaires déclarées irrecevables par la Cour	Règlements amiables	Jugements constatant une violation	Jugements constatant une non violation
Procédures civiles - Article 6§1 (durée)	4	2	2	0
Procédures civiles - Article 6§1 (non-exécution)	9	3	1	0
Procédures pénales - Article 6§1 (durée)	4	0	3	3

#### **Veuillez préciser les sources :**

The information was obtained through the HUDOC database (<http://www.echr.coe.int/echr/en/hudoc/>) using the following search parameters:

- search through Chamber and Grand Chamber judgments and decisions,
- look for the words "execution" or "enforcement" or "length" or "duration" in "complete text",
- language - "English",
- respondent state - "Russia",
- article - "6" or "6-1" or "P1-1",
- dates - from "01/01/2010" to "31/12/2010".

The figures in the first column of the table include only decisions on inadmissibility. Judgments, in which the ECHR declared complaints under Article 6 § 1 inadmissible or decided that there was no need to examine them (separately), were not counted.

The figures under the category "Civil proceedings – Article 6 § 1 (non-execution)" include judgments and decisions in cases concerning both non-execution and delayed execution of civil court decisions.

Decision on inadmissibility of the case of Fakhretdinov and Others v. Russia (applications nos. 26716/09, 67576/09 and 7698/10, 23 September 2010) concerned the excessive length of both criminal and civil proceedings and was counted twice in the table.

Decision on inadmissibility of the case of Balagurov v. Russia (application no. 9610/05, 2 December 2010) concerned both the excessive length of civil proceedings and delayed enforcement of civil



court decisions and was counted twice in the table.

Judgment establishing a non-violation of Article 6 § 1 on account of the length of criminal proceedings in the case of Roslov v. Russia (application no. 40616/02, 17 June 2010), for some reason, does not appear in the search results, but it was nevertheless counted in the table.

#### **D.1**

#### **Vous pouvez indiquer ci-dessous tout commentaire utile à l'interprétation des données indiquées dans ce chapitre**

Question 84.

According to Article 247 (4) of the Russian Criminal Procedure Code, first instance court hearing in a criminal case concerning a minor offence can be held in the absence of the accused upon his or her motion.

According to Article 247 (5) and (6) of the Russian Criminal Procedure Code, first instance court hearing in a criminal case concerning a severe offence can be held in the absence of the accused only in exceptional cases when the accused is not in the territory of the Russian Federation and (or) evades coming to court. The presence of a lawyer in the court hearing is mandatory in such a situation.

The percentage of first instance in absentia judgments in criminal cases had not been monitored until 2011. The figure for the first 9 months of 2011 is 0,3%.

Question 85.

Chapter 2 of the Russian Civil Procedure Code, Chapter 9 of the Russian Criminal Procedure Code, Article 29.2 and 29.3 of the Russian Code of Administrative Offences and Chapter 3 of the Russian Commercial Procedure Code provide for the procedures to challenge allegedly impartial judges.

## 4. 2. Durée des procédures

### 4. 2. 1. Généralités

#### **87) Existe-t-il des procédures spécifiques pour les affaires urgentes :**

- en matière civile ?
- en matière pénale ?
- en matière administrative ?
- il n'y a pas de procédure spécifique

Si oui, veuillez préciser:

In criminal cases, reduced terms and specific procedures are set for the courts to decide on the application or extension of a measure of restraint in the form of detention, home arrest or bail (Articles 107 - 109 of the Russian Criminal Procedure Code). Articles 121, 124 and 125 of the Code set reduced terms for the examination of motions and complaints filed in the course of the criminal proceedings. Article 165 of the Code also sets a reduced term for the examination of investigator's requests on the conduct of certain investigative actions.

In civil cases, Article 141 of the Russian Civil Procedure Code sets reduced terms for the examination of requests on the application of interim measures. Chapter 35 also sets reduced terms for the examination of requests on the forced placing of a person in a psychiatric hospital or forced psychiatric examination of a person.

In commercial cases, Article 93 of the Russian Commercial Procedure Code sets reduced terms for the examination of requests on the application of interim measures. Reduced terms are also set for the examination of certain motions and issues.

In cases concerning administrative offences, Article 29.6 (3) of the Russian Code of Administrative Offences provides for reduced terms of examination of cases relating to elections. Article 29.6 (4) of the Code sets reduced terms for the cases involving administrative arrest, apprehension or deportation. Article 29.6 (5) of the Code also sets a reduced term for the cases involving suspension of certain activity.

Comparability note: nothing has changed in this sphere since the previous evaluation cycle, but the answer to this question in that cycle was wrong, as specific procedures for urgent matters has been provided for in cases concerning administrative offences as well.

### **88) Existe-t-il des procédures simplifiées :**

- en matière civile (petits litiges) ?
- en matière pénale (petites infractions) ?
- en matière administrative ?
- il n'y a pas de procédure simplifiée

Si oui, veuillez préciser:

In criminal cases, chapter 40 of the Russian Criminal Procedure Code allows an accused to file a motion on the examination of his case by way of a simplified procedure (delivery of a judgment without a full examination of the case in a court hearing) if the accused agrees with the charges. According to chapter 40.1, simplified procedure can also be used in cases where the accused has concluded a pre-trial agreement on cooperation with the investigative and prosecution authorities.

In civil cases, chapter 11 of the Russian Civil Procedure Code provides for a simplified procedure (delivery of a court order) for the examination of claims of money and movable property when there is no need to call the defendant and hold a court hearing (Article 122 of the Code contains an exhaustive list of such cases).

In commercial cases, chapter 29 of the Russian Commercial Procedure Code provides for a simplified procedure for non-litigious claims, claims acknowledged by the defendant and small claims (see comment to question 45 of this questionnaire for the definition of small claim).

In cases concerning administrative offences, Article 28.6 of the Russian Code of Administrative Offences allows for simplified resolution of cases that entail only a warning or a fine and are not disputed by the offender. A simplified procedure also applies to offences captured using special audio, video or photo recording devices.

**89) Les tribunaux et les avocats ont-ils la possibilité de conclure des accords sur les modalités de traitement des affaires (présentation des dossiers, fixation des délais accordés aux avocats pour soumettre leurs conclusions et des dates d'audience) ?**

- Oui  
 Non

Si oui, veuillez préciser :

Comparability note: nothing has changed in this sphere since the previous evaluation cycle, but the answer to this question in that cycle was wrong.

Courts and lawyers cannot conclude agreements on arrangements for processing cases, though lawyers are entitled to request the courts to postpone court hearings, extend time limits, summon witnesses, experts and specialists in criminal, civil, commercial and administrative cases.

4. 2. 2. La gestion des flux d'affaires et la durée des procédures judiciaires

**90) Note:**

**Les correspondants nationaux sont invités à faire particulièrement attention à la qualité des réponses aux questions 91 à 102 concernant la gestion des flux d'affaires et la durée des procédures judiciaires. La CEPEJ a convenu que les données correspondantes ne seront traitées et publiées que dans la mesure où un nombre significatif d'Etats membres – tenant compte des données présentées dans le précédent rapport – y aura répondu, permettant une comparaison utile entre les systèmes.**

**91) Tribunaux de 1ère instance : nombre total d'affaires "autres que pénales". Si la donnée n'est pas disponible, indiquer NA. Si la situation n'est pas applicable dans votre pays, indiquer NAP.**

**Note 1: les affaires des catégories 3 à 5 (exécution, registres foncier et du commerce) doivent être présentées séparément dans le tableau. Les affaires de la catégorie 6 (administratives) doivent aussi être mentionnées séparément pour les pays disposant de tribunaux spécialisés, ayant des procédures spécifiques de droit administratif ou capables de distinguer affaires administratives et affaires civiles.**

**Note 2: vérifier la cohérence horizontale et verticale des données fournies. La cohérence horizontale des données signifie: "(affaires pendantes au 1er janvier 2010 + nouvelles affaires) – affaires terminées" doit correspondre au nombre d'affaires pendantes au 31.12.2010. La cohérence verticale des données signifie que la somme des catégories 1 à 7 doit correspondre au total des affaires "autres que pénales".**

	Affaires pendantes au 1 janvier 2010	Nouvelles affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires "autres que pénales" (1+2+3+4+5+6+7) *	479 117	14 122 478	14 101 357	500 238
1. Affaires civiles (et commerciales) contentieuses (si possible sans les affaires administratives, v. catégorie 6)*	450 306	13 649 662	13 627 319	472 649
2. Affaires civiles (et commerciales) non contentieuses, par exemple des créances incontestées, de requêtes en changement de nom, etc. (si possible sans les affaires administratives ; sans les affaires relatives à l'exécution et/ou à un registre et/ou autres	28 811	472 816	474 038	27 589

affaires, v. catégories 3-7)*				
3. Affaires relatives à l'exécution	NA	NA	NA	NA
4. Affaires relatives au registre foncier**	NAP	NAP	NAP	NAP
5. Affaires relatives au registre du commerce**	NAP	NAP	NAP	NAP
6. Affaires administratives (contentieuses et non contentieuses)	NA	NA	NA	NA
7. Autres affaires (par exemple affaires relatives au registre d'insolvabilité)	NAP	NAP	NAP	NAP

**92) Si les tribunaux traitent des "affaires civiles (et commerciales) non contentieuses", veuillez indiquer les catégories incluses :**

The number of proceedings for delivery of court orders in civil cases (though these are non-litigious cases) is included in category 1 and cannot be singled out, because only the number of delivered court orders is available. See comment to question 88 of this questionnaire for more information regarding court orders in civil cases.

Non-litigious cases are the special procedure cases defined in Article 262 of the Russian Civil Procedure Code (establishment of legal facts, declaration of a person to be missing or dead, child adoption, limitation of a person's legal capacity, etc.).

**93) Si "autres affaires", veuillez indiquer les catégories incluses :**

**94) Tribunaux de 1ère instance : nombre d'affaires pénales. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

**Note : Veuillez vérifier que les données fournies sont cohérentes (horizontalement et verticalement). La cohérence horizontale des données signifie que : "(affaires pendantes au 1er janvier 2010 + nouvelles affaires) – affaires terminées" doit correspondre au nombre d'affaires pendantes au 31 décembre 2010. La cohérence verticale des données signifie que la somme des catégories 8 et 9 en matière pénale doit correspondre au nombre total d'affaires pénales.**

	Affaires pendantes au 1 janvier 2010	Nouvelles affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires pénales (8+9)	NA	NA	6 400 391	NA
8. Affaires pénales (infractions graves)	103 354	1 064 538	1 073 513	94 373
9. Petites infractions	NA	NA	5 326 878	NA

**95) La classification entre affaires pénales graves et petites infractions peut être difficile. Certains pays peuvent connaître d'autres voies de traitement des petites infractions (par exemple par la procédure administrative).**

**Veuillez indiquer, si possible, les catégories d'affaires comprises dans la catégorie infractions graves et les affaires à inclure dans la catégorie petites infractions :**

8. Criminal cases - cases concerning crimes defined in the Russian Criminal Code.

9. Misdemeanour and / or minor offences cases - cases concerning offences defined in the Russian Code of Administrative Offences.

Both types of cases are heard by the courts of general jurisdiction.

**96) Commentaires relatifs aux questions 91 à 95. Vous pouvez indiquer par exemple une situation particulière dans votre pays, expliquer vos réponses NA ou NAP ou expliquer le calcul du total d'affaires « autres que pénales » ou la différence au niveau de la cohérence horizontale etc.**

Question 91.

The figures reflect the number of civil cases examined in first instance by the courts of general jurisdiction of various levels.

The figures were calculated on the basis of the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:  
<http://www.cdep.ru/index.php?id=5&item=494>

The following sections of the report were used to fill the table in question 91:

1. Civil (and commercial) litigious cases - form no. 3, section 1, columns 1, 2, 10 and 12, rows 58 and 66.
2. Civil (and commercial) non-litigious cases - form no. 3, section 1, columns 1, 2, 10 and 12, row 82.
3. Enforcement cases - NA (complaints relating to enforcement proceedings are examined by way of civil proceedings, the corresponding numbers are included in category 1 and cannot be singled out).
4. Land registry cases - NAP (courts do not perform registration tasks).
5. Business registry cases - NAP (courts do not perform registration tasks).
6. Administrative law cases - NA (disputes between citizens and authorities are examined by way of civil proceedings, the corresponding numbers are included in category 1 and cannot be singled out).
7. Other cases - NAP.

Question 95.

The figures reflect the number of criminal cases and cases concerning administrative offences examined in first instance by the courts of general jurisdiction of various levels.

The figures were calculated on the basis of the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:  
<http://www.cdep.ru/index.php?id=5&item=494>

The following sections of the report were used to fill the table in question 95:

8. Criminal cases - form no. 1, section 1, row 31, columns 1, 2, 8 and 10 (crimes).
9. Misdemeanour and / or minor offences cases - form no. 2, section 1, column 1, row 1 (administrative offences, cases were counted by the number of accused persons).

The figures for criminal cases do not include court decisions relating to the investigation, such as judicial authorization to conduct certain investigative actions or judicial review of investigator's decisions.

**97) Tribunaux de 2ème instance (appel) : Nombre total d'affaires « autres que pénales ». Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

**Note: le nombre total d'affaires « autres que pénales » inclut tous les catégories d'affaires présentés (chiffre 1 à 7).**

	Affaires pendantes au 1 janvier 2010	Nouvelles d'affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires "autres que pénales" (1 + 2 + 3 + 4 + 5 + 6 + 7)	19 210	686 990	678 870	27 330
1. Affaires civiles (et commerciales) contentieuses (si possible sans les affaires	NA	NA	NA	NA

administratives, v. catégorie 6)*				
2. Affaires civiles (et commerciales) non contentieuses, par exemple des créances incontestées, de requêtes en changement de nom, etc. (si possible sans les affaires administratives ; sans les affaires relatives à l'exécution et/ou à un registre et/ou autres affaires, v. catégories 3-7)*	NA	NA	NA	NA
3. Affaires relatives à l'exécution	NA	NA	NA	NA
4. Affaires relatives au registre foncier	NAP	NAP	NAP	NAP
5. Affaires relatives au registre du commerce	NAP	NAP	NAP	NAP
6. Affaires administratives (contentieuses et non contentieuses)	NA	NA	NA	NA
7. Autres affaires (par exemple affaires relatives au registre d'insolvabilité)	NAP	NAP	NAP	NAP

**98) Tribunaux de 2ème instance (appel) : Nombre total d'affaires pénales. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Affaires pendantes au 1 janvier 2010	Nouvelles d'affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires pénales (8+9)	26 996	705 241	701 456	30 781
8. Affaires pénales (infractions graves)	14 129	380 229	380 607	13 751
9. Petites infractions	12 867	325 012	320 849	17 030

Commentaire :

Question 97.

The figures reflect the number of civil cases examined by way of appellate and cassational proceedings by the courts of general jurisdiction of various levels.

The figures were calculated on the basis of the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:

<http://www.cdep.ru/index.php?id=5&item=494>

The following sections of the report were used to fill the table in question 97:

- form no. 17, section 2, columns 1, 6, 7, 9 and 10 (appellate proceedings);
- form no. 7, section 1, row 5, columns 1, 6, 7, 8 and 9 (cassational proceedings).

Separate figures for litigious, non-litigious, enforcement and administrative law cases are not available.

The figure for resolved cases includes both cases returned without consideration and proceedings closed by court decision.

Question 98.

The figures reflect the number of criminal cases and cases concerning administrative offences examined by way of appellate and cassational proceedings by the courts of general jurisdiction of various levels.

The figures were calculated on the basis of the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:  
<http://www.cdep.ru/index.php?id=5&item=494>

The following sections of the report were used to fill the table in question 98:

- form no. 16, section 1, columns 1, 2, 7, 9 and 11 (crimes);
- form no. 6, section 1, columns 1, 2, 6, 7 and 9, row 5 (crimes);
- form no. 2, section 3, row 1, columns 1, 2, 5, 6 and 8 (administrative offences).

The figures for resolved cases include both cases returned without consideration and proceedings closed by court decision.

The figures for cases concerning administrative offences include proceedings for review of not only court decisions, but also decisions of the other (non-judicial) authorities entitled to deliver rulings on administrative offences (for instance, the road traffic safety inspection).

**99) Cours suprêmes : nombre total d'affaires "autres que pénales". Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

**Note: le nombre total d'affaires « autres que pénales » inclut tous les catégories d'affaires présentés (chiffre 1 à 7).**

	Affaires pendantes au 1 janvier 2010	Nouvelles d'affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires "autres que pénales" (1 + 2 + 3 + 4 + 5 + 6 + 7)	429	6 124	6 051	502
1. Affaires civiles (et commerciales) contentieuses (si possible sans les affaires administratives, v. catégorie 6)	NA	NA	NA	NA
2. Affaires civiles (et commerciales) non contentieuses, par exemple des créances incontestées, de requêtes en changement de nom, etc. (si possible sans les affaires administratives ; sans les affaires relatives à l'exécution et/ou à un registre et/ou autres affaires, v. catégories 3-7)	NA	NA	NA	NA
3. Affaires relatives à l'exécution	NA	NA	NA	NA
4. Affaires relatives au registre foncier	NAP	NAP	NAP	NAP
5. Affaires relatives au registre du commerce	NAP	NAP	NAP	NAP
6. Affaires administratives (contentieuses et non contentieuses)	NA	NA	NA	NA
7. Autres affaires (par exemple affaires relatives au registre d'insolvabilité)	NAP	NAP	NAP	NAP

**100) Cours suprêmes : Nombre total d'affaires pénales. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Affaires pendantes au 1 janvier 2010	Nouvelles d'affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires pénales (8+9)	NA	NA	61 696	NA
8. Affaires pénales (infractions graves)	1 058	17 818	17 839	1 037
9. Petites infractions	NA	NA	43 857	NA

Commentaire :

Question 99.

The figures reflect the number of civil cases examined by way of supervisory proceedings by the courts of general jurisdiction of various levels.

The figures were calculated on the basis of the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:

<http://www.cdep.ru/index.php?id=5&item=494>

The following section of the report was used to fill the table in question 99:

- form no. 9, section 3, row 1, columns 1, 2, 7, and 8.

Separate figures for litigious, non-litigious, enforcement and administrative law cases are not available.

The figure for resolved cases includes both cases left without consideration and proceedings closed by court decision.

Question 100.

The figures reflect the number of criminal cases and cases concerning administrative offences examined by way of supervisory proceedings by the courts of general jurisdiction of various levels.

The figures were calculated on the basis of the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:

<http://www.cdep.ru/index.php?id=5&item=494>

The following sections of the report were used to fill the table in question 100:

- form no. 8, section 2, row 1, columns 1, 2, 11 and 13 (crimes);  
- form no. 2, section 7, row 4, column 1 (administrative offences).

The figure for cases concerning administrative offences includes proceedings for review of not only court decisions, but also decisions of the other (non-judicial) authorities entitled to deliver rulings on administrative offences (for instance, the road traffic safety inspection).

**101) Nombre d'affaires de divorces contentieux, licenciements, vols avec violence et homicides volontaires reçues et traitées par les tribunaux de 1ère instance. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Affaires pendantes au 1er janvier 2010	Affaires nouvelles	Affaires terminées	Affaires pendantes au 31 décembre 2010
Divorces contentieux	45 079	530 168	531 009	44 238
Licenciements	3 941	29 560	30 301	3 200
Vols avec violence	9 209	76 172	77 513	7 868
Homicides volontaires	3 175	14 846	15 292	2 729

**102) Durée moyenne des procédures, en jours (à partir de la date de saisine du tribunal). Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable**



**dans votre pays, veuillez indiquer NAP.**

**[La durée moyenne des procédures est calculée à partir de l'introduction du recours jusqu'au prononcé du jugement, sans tenir compte de la phase d'exécution. Nouveau : elle concerne la première, la deuxième et la troisième instance.]**

	% des décisions ayant fait l'objet d'un appel	% d'affaires pendantes de plus de 3 ans	Durée moyenne en 1ère instance (en jours)	Durée moyenne en 2ème instance (en jours)	Durée moyenne en 3ème instance (en jours)	Durée moyenne de la procédure complète (en jours)
Divorces contentieux	NA	NA	NA	NA	NA	NA
Licenciements	NA	NA	NA	NA	NA	NA
Vols avec violence	NA	NA	NA	NA	NA	NA
Homicides volontaires	NA	NA	NA	NA	NA	NA

**103) Le cas échéant, veuillez préciser les procédures propres au divorce (contentieux et non contentieux) :**

Question 101.

The figures were calculated on the basis of the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:  
<http://www.cdep.ru/index.php?id=5&item=494>

The following section of the report was used to fill the table in question 101:

- form no. 3, section 1, rows 1 and 2, columns 1, 2, 10 and 12 (litigious divorce cases);
- form no. 3, section 1, row 9, columns 1, 2, 10 and 12 (employment dismissal cases);
- form no. 1, section 1, rows 8 and 9, columns 1, 2, 8 and 10 (robbery cases, as defined in Articles 161 and 162 of the Russian Criminal Code);
- form no. 1, section 1, row 1, columns 1, 2, 8 and 10 (intentional homicide cases, as defined in Article 105 of the Russian Criminal Code).

Cases concerning some specific types of homicide were not added to the figures under the intentional homicide category because they are counted together and cannot be separated. These cases concern the crimes defined in the following Articles of the Russian Criminal Code:

- killing of a newborn child by his or her mother (Article 106),
- heat-of-passion killing (Article 107),
- homicide in excess of justifiable defense (Article 108),
- infliction of death by negligence (Article 109),
- incitement to suicide (Article 110).

The figures concerning this group of crimes can be found in form no. 1, section 1, row 2, columns 1, 2, 8 and 10.

Question 103.

According to Article 18 of the Russian Family Code, spouses can apply for divorce to either civil status registration offices or courts.

Article 19 of the Code allows divorce in civil status registration offices when:

- both spouses agree with the divorce, and they don't have common minor children;
- one of the spouses has been declared missing or legally incapable by a court, or he/she has been sentenced to more than three years of imprisonment for having committed a crime.

Civil status registration offices effectuate the divorce no earlier than in a month after the submission of the corresponding application.

Other divorce cases are heard by the courts of general jurisdiction by way of civil proceedings. According to Article 22 (2) of the Code, courts can employ conciliatory measures or postpone the hearing of the case for up to three months to allow the spouses to reconcile with each other.

**104) Comment est calculé le délai de procédure pour les quatre catégories d'affaires ? Veuillez décrire la méthode de calcul.**

Question 102.

Length of court proceedings, for the purposes of statistics, starts on the date when the case was received by the court and ends on the date when a corresponding final decision was delivered. It includes any periods of time when the proceedings remained suspended (for instance, pending an expert examination or an applicant's illness).

The exact lengths of proceedings are not used in the statistical reports, only numbers of cases pending for certain periods of time (for example, more than 3 months, 1 year, 2 years or 3 years) are recorded.

The numbers of first instance cases pending for more than 3 years are counted separately for civil and criminal cases without further distinction as to the types of cases.

As regards appellate, cassational and supervisory proceedings, only the numbers of civil and criminal cases exceeding the time frames set by law are counted, without further distinction.

These figures are available in the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:  
<http://www.cdep.ru/index.php?id=5&item=494>

There is also an analysis of the 2010 statistics that contains, among other things, the percentages of challenged decisions and cases pending for more than three years. Separate figures are available for each court level and each court instance for criminal and civil cases, without further distinction as to the types of cases: <http://www.cdep.ru/index.php?id=5&item=577>

**105) Veuillez décrire le rôle et les attributions du procureur dans la procédure pénale (plusieurs choix possibles) :**

- diriger ou superviser l'enquête policière
- mener des enquêtes
- quand cela est nécessaire, saisir le juge pour qu'il ordonne des mesures d'enquêtes
- porter une accusation
- soumettre l'affaire au tribunal
- proposer une peine au juge
- faire appel
- superviser la procédure d'exécution
- classer l'affaire sans suite, sans avoir besoin d'obtenir une décision du tribunal (observer la cohérence avec la question 36!)
- clore l'affaire par une sanction ou une mesure imposée ou négociée sans décision d'un juge
- autre attribution significative

Si "autres attributions significatives", veuillez préciser :

According to Article 1 of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1), prosecutors supervise over the observance of laws and human and civil rights and freedoms in the territory of the Russian Federation by the federal, regional and local authorities, as well as by governmental and non-governmental, commercial and non-profit organizations. This includes supervision over:

- authorities responsible for criminal investigation, inquiry and operative and search activity,
- bailiffs,
- authorities enforcing criminal penalties.

Prosecutors perform criminal prosecution.

Prosecutors are entitled to participate in criminal, civil, administrative and commercial court proceedings and to challenge court decisions by way of appellate, cassational or supervisory proceedings.

The basic powers of prosecutors in criminal procedure are defined in Article 37 of the Russian Criminal Procedure Code, according to which prosecutors perform criminal prosecution in the name of the State in criminal court proceedings and supervise over the conduct of criminal inquiry and investigation.

Specific powers of prosecutors in criminal court proceedings are defined in Article 246 of the Code.

According to the provisions of chapters 53 and 54 of the Code, the Prosecutor General's Office of the Russian Federation is allowed to request legal assistance from the authorities of foreign States and is responsible for the execution of some of such requests sent by foreign States, including extradition.

Before the institution of the Investigative Committee under the Prosecution Service of the Russian Federation on 7 September 2007, which entailed quite significant changes to the criminal procedure, prosecutors had had a much wider range of powers at the stage of criminal investigation and inquiry.

See also comment to question 36 of this questionnaire for details regarding some specific powers of prosecutors.

**106) Le procureur a-t-il également un rôle dans les affaires civiles et/ou administratives ?**

- Oui  
 Non

Si oui, veuillez préciser :

### Civil cases.

The basic powers of prosecutors in civil court proceedings are defined in Articles 45 and 46 of the Russian Civil Procedure Code.

For instance, prosecutors are entitled to apply to courts for the protection of the rights, freedoms and lawful interests of individuals, an indefinite group of persons, as well as in the interests of the Russian Federation, its federal entities and local authorities.

Prosecutors can apply to courts on their own motion only on behalf of individuals who cannot do this themselves for some good reason (state of health, age, legal incapacity, etc.). However, this restriction does not extend to cases where individuals have applied to prosecutors for protection of their civil rights, freedoms and interests in the spheres of employment, family relations and children protection, social protection and maintenance, accommodation, health protection, education.

Prosecutors shall enter civil court proceedings and present opinion letters in cases concerning eviction, reinstatement in employment, indemnification of harm caused to health or life, as well as in some other cases.

Prosecutor's participation is obligatory in cases concerning, for example:

- child adoption and its cancellation (Articles 125 and 140 of the Russian Family Code),
- deprivation and limitation of or reinstatement in parental rights (Articles 70(2), 72(2) and 73(4) of the Russian Family Code),
- declaration of a person missing or dead (Article 278 of the Russian Civil Procedure Code),
- limitation of legal capacity or emancipation of a person (Articles 284 and 288 of the Russian Civil Procedure Code),
- forced placing of a person in a psychiatric hospital (Article 304(2) of the Russian Civil Procedure Code),
- compulsory examination and treatment of persons having tuberculosis (Article 10(4) of the Federal Law "On the prevention of the spreading of tuberculosis in the Russian Federation", no. 77-FZ, 18 June 2001).

### Commercial cases.

The basic powers of prosecutors in commercial court proceedings are defined in Article 52 of the Russian Commercial Procedure Code.

For instance, prosecutors are entitled to challenge in commercial courts the legal acts delivered by State bodies and local authorities that infringe the rights and lawful interests of individuals and organizations in the sphere of business and other economic activity. Prosecutors can also challenge transactions conducted by State bodies or local authorities, State-owned institutions or legal entities a share in the charter capital of which belongs to State bodies or local authorities.

### Cases concerning administrative offences.

The basic powers of prosecutors in cases concerning administrative offences are defined in Article 25.11 of the Russian Code of Administrative Offences.

For instance, prosecutors are entitled to initiate proceedings for administrative offences, participate in the examination of the cases, submit evidence, present opinion letters and file motions. They can challenge rulings on administrative offences irrespective of their participation in the examination of the corresponding cases.

A list of administrative offences in respect of which prosecutors can initiate cases can be found in Article 28.4 of the Code. At the same time, while performing supervision over the observance of the law in the territory of the Russian Federation, prosecutors can initiate proceedings in respect of any administrative offences.

**107) La gestion des affaires par le procureur: ombre total des affaires pénales en 1ère instance. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Reçues par le procureur	Classées sans suite par le procureur (v. 108 ci-dessous)	Terminées par une sanction ou par une mesure imposée ou négociée par le procureur	Portées par le procureur devant les tribunaux
Nombre total d'affaires pénales de 1ère instance	NA	NA	NAP	960 427

**108) Total des affaires classées sans suite par le procureur. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Nombre
Total des affaires classées sans suite par le procureur (1 + 2 + 3)	NA
1. Classées sans suite par le procureur parce que l'auteur de l'infraction n'a pas pu être identifié	NAP
2. Classées sans suite par le procureur en raison d'une impossibilité de fait ou de droit	NA
3. Classées sans suite par le procureur pour raison d'opportunité	NAP

**109) Est-ce que ces données incluent le contentieux routier ?**

- Oui  
 Non

## D.2

**Vous pouvez indiquer ci-dessous :**

**- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre  
- les caractéristiques de votre système concernant la durée des procédures et les réformes majeures mises en œuvre au cours des deux dernières années**

Comparability note: the figures in the tables in questions 91, 94, 97, 98, 99 and 100 cannot be compared to the data submitted in the previous evaluation cycle because of a different approach taken to interpretation of categories and distribution of cases among them. Please note that cases were counted by procedural stages (first, appellate, cassational, supervisory) but not by levels of courts because, for example, the courts of general jurisdiction of the federal entity level can act as first, cassational and supervisory instances (see also comment to question 46 of this questionnaire in this regard). Please also note that, as in the previous evaluation cycle, the information on the caseload of the commercial courts is not included in the tables. The reason for that is the difference in the approaches to collecting statistics taken by these courts (caseload is measured by levels of courts, not procedural stages), which makes it impossible to ensure overall vertical and horizontal consistency in the tables. Commercial courts deal with litigious (category 1) and non-litigious cases (category 2), administrative law cases (category 6) and complaints regarding enforcement proceedings (category 3), as well as with cases concerning some administrative offences (category 9).

Question 107#4#1 : According to the statistical reports of the Prosecutor General's Office of the Russian Federation, this figure has been decreasing over the past years (2007 - 1 037 073 cases, 2008 - 1 030 117 cases, 2009 - 987 575 cases, 2010 - 960 427 cases, 2011 - 887 654 cases).

Question 94: For the 2010-2012 evaluation cycle, a different type of cases was put under the misdemeanour/minor offences category (offences defined in the Russian Code of Administrative Offences). For this type of cases, only the number of resolved cases is monitored. That is why, unlike in the previous evaluation cycles, complete information for this category of cases cannot be provided. (cf CN 03/07)

**Veillez indiquer les sources pour les réponses aux questions 91, 94, 97, 98, 99, 100, 101, 102, 107 et 108.**

Question 107.

Criminal penalty can be imposed only by a court.

Question 108.

Only less serious criminal cases, which are subject to inquiry (but not investigation), can be discontinued by the prosecutor (see comment to question 36 of this questionnaire).

Criminal cases cannot be discontinued if it appears to be impossible to identify the offender. This is only a ground for the suspension of investigation under Article 208 (1) of the Russian Criminal Procedure Code. Investigation cannot be suspended by a prosecutor.

Criminal cases cannot be discontinued for reasons of opportunity.

Question 109.

The figures include only those road traffic offences that resulted in the infliction of serious harm to the health of the victim(s) or the death of the victim(s) - chapter 27 of the Russian Criminal Code. Other road traffic offences are punished as administrative offences (not crimes) and are not dealt with by the prosecutors.

## 5. Carrière des juges et procureurs

### 5. 1. Recrutement et promotion

#### 5. 1. 1. Recrutement et promotion

##### 110) Comment les juges sont-ils recrutés ?

- Principalement par concours (par exemple après un diplôme universitaire en droit)
- Principalement par une procédure de recrutement spécifique pour des professionnels du droit ayant une longue expérience professionnelle dans le domaine juridique (par exemple des avocats)
- Une combinaison des deux (concours et expérience professionnelle)
- Autres

Si autres, veuillez préciser:

##### 111) Autorité(s) responsable(s): les juges sont-ils recrutés et nommés, initialement, en début de carrière, par :

**[Cette question ne concerne que l'autorité qui est responsable de la décision de recrutement (elle ne touche pas l'autorité formellement responsable de la nomination si elle est différente de la première).]**

- Une instance composée seulement de juges?
- Une instance composée seulement de non juges?
- Une instance composée de juges et de non juges?

Veuillez indiquer le nom de l'autorité responsable de la procédure globale de recrutement et de nomination des juges. S'il existe plusieurs autorités impliquées, veuillez décrire leurs rôles respectifs :

The procedure for recruitment of judges is defined in the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1).

According to Article 5 of the Law, qualification panels of judges are responsible for arranging competition for candidate judges and delivering decisions to recommend or to refuse to recommend them to be appointed as judges. Examination commissions are formed by the qualification panels of judges to hold compulsory qualification examinations for candidate judges.

According to Article 11 of the Federal Law "On the bodies of the judicial community in the Russian Federation" (14 March 2002, no. 30-FZ), qualification panels of judges are bodies of the judicial community that consist of judges, representatives of the society and representatives of the President of the Russian Federation.

According to Section 2 of the Regulation "On the examination commissions holding qualification examination for candidate judges" (approved by the Supreme Qualification Panel of Judges of the Russian Federation on 15 May 2002), examination commissions consist of judges, law teachers and academics.

Article 6 of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1) defines the procedure for (formal) appointment of judges.

For instance, judges of the Supreme Court of the Russian Federation and the Supreme Commercial Court of the Russian Federation are appointed by the upper chamber of the Russian parliament upon the recommendation of the President of the Russian Federation and with regard to the opinion of the Presidents of these courts.

Judges of the courts of other levels are appointed by the President of the Russian Federation upon the recommendation of the Presidents the Supreme Court of the Russian Federation and the Supreme Commercial Court of the Russian Federation, respectively.

According to Article 6 of the Federal Law "On the justices of the piece in the Russian Federation" (17 December 1998, no. 188-FZ), justices of the piece are appointed or selected by the legislative (representative) body of the corresponding federal entity or by the population of the corresponding judicial district.

### **112) La même instance est-elle compétente pour la promotion des juges ?**

- Oui  
 Non

Si non, quelle instance est compétente pour la promotion des juges ?

### **113) Quels critères et procédures sont utilisés pour promouvoir les juges ? Veuillez préciser:**

Article 4 of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1), lists the requirements to candidate judges: higher legal education, age of at least 25 years and 5 years of law practice are among them. The minimum age and length of practice requirements depend on the level of court for which the candidates are being selected.

According to Article 5(8) of the Law, the following circumstances are taken into account while deciding on the possible promotion of a judge:

- duration of judgeship,
- experience of work in the law enforcement bodies,
- State or departmental awards,
- honorary title "Honored lawyer of the Russian Federation",
- academic degree in law,



- quality and promptness of examining cases.

Blood or affinal relationship with the president or deputy presidents of a court precludes the appointment (promotion) of a judge to that court.

For qualitative assessment criteria see comment to question 78 of this questionnaire.

**114) Existe-t-il un système d'évaluation individuelle qualitative de l'activité professionnelle du juge ?**

- Oui  
 Non

**115) Le statut du ministère public est-il:**

- Indépendant?  
 Sous l'autorité du ministre de la Justice?  
 Autre?

Veillez préciser:

According to Article 4(2) of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1), the prosecution system is independent of any federal, regional and local authorities in its activity. According to Article 1 of the same law, prosecutors supervise over the observance of laws in the territory of the Russian Federation (and criminal prosecution is only one of its functions).

Recruitment of prosecutors in the Russian Federation is performed by an authority consisting of prosecutors only. Thus, the Russian Federation should be removed from the first paragraph of the comment under Figure 11.4 listing countries with a mixed authority for recruiting prosecutors. (Cf CN 03/07)

**116) Comment sont recrutés les procureurs ?**

- Principalement par concours (par exemple après un diplôme universitaire en droit)  
 Principalement par une procédure de recrutement spécifique pour des professionnels du droit ayant une longue expérience juridique (par exemple des avocats)  
 Une combinaison des deux (concours et expérience professionnelle)  
 Autres

Si "autres", veuillez préciser:

Initial selection of candidate prosecutors is performed on the basis of the results of interview, psychological examination and assessment of the documents submitted by them.

After 6 months of employment, newly recruited prosecutors shall pass initial attestation.

**117) Autorité(s) responsable(s): les procureurs sont-ils recrutés et nommés, en début de carrière, par :**

**[Cette question ne concerne que l'autorité qui est responsable de la décision de recrutement (elle ne touche pas l'autorité formellement responsable de la nomination si elle est différente de la première).]**

- Une instance composée seulement de procureurs ?
- Une instance composée seulement de non procureurs?
- Une instance composée de procureurs et de non procureurs?

Veillez indiquer le nom de l'autorité responsable de la procédure globale de recrutement et de nomination des procureurs. S'il y a plusieurs autorités impliquées, veuillez décrire leurs rôles respectifs :

Attestation commissions, depending on their level, consist of the representatives of the respective prosecutor's offices (see Section 2 of the Regulations "On the attestation of the officers of the bodies and institutions of the prosecution service of the Russian Federation" (approved by the Order of the Prosecutor General of the Russian Federation of 30 October 1998, no. 74)). (Formal) appointment of prosecutors is performed by the heads of the respective prosecutor's offices (see Article 40.5 of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1)).

**118) La même instance est-elle compétente pour la promotion des procureurs ?**

- Oui
- Non

Si non, veuillez préciser quelle instance est compétente pour la promotion des procureurs

**119) Quels critères et procédures sont utilisés pour promouvoir les procureurs? Veuillez préciser:**

Article 40.1 of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1), sets the following basic requirements to candidate prosecutors:

- higher legal education,
- professional skills and morality,
- physical condition.

There are minimum age and experience requirements for the heads of prosecutor's offices.

Additional requirements to professional skills depend on the post and sphere of activity.

According to the Regulations "On the attestation of the officers of the bodies and institutions of the prosecution service of the Russian Federation" (approved by the Order of the Prosecutor General of the Russian Federation of 30 October 1998, no. 74), individual assessment (attestation) of prosecutors is performed at least once every 5 years.

**120) Existe-t-il un système d'évaluation individuelle qualitative de l'activité professionnelle du procureur ?**

- Oui
- Non

**121) Le mandat des juges est-il à durée indéterminée (à savoir "à vie" = jusqu'à l'âge officiel de la retraite) ?**

- Oui
- Non

Si oui, existe-t-il des exceptions ? (ex: la révocation comme sanction disciplinaire) ? Veuillez préciser :

According to Article 11 of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1), the term of appointment of federal judges is unlimited. The age limit is 70 years.

As regards the justices of the peace, their first appointment cannot exceed five years. Subsequent appointments shall last at least five years. The exact terms are set by the legislation of the federal entities.

Court presidents and their deputies are appointed for a term of 6 years (Article 6.1 of the Law) and can be reappointed to the same court, but not more than two times in a row. Upon the expiry of this term they do not lose their powers as judges of the respective courts.

Preterm dismissal is possible:

- upon a corresponding decision of a qualification panel of judges (Article 12.1 of the Law),
- if certain circumstances change and preclude the judge from further holding his office, like a change of nationality, prosecution for a crime, reaching the age limit, etc. (Article 14 of the Law).

**122) S'il existe une période probatoire pour les juges (par exemple avant d'être nommé "à vie"), quelle en est la durée ? Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Durée de la période probatoire (en années)
	NAP

**123) Le mandat des procureurs est-il à durée indéterminée (à savoir « à vie » = jusqu'à l'âge officiel de la retraite) ?**

- Oui  
 Non

Si oui, existe-t-il des exceptions (la révocation comme sanction disciplinaire) ? Veuillez préciser :

According to Article 40.1(3) of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1), prosecutors conclude employment contracts either for an undefined period of time (as a general rule), or for a fixed term (up to 5 years).

According to Article 43 of the Law, the basic age limit is 65 years, but it can be extended up to 70 years.

Preterm dismissal is possible:

- as a disciplinary sanction (Article 41.7 of the Law),
- if certain circumstances change and preclude the prosecutor from further holding his office, like a change of nationality, reaching the age limit, etc. (Article 43 of the Law).

**124) S'il existe une période probatoire pour les procureurs, quelle en est la durée? Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

	Durée de la période probatoire (en années)
	0.5

**125) Si le mandat n'est pas à durée indéterminée pour les juges (voir question 121), est-il renouvelable ? Quelle est la durée du mandat (en années)?**

NAP

**126) Si le mandat n'est pas à durée indéterminée pour les procureurs (voir question 123), est-il renouvelable ? Quelle est la durée du mandat (en années)?**

NAP

## E.1

**Vous pouvez indiquer ci-dessous :**

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système de sélection et de nomination des juges et des procureurs et les réformes majeures mises en œuvre au cours des deux dernières années

Question 122.

The answer to this question differs from the previous evaluation cycle, because a 3-years probation period for newly recruited judges was removed in 2009.

Question 124.

Probation period for newly recruited prosecutors can last up to 6 months (see Article 40.3 of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1)). The answer cannot be entered into the table due to technical restrictions of the electronic questionnaire.

## 5. 2. Formation

### 5. 2. 1. Formation

#### 127) Formation des juges

Formation initiale (par exemple fréquentation d'une école de la magistrature, stage dans un tribunal)	Compulsory
Formation continue générale	Compulsory
Formation continue pour des fonctions spécialisées (ex. juge pour les affaires économiques ou administratives)	Compulsory
Formation continue pour des fonctions spécifiques de gestion (ex. présidence d'un tribunal)	Compulsory
Formation continue pour l'utilisation des outils informatiques au sein des tribunaux	Compulsory

#### 128) Fréquence de la formation continue des juges:

Formation continue générale	Regular (e.g. every 3 months)
Formation continue pour des fonctions spécialisées (ex. juge pour les affaires économiques ou	Regular (e.g. every 3 months)

administratives)	
Formation continue pour des fonctions spécifiques de gestion (ex. présidence d'un tribunal)	Annual
Formation continue pour l'utilisation des outils informatiques au sein des tribunaux	Occasional (e.g. at times)

### 129) Formation des procureurs

Formation initiale	Compulsory
Formation continue générale	Compulsory
Formation continue pour des fonctions spécialisées (ex. procureur spécialisé en crime organisé)	Compulsory
Formation continue pour des fonctions spécifiques de gestion (ex. Procureur Général, administrateur)	Compulsory
Formation continue pour l'utilisation des outils informatiques au sein des tribunaux	Compulsory

### 130) Fréquence de la formation continue des procureurs :

Formation continue générale	Regular (e.g. every 3 months)
Formation continue pour des fonctions spécialisées (ex. procureur spécialisé en crime organisé)	Regular (e.g. every 3 months)
Formation continue pour des fonctions spécifiques de gestion (ex. Procureur Général, administrateur)	Regular (e.g. every 3 months)
Formation continue pour l'utilisation des outils informatiques au sein des tribunaux	Occasional (e.g. at times)

**131) Disposez-vous d'(une) institution(s) publique(s) chargée(s) de la formation des juges et des procureurs? Si oui, quel est le budget de cette (ces) institution(s) ? Si vos institutions de formation judiciaire ne répondent pas à ces critères, veuillez le préciser.**

	Formation initiale seulement	Formation continue seulement	Formation initiale et continue
Une institution pour les juges	Non	Non	Oui
Une institution pour les procureurs	Non	Non	Oui
Une institution commune pour juges et procureurs	Non	Non	Non

Commentaire :

The budget of the Russian Academy of Justice in 2010 was 414 708 100 Russian Roubles (10 242 842

Euros). This sum is included in the budget of the Supreme Court of the Russian Federation.

The budget of the Academy of the Prosecutor General's Office of the Russian Federation in 2010 was 369 211 700 Russian Roubles (9 119 130 Euros). This sum is included in the budget of the Prosecutor General's Office of the Russian Federation.

Source: Federal Law no. 308-FZ of 2 February 2009 "On the federal budget for the year 2010 and for the planned period of 2011 and 2012", Annex 6.

Training of judges and prosecutors is not restricted to these specialized institutions.

## E.2

**Vous pouvez indiquer ci-dessous :**

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- des commentaires sur l'attention portée dans les curricula à la Convention européenne des Droits de l'Homme et à la jurisprudence de la Cour
- les caractéristiques de votre système de formation des juges et des procureurs et les réformes majeures mises en œuvre au cours des deux dernières années

Questions 127 and 128.

According to Article 20.1 of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1), newly recruited judges are obliged to pass professional re-training in specialized institutions and traineeship in courts.

Practicing judges are also obliged to develop their professional skills by passing training in various forms, when necessary and at least once every three years. Different courses are available depending on the experience and specialization of judges. Separate annual courses are available for court presidents.

Questions 129 and 130.

According to Article 43.4 of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1), prosecutors are obliged to constantly develop their professional skills by passing educational courses and development training in various forms. The organization and frequency of professional development and education varies across the federal entities. Different courses are available depending on the experience and specialization of the prosecutors. Separate courses are available for the heads of prosecutor's offices. Initial training of newly recruited prosecutors is performed through mentoring by their more experienced colleagues.

Development training of both judges and prosecutors includes, among other things, workshops and lectures devoted to the case law of the European Court of Human Rights.

### 5. 3. Exercice de la profession

#### 5. 3. 1. Exercice de la profession

#### 132) Salaires des juges et des procureurs.

	Salaire annuel brut (€), en €, au 31 décembre 2010	Salaire annuel net (€), en €, au 31 décembre 2010
Juge professionnel de 1 <sup>ère</sup> instance au début de sa carrière	15 988	13 098
Juge de la Cour suprême ou de la dernière instance de recours (veuillez indiquer le salaire moyen d'un juge de ce niveau, non pas le salaire du président de la cour)	47 265	38 720
Procureur au début de sa carrière	9 594	8 347
Procureur auprès de	15 628	13 596

la Cour suprême ou de la dernière instance de recours (veuillez indiquer le salaire moyen d'un procureur de ce niveau, non pas le salaire du Procureur Général).		
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Commentaire :  
Judges.

The following information was provided by the Judicial Department of the Supreme Court of the Russian Federation, the Supreme Court of the Russian Federation and the Supreme Commercial Court of the Russian Federation.

Average annual salary of a first instance professional judge at the beginning of his/her career:  
- 815 551 / 709 533 Russian Roubles (commercial courts),  
- 1 053 600 / 916 632 Russian Roubles (courts of general jurisdiction, not taking into account the justices of the piece).

Average annual salary of a judge of a supreme court:  
- 1 324 931 / 1 152 688 Russian Roubles (the Supreme Commercial Court of the Russian Federation),  
- 1 487 552 / 1 348 750 Russian Roubles (the Supreme Court of the Russian Federation).

According to Article 19(1) of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1), monthly salaries of the Presidents of the Supreme Commercial Court of the Russian Federation and the Supreme Court of the Russian Federation are set in a federal law, while salaries of the judges are defined in proportion to that amounts.

Prosecutors.

The following information was provided by the Prosecutor General's Office of the Russian Federation.

Average annual salary of a public prosecutor at the beginning of his/her career: 388 460 / 337 970 Russian Roubles.

Average annual salary of a public prosecutor at the prosecutor's office of the highest level - 632 730 / 550 470 Russian Roubles.

According to Article 44(1) of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1), monthly salary of the Prosecutor General of the Russian Federation is set by the President of the Russian Federation, while salaries of the inferior prosecutors are defined in proportion to that amount.

A comparison of the answer to question 118 of the 2009 questionnaire and the answer to question 132 of the 2011 questionnaire (concerning prosecutors) reveals the following results:

Average gross annual salary  
2008 / 2010 / difference Average net annual salary  
2008 / 2010 / difference  
Public prosecutor at the beginning of his/her career 7201 / 9 594 /  
33.2% increase 6265 / 8 347 /  
33.2% increase  
Public prosecutor of the Supreme Court or the Highest Appellate Instance 12 240 / 15 628 /  
27.7% increase 10 648 / 13 596 /  
27.7% increase

Thus, as regards prosecutors, there seem to be no mistake in the numbers and no abnormal difference. Their salaries grew between 2008 and 2010.

As regards judges, it should be noted that the figures for the year 2008 concerned only the salaries of the judges of the courts of general jurisdiction, while the figures for the year 2010 also cover the salaries of the judges of the commercial courts. Moreover, different types of taxes were taken into account.

With the correct figures, there seem to be no mistake in the numbers and no abnormal difference. The salaries of the judges grew between 2008 and 2010.

The correct figures for the salaries of judges should be as follows:

Average gross annual salary

2008 / 2010 / difference Average net annual salary

2008 / 2010 / difference

First instance professional judge at the beginning of his/her career 15 154 / 15 988 /

5.5 % increase 12 414 / 13 098 /

5.5 % increase

Judge of the Supreme Court or the Highest Appellate Court 38 773 / 47 265 /

21.9 % increase 31 749 / 38 720 /

21.9 % increase

The following formula was used to calculate the average salary (S) for the judges in the systems of the commercial courts (A) and the courts of general jurisdiction (B):

$S = (\text{salary of A judges} \times \text{number of A judges} + \text{salary of B judges} \times \text{number of B judges}) / (\text{number of A judges} + \text{number of B judges})$

Average annual salary of a first instance professional judge at the beginning of his/her career in 2008 (gross / net):

- RUR 839 280 / 687 550 (judges in the commercial courts of first instance, there were 2728 such judges in 2008),

- RUR 541 345 / 443 475 (justices of the piece, there were 7435 such judges in 2008).

The resulting average salary in 2008 was: RUR 621 318 / 508 991.

Average annual salary of a first instance professional judge at the beginning of his/her career in 2010 (gross / net):

- RUR 873 490 / 715 570 (judges in the commercial courts of first instance, there were 2732 such judges in 2010),

- RUR 564 335 / 462 308 (justices of the piece, there were 7444 such judges in 2010).

The resulting average salary in 2010 was: RUR 647 335 / 530 302.

Average annual salary of a judge in a supreme court in 2008 (gross / net):

- RUR 1 382 200 / 1 132 310 (judges in the Supreme Commercial Court of the Russian Federation, there were 54 such judges in 2008),

- RUR 1 690 650 / 1 384 100 (judges in the Supreme Court of the Russian Federation, there were 111 such judges in 2008).

The resulting average salary in 2008 was: RUR 1 589 703 / 1 301 696.

Average annual salary of a judge in a supreme court in 2010 (gross / net):

- RUR 1 438 540 / 1 178 470 (judges in the Supreme Commercial Court of the Russian Federation, there were 56 such judges in 2010),

- RUR 2 162 320 / 1 771 390 (judges in the Supreme Court of the Russian Federation, there were 107 such judges in 2010).

The resulting average salary in 2010 was: RUR 1 913 659 / 1 567 687.

The relevant numbers of judges were taken from the answers to question 46 of the 2011 questionnaire and question 49 of the 2009 questionnaire.



The gross figures include income tax, single social tax and insurance contribution.

According to Article 19-1 of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1), judges, who have reached the retirement age, have the appropriate length of service and continue to work, receive 50% of their monthly life-time allowance (a special type of retirement pension for judges, see question 134). This payment is not subject to any taxes.

Though this payment is not included in the calculations, it should be noted that more than 60% of the judges of the Supreme Commercial Court of the Russian Federation and more than 90% of the judges of the Supreme Court of the Russian Federation receive such a payment monthly. The average annual sums of this type of payments are as follows: RUR 420 000 (EUR 10 244) in 2008 and RUR 430 000 (EUR 10 620) in 2010.

**133) Les juges et les procureurs bénéficient-ils des avantages complémentaires suivants :**

	Juges	Procureurs
Imposition réduite	Non	Non
Retraite spécifique	Oui	Oui
Logement de fonction	Oui	Oui
Autre avantage financier	Oui	Oui

**134) Si autre avantage financier, veuillez préciser:**

Judges.

According to Articles 15 (5) and 19 (1) of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1), instead of pensions, judges can receive special monthly payments that are free of taxes.

According to Article 19 (3) of the Law, judges residing in substandard living conditions are entitled to better housing at the expense of the State.

Judges and members of their families also benefit from medical treatment (including treatment at health resorts) at the expense of the State (Article 19 (5) of the Law).

Prosecutors.

According to Article 44 (2) of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1), prosecutors benefit from increased pensions.

According to Article 44 (4) of the Law, prosecutors residing in substandard living conditions are entitled to better housing at the expense of the State.

Prosecutors and members of their families also benefit from medical treatment at the expense of the State (Article 44 (6) and (7) of the Law).

Both judges and prosecutors also enjoy some other benefits like compulsory insurance of life and health, compensation of transportation expenses, lump-sum payments in certain situations.

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but in that cycle it was mistakenly specified that judges and prosecutors benefit from reduced taxation.

**135) Un juge peut-il cumuler son travail avec les autres fonctions suivantes :**

---

	Rémunéré	Non rémunéré
Enseignement	Oui	Oui
Recherche et publication	Oui	Oui
Arbitrage	Non	Non
Consultant	Non	Non
Fonction culturelle	Oui	Oui
Fonction politique	Non	Non
Autre fonction	Non	Non

**136) Si des règles existent dans votre pays (par exemple, une autorisation est exigée pour exercer une fonction), veuillez les préciser. Si « autre fonction », veuillez préciser :**

Article 3 (3) of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1) allows judges to be paid for teaching, academic and other creative activities. As a general rule, these activities cannot be funded exclusively by foreign States, foreign and international organizations, foreign individuals and stateless persons. These activities should not obstruct the performance of judge duties and cannot serve as a reasonable excuse for not attending court hearings, unless agreed with the court president.

**137) Un procureur peut-il cumuler son travail avec les autres fonctions suivantes :**

	Rémunéré	Non rémunéré
Enseignement	Oui	Oui
Recherche et publication	Oui	Oui
Arbitrage	Non	Non
Consultant	Non	Non
Fonction culturelle	Oui	Oui
Fonction politique	Non	Non
Autre fonction	Non	Non

**138) Précisions s'il existe des règles particulières (par exemple autorisation nécessaire pour exercer tout ou partie de ces activités). Si « autre fonction », veuillez préciser :**

Article 4 (5) of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1) allows prosecutors to be paid for teaching, academic and other creative activities. As a general rule, these activities cannot be funded exclusively by foreign States, foreign and international organizations, foreign individuals and stateless persons.

**139) Prime de productivité : les juges ont-ils droit à des primes en fonction du respect d'objectifs quantitatifs de production de décisions (par exemple nombre de jugements rendus pour une période donnée) ?**

- Oui  
 Non

Si oui, veuillez préciser les conditions et éventuellement les montants:  
 No quantitative objects are set for judges in the Russian Federation.

#### 5. 4. Procédures disciplinaires

#### 5. 4. 1. Procédures disciplinaires

##### **140) Qui peut engager des procédures disciplinaires contre les juges (choix multiples possibles) ?**

- Citoyens
- Tribunal concerné ou supérieur hiérarchique
- Cour suprême
- Conseil Supérieur de la Magistrature
- Tribunal ou autorité disciplinaire
- Médiateur
- Parlement
- Pouvoir exécutif
- Autre ?
- Ceci n'est pas possible

Si "pouvoir exécutif" ou/et "autre", veuillez préciser :

Comparability note: nothing has changed since the previous evaluation cycle, but the text of the 2010 Report on the European judicial systems has shown misunderstanding of this question by national correspondents. As opposed to question 142 of this questionnaire, question 140 seems to deal with those who can complain or inform about breaches that entail disciplinary sanctions.

##### **141) Qui peut engager des procédures disciplinaires contre les procureurs (choix multiples possibles) :**

- Citoyens
- Chef de l'unité organisationnelle ou supérieur hiérarchique
- Procureur Général/Procureur d'Etat
- Conseil Supérieur de la Magistrature
- Tribunal ou autorité disciplinaire
- Médiateur
- Organisme professionnel
- Pouvoir exécutif
- Autre?
- Ceci n'est pas possible

Si "pouvoir exécutif" ou/et "autre", veuillez préciser :

Comparability note: nothing has changed since the previous evaluation cycle, but the text of the 2010 Report on the European judicial systems has shown misunderstanding of this question by national correspondents. As opposed to question 143 of this questionnaire, question 141 seems to deal with those who can complain or inform about breaches that entail disciplinary sanctions.

##### **142) Quelle autorité détient le pouvoir disciplinaire à l'encontre des juges? (plusieurs options possibles)**

- Tribunal
- Cour suprême

- Conseil Supérieur de la Magistrature  
 Tribunal ou autorité disciplinaire  
 Médiateur  
 Parlement  
 Pouvoir exécutif  
 Autre?

Si "pouvoir exécutif" ou/et "autre", veuillez préciser :

According to Article 12.1 (1) of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1), decisions to impose disciplinary sanctions on judges are taken by qualification panels of judges.

Qualification panels of judges are bodies of the judicial community that deal with recruitment, promotion and dismissal of judges on the basis of the Federal Law "On the bodies of judicial community" (14 March 2002, no. 30-FZ).

Checking of information about an alleged disciplinary offence can be performed by the qualification panels of judges or the presidents of the respective courts.

**143) Quelle autorité détient le pouvoir disciplinaire à l'encontre des procureurs ? (plusieurs options possibles)**

- Cour suprême  
 Chef de l'unité organisationnelle ou supérieur hiérarchique  
 Procureur Général/Procureur d'Etat  
 Conseil Supérieur de la Magistrature  
 Tribunal ou autorité disciplinaire  
 Médiateur  
 Organisme professionnel  
 Pouvoir exécutif  
 Autre ?

Si "pouvoir exécutif" ou/et "autre", veuillez préciser :

According to Article 41.7 of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1), the Prosecutor General of the Russian Federation is entitled to impose disciplinary sanctions of all types in respect of any prosecutor, while the heads of the inferior prosecutor's offices can impose only some of the sanctions and only on the prosecutors appointed by them.

**144) Nombre de procédures disciplinaires intentées à l'encontre des juges et des procureurs. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP. Si "autre", veuillez le préciser dans la boîte "commentaire" ci-dessous.**

**[Si la procédure disciplinaire est intentée sur la base de plusieurs manquements, veuillez ne compter ces procédures qu'une seule fois, pour le manquement principal.]**

	Juges	Procureurs
Nombre total (1+2+3+4)	NA	NA
1. Faute	NA	NA

déontologique		
2. Insuffisance professionnelle	NA	NA
3. Délit pénal	NAP	NAP
4. Autre	NA	NA

Commentaire :

Crimes cannot be dealt with in the framework of disciplinary proceedings.

**145) Nombre de sanctions prononcées à l'encontre des juges et des procureurs. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

**Si « autre », veuillez le préciser dans la boîte "commentaire" ci-dessous. S'il existe une disparité entre le nombre de procédures disciplinaires intentées et le nombre de sanctions prononcées, veuillez préciser les raisons dans la boîte "commentaire" ci-dessous.**

	Juges	Procureurs
Nombre total (total 1 à 9)	NA	NA
1. Réprimande	NAP	NA
2. Suspension	NAP	NAP
3. Révocation	NAP	NAP
4. Amende	NAP	NAP
5. Diminution de salaire temporaire	NAP	NAP
6. Rétrogradation de poste	NAP	NAP
7. Mutation dans un autre tribunal géographiquement	NAP	NAP
8. Démission	NA	NA
9. Autre	NA	NA

Commentaire :

Article 12.1 (1) of the Federal Law "On the status of judges in the Russian Federation" (26 June 1992, no. 3132-1) provides for the following types of disciplinary sanctions for judges:

- warning,
- preterm termination of judge powers.

Article 41.7 of the Federal Law "On the prosecution service of the Russian Federation" (17 January 1992, no. 2202-1) provides for the following types of disciplinary sanctions for prosecutors:

- remark,
- reprimand,
- strict reprimand,
- downgrade in class rank,
- deprivation of honorary decorations relating to prosecution service,
- warning about not full correspondence to office,
- dismissal from the prosecution system.

### E.3

**Vous pouvez indiquer ci-dessous :**

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système de procédures disciplinaires pour les juges et les procureurs et les réformes majeures mises en œuvre au cours des deux dernières années

The Federal Constitutional Law "On the disciplinary judicial representation" (9 November 2009, no.

4-FKZ) has been in force since 10 March 2010. The law introduced a specialized judicial body consisting of three judges of the Supreme Court of the Russian Federation and three judges of the Supreme Commercial Court of the Russian Federation. It is empowered to review decisions of the bodies of the judicial community on preterm termination of judge powers for committing disciplinary offences.

**Veillez indiquer les sources aux questions 144 et 145**

The information on the number of incoming complaints and the number of disciplinary sanctions imposed on judges during the first six months of the year 2010 is available at the website of the Supreme Qualification Panel of Judges of the Russian Federation:  
[http://www.vkks.ru/ss\\_detale.php?newid=7402](http://www.vkks.ru/ss_detale.php?newid=7402)

## 6. Avocats

### 6. 1. Statut de la profession et formation

#### 6. 1. 1. Statut de la profession et formation

#### **146) Nombre d'avocats exerçant dans votre pays.**

65 602

#### **147) Ce nombre inclut-il la catégorie « conseiller juridique » (« solicitor/in-house counsellor ») qui ne peut pas représenter en justice ?**

- Oui  
 Non

#### **148) Nombre de conseillers juridiques qui ne peuvent pas représenter en justice**

NA

#### **149) Les avocats ont-ils le monopole de la représentation en justice ? (plusieurs options sont possibles) pour les :**

- Affaires civiles  
 Affaires pénales - Défendeur  
 Affaires pénales - Victime  
 Affaires administratives  
 Il n'y a pas de monopole

En cas d'absence de monopole, veuillez préciser les organismes ou personnes pouvant représenter les clients devant un tribunal (par exemple une ONG, un membre de la famille, un syndicat, etc....) et pour quelles affaires :

According to Article 49 (2) of the Russian Criminal Procedure Code, only professional lawyers can be defense counsels for defendants at all stages of criminal proceedings. During criminal court proceedings, (almost) any legally capable person can be invited as defense counsel upon a motion of the defendant and subject to authorization of the court, but only in addition to a professional lawyer. In cases concerning less serious crimes (that are dealt with by justices of the peace), professional lawyers do not have the monopoly at the stage of court proceedings.

Despite the imprecise wording of Article 45 (1) of the Russian Criminal Procedure Code, professional lawyers do not have the monopoly in respect of victims in criminal proceedings, as it was explained in the finding of the Constitutional Court of the Russian Federation of 5 February 2004, no. 25-O.

Chapter 5 of the Russian Civil Procedure Code allows individuals and organizations to invite (almost) any legally capable person as their representative in civil proceedings.

Chapter 6 of the Russian Commercial Procedure Code allows individuals and organizations to invite (almost) any legally capable person as their representative in commercial proceedings.

Article 25.5 of the Russian Code of Administrative Offences allows individuals and organizations to invite (almost) any legally capable person as their representative in cases concerning administrative offences.

**150) La profession d'avocat est-elle organisée à travers (plusieurs réponses possibles):**

- un barreau national ?
- un barreau régional ?
- un barreau local ?

**151) Existe-t-il une formation initiale ou un examen spécifique pour accéder à la profession d'avocat ?**

- Oui
- Non

Si non, veuillez indiquer s'il existe d'autres exigences spécifiques en matière de diplôme ou de niveau universitaire :

Article 9 of the Federal Law "On the legal practice and advocacy in the Russian Federation" (31 May 2002, no. 63-FZ) sets the following basic requirements to candidate lawyers:

- higher legal education or academic degree in law,
- at least two years of law practice.

Candidate lawyers shall apply to qualification commissions of the chambers of lawyers in the corresponding federal entities and pass qualification examination to become registered professional lawyers (Articles 10 and 11 of the Law).

**152) Existe-t-il un système de formation continue générale obligatoire pour les avocats ?**

- Oui
- Non

**153) La spécialisation dans certains domaines est-elle liée à certaines formations, à un certain niveau de compétence, à un certain diplôme ou à certaines autorisations ?**

- Oui
- Non

Si oui, veuillez préciser :

**F.1****Veuillez indiquer les sources aux questions 146 et 148 :**

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**Commentaires utiles à l'interprétation des données indiquées dans ce chapitre :**

The status of professional lawyer for the purposes of chapter 6 of this questionnaire is defined in the Federal Law "On the legal practice and advocacy in the Russian Federation" (31 May 2002, no. 63-FZ).

Question 146.

The number of professional lawyers registered by the regional departments of the Ministry of Justice of the Russian Federation, as reported by the Federal Chamber of Lawyers of the Russian Federation.

Question 150.

According to Articles 29 and 35 of the Federal Law "On the legal practice and advocacy in the



Russian Federation" (31 May 2002, no. 63-FZ), the Federal Chamber of Lawyers of the Russian Federation and chambers of lawyers of the federal entities shall be established for organizational purposes.

## 6. 2. Exercice de la profession

### 6. 2. 1. Exercice de la profession

**154) Pour le justiciable, existe-t-il une transparence sur les honoraires prévisibles des avocats (à savoir, est-ce que les usagers peuvent aisément obtenir des informations préalables sur le montant des honoraires prévisibles, sont-ils transparents et loyaux) ?**

- Oui  
 Non

**155) Les honoraires des avocats sont-ils librement négociés ?**

- Oui  
 Non

**156) La loi ou les règlements du Barreau contiennent-ils des règles sur les honoraires des avocats (même s'ils sont librement négociés) ?**

- Oui, la loi contient des règles  
 Oui, les règlements du Barreau contiennent des règles  
 Non, ni la loi ni les dispositions du Barreau ne contiennent de règles

## F.2

**Commentaires utiles à l'interprétation des données indiquées dans ce chapitre :**

Regulations on fees of lawyers:

- Article 16 of the Code of Professional Ethics for Lawyers (adopted by the first all-Russian congress of lawyers on 31 January 2003),
- Article 25 of the Federal Law "On the legal practice and advocacy in the Russian Federation" (31 May 2002, no. 63-FZ), which also refers to regulations defining the amount of reimbursement for legal aid lawyers.

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the answers to questions 154 and 156 in that cycle were incorrect.

## 6. 3. Standards de qualité et procédures disciplinaires

### 6. 3. 1. Standards de qualité et procédures disciplinaires

**157) Des normes de qualité ont-elles été formulées pour les avocats ?**

- Oui  
 Non

Si oui, quels sont les critères de qualité utilisés?

Quality standards are defined in Article 7 of the Federal Law "On the legal practice and advocacy in the Russian Federation" (31 May 2002, no. 63-FZ) and Articles 8 and 9 of the Code of Professional Ethics for Lawyers (adopted by the first all-Russian congress of lawyers on 31 January 2003).

Lawyers shall perform their professional duties in good faith, act reasonably and skilfully. They shall defend the rights, freedoms and interests of their clients timely and actively, by any means not prohibited by law. Lawyers shall not act contrary to the interests and wills of their clients or for their own benefit. They shall not get involved into more cases than they know they can deal with.

**158) Si oui, qui est responsable de la formulation de ces normes de qualité:**

- le Barreau ?  
 le législateur ?  
 autre ?

Si "autre", veuillez préciser :

**159) Existe-t-il une possibilité de déposer une plainte concernant :**

- la prestation de l'avocat ?  
 le montant des honoraires ?

Veuillez préciser :

A complaint about the poor performance of a lawyer can be filed with the corresponding chamber of lawyers for disciplinary proceedings to be initiated.

**160) Quelle est l'autorité compétente pour traiter des procédures disciplinaires?**

- le juge  
 le ministère de la justice  
 une instance professionnelle  
 autre

Si autre, veuillez préciser :

Comparability note: nothing has changed since the previous evaluation cycle, but judges are not responsible for disciplinary proceedings in respect of lawyers.

According to Article 19 (5) of the Code of Professional Ethics for Lawyers (adopted by the first all-Russian congress of lawyers on 31 January 2003), disciplinary proceedings in respect of lawyers can be conducted only by qualification commissions or councils of the corresponding chambers of lawyers of the federal entity level.

**161) Procédures disciplinaires initiées à l'encontre des avocats. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP. Si « autre », veuillez spécifier dans la boîte "commentaire" ci-dessous.**

**[Si la procédure disciplinaire est intentée sur la base de plusieurs manquements, veuillez ne compter ces procédures qu'une seule fois, pour le manquement principal.]**

	Nombre total de	1. Faute déontologique	2. Insuffisance	3. Délit pénal	4. Autre
--	-----------------	------------------------	-----------------	----------------	----------

	procédures disciplinaires initiées (1 + 2 + 3 + 4)		professionnelle		
Nombre	4 988	135	82	NAP	NA

Commentaire :

The information was provided by the Federal Chamber of Lawyers of the Russian Federation.

Crimes cannot be dealt with in the framework of disciplinary proceedings.

**162) Sanctions prononcées à l'encontre des avocats. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.**

**Si "autre", veuillez le spécifier dans la boîte "commentaire" ci-dessous. S'il existe une disparité entre le nombre de procédures disciplinaires initiées et le nombre de sanctions, veuillez indiquer les raisons dans la boîte "commentaire" ci-dessous.**

	Nombre total des sanctions (1 + 2 + 3 + 4 + 5)	1. Réprimande	2. Suspension	3. Révocation	4. Amende	5. Autre (par exemple exclusion du barreau)
Nombre	2 881	NA	NAP	NAP	NAP	NA

Commentaire :

The information was provided by the Federal Chamber of Lawyers of the Russian Federation.

Article 18 (6) of the Code of Professional Ethics for Lawyers (adopted by the first all-Russian congress of lawyers on 31 January 2003) provides for the following disciplinary sanctions:

- remark,
- warning,
- cancellation of the professional lawyer status (disbarment).

### F.3

**Vous pouvez indiquer ci-dessous tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**

## 7. Mesures alternatives au règlement des litiges

### 7. 1. Mesures alternatives au règlement des litiges

#### 7. 1. 1. Mesures alternatives au règlement des litiges

**163) Existe-t-il des procédures de médiation dans le système judiciaire ? Si non, veuillez aller à la question 168**

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**[Médiation judiciaire : dans ce type de médiation, il y a toujours l'intervention d'un juge ou d'un procureur qui facilite, conseille, décide ou/et approuve la procédure. Par exemple, dans des litiges civils ou des cas de divorce, les juges peuvent diriger les parties vers un médiateur s'ils estiment que des résultats plus satisfaisants peuvent être obtenus pour les deux parties. En matière pénale, le procureur peut se proposer en tant que médiateur entre un délinquant et une victime (par exemple pour établir un accord d'indemnisation).]**

- Oui  
 Non

**164) Veuillez préciser, par type d'affaires, l'organisation de la médiation judiciaire :**

	Médiation annexée au tribunal	Médiateur privé	Instance publique (autre que le tribunal)	Juge	Procureur
Affaires civiles et commerciales	Oui	Oui	Non	Oui	Non
Affaires familiales (ex. divorce)	Oui	Oui	Non	Oui	Non
Affaires administratives	Non	Non	Non	Non	Non
Licenciements	Oui	Oui	Oui	Oui	Non
Affaires pénales	Non	Non	Non	Non	Non

**165) Est-il possible de bénéficier de l'aide judiciaire lors des procédures de médiation ?**

- Oui  
 Non

Si oui, veuillez préciser :

**166) Nombre de médiateurs accrédités ou enregistrés qui exercent la médiation judiciaire :**

NA

**167) Nombre total de procédures de médiation judiciaire**

-----  
**Veuillez indiquer la source dans la boîte "commentaire" ci-dessous:**

Nombre total (1+2+3+4+5)	NA
1. les affaires civiles	NA
2. les affaires familiales	NA
3. les affaires administratives	NAP
4. les affaires de licenciements	NA
5. les affaires pénales	NAP

Commentaire :

**168) Votre système judiciaire connaît-il les formes d'ADR suivantes.**

**Si "autres mesures", veuillez le spécifier dans la boîte "commentaire" ci-dessous.**

la médiation autre que la médiation judiciaire?	Oui
l'arbitrage?	Oui
la conciliation?	Oui
d'autres mesures alternatives au règlement des litiges?	Non

Commentaire :

Articles 401-404 of the Russian Labor Code provide for compulsory conciliatory proceedings and optional mediation or labor arbitration as means of resolving collective labor disputes.

The Federal Law "On the alternative procedure for dispute resolution with the participation of a facilitator (mediation procedure)" (27 July 2010, no. 193-FZ) provides for (other than judicial) mediation in disputes arising from civil, labor, family and commercial law relations.

The Federal Law "On arbitration tribunals in the Russian Federation" (24 July 2002, no. 102-FZ) allows for the creation of permanent or ad-hoc arbitration tribunals for the resolution of disputes arising from civil law relations (with few exceptions like insolvency cases).

The Federal Law "On international commercial arbitration" (7 July 1993, no. 5338-1) allows for the creation of permanent or ad-hoc arbitration tribunals in the territory of the Russian Federation for the resolution of disputes involving organizations located abroad, international organizations and organizations with foreign investments.

**G.1**

**Vous pouvez indiquer ci-dessous :**

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système de mesures alternatives au règlement des litiges et les réformes majeures mises en œuvre au cours des deux dernières années

Question 164.

Comparability note: as the corresponding law on mediation (see below) was adopted only in 2010, the answers in the column "private mediator" were "no" for the year 2008. As regards the other columns of the table, nothing has changed since the previous evaluation cycle, but they were not filled in correctly for that cycle.

The Federal Law "On the alternative procedure for dispute resolution with the participation of a facilitator (mediation procedure)" (27 July 2010, no. 193-FZ) has been in force since 1 January 2011. It has introduced private (other than judicial) mediation in disputes arising from civil, labor, family and commercial law relations.

According to Article 150 (1-5) of the Russian Civil Procedure Code, while preparing a civil case (including cases concerning family and labor law) for a court hearing, the judge shall take measures to facilitate the conclusion of a friendly settlement between the parties and explain them their right to apply to an arbitration court or mediator. Article 173 of the Code defines the rules for friendly settlement of disputes.

According to Article 22 (2) of the Russian Family Code, courts can employ conciliatory measures or

postpone the hearing of the case for up to three months to allow the spouses to reconcile with each other.

According to Article 407 of the Russian Labor Code, certain federal and regional State bodies (like the Federal Labor and Employment Service) are entrusted to facilitate the resolution of collective labor disputes in the framework of conciliation proceedings (not within the court proceedings).

According to Article 135 (1-2) of the Russian Commercial Procedure Code, while preparing a commercial case for a court hearing, the judge shall take measures to facilitate the conclusion of a friendly settlement between the parties and explain to them their right to apply to an arbitration court or mediator. Chapter 15 of the Code defines the rules for conciliation procedure and friendly settlement of disputes.

There are no mediation proceedings foreseen in cases concerning administrative offences.

There are no mediation proceedings foreseen in criminal cases, though the defendant and the victim can reconcile with each other, and this circumstance can be a ground to terminate the criminal proceedings under Article 25 of the Russian Criminal Procedure Code.

**Veillez indiquer les sources des réponses à la question 166**

## 8. Exécution des décisions de justice

### 8. 1. Exécution des décisions civiles

#### 8. 1. 1. Fonctionnement

#### 169) Existe-t-il dans votre système judiciaire des agents d'exécution ?

- Oui  
 Non

#### 170) Nombre d'agents d'exécution

23 986

#### 171) Les agents d'exécution sont-ils (plusieurs choix possibles):

- des juges ?  
 des huissiers de justice exerçant en profession libérale réglementée par les autorités publiques ?  
 des huissiers de justice attachés à une institution publique ?  
 d'autres agents d'exécutions ?

Veuillez préciser leur statut et leurs compétences (pouvoirs):

The status and the powers of bailiffs are defined in the Federal Law "On bailiffs" (21 July 1997, no. 118-FZ).

According to Article 1 of the Law, bailiffs shall:

- ensure order in courts,
- enforce judicial acts and acts of other public bodies,
- perform criminal inquiry in certain cases.

According to Article 4 (1) of the Law, bailiffs are divided into two categories: those responsible for ensuring order in courts and those responsible for enforcement proceedings.

#### 172) Existe-t-il une formation initiale ou un examen spécifique pour accéder à la profession d'agent d'exécution ?

- Oui  
 Non

#### 173) La profession d'agent d'exécution est-elle organisée par :

- une instance nationale ?  
 une instance régionale ?  
 une instance locale ?  
 NAP (la profession n'est pas organisée)

#### 174) Pour le justiciable, existe-t-il une transparence sur le coût prévisible des frais d'exécution ?

- Oui  
 Non

**175) Est-ce que les frais d'exécution sont librement négociés ?**

- Oui  
 Non

**176) Est-ce que la loi stipule des règles sur les frais d'exécution (même s'ils sont librement négociés) ?**

- Oui  
 Non

**Veillez indiquer la source de la réponse à la question 170 :**

Question 170.

The figure reflects the number of bailiffs responsible for enforcement proceedings actually employed as of the end of 2010.

The relevant information can be found in form no. 9-2 (section 1, column 2, row 16) of the statistical report of the Federal Bailiff Service for the year 2010:

[http://www.fssp.ru/files/fssp/db/files/vso2010\\_12.zip](http://www.fssp.ru/files/fssp/db/files/vso2010_12.zip)

Question 172.

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the answer to this question in that cycle was wrong.

Candidate bailiffs are not required to pass any specific initial training or examination to enter the profession, though such training is necessary for further promotion.

Question 173.

The Federal Bailiff Service and its regional and local offices.

Question 174-176.

The answer to these questions is NAP.

In the Russian Federation, bailiffs do not receive any enforcement fees from court users, they receive monthly salaries as employees of a public institution.

As regards additional costs and expenses incurred in connection with enforcement proceedings (such as the search for the debtor or transportation and storage of his/her belongings), according to Articles 116 and 117 of the Federal Law "On enforcement proceedings" (2 October 2007, no. 229-FZ), they shall be recovered from the debtor on the basis of a calculation presented by a bailiff.

According to Article 112 of the same Law, an enforcement duty can be imposed on a debtor in case of his/her refusal to voluntarily perform the necessary enforcement actions within the specified term.

**8. 1. 2. Efficacité des services d'exécution**

**177) Existe-t-il un système de supervision et de contrôle de l'activité des agents d'exécution ?**

- Oui



Non

**178) Quelle est l'autorité chargée de superviser et de contrôler les agents d'exécution :**

- une instance professionnelle ?  
 le juge ?  
 le ministère de la justice ?  
 le procureur ?  
 autre ?

Si autre, veuillez préciser :

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the answer to this question in that cycle was incomplete.

According to Article 7 of the Federal Law "On bailiffs" (21 July 1997, no. 118-FZ), the Ministry of Justice of the Russian Federation shall perform coordination of and control over the activity of the Federal Bailiff Service.

According to Articles 8 - 10 of the Law, the heads of the Federal Bailiff Service and its regional and local offices also perform control over the activity of subordinate bailiffs.

According to Article 19 (4) of the Law, prosecution service shall supervise the activity of bailiffs.

According to Article 19 (1) of the Law, complaints against bailiff's actions can be lodged with higher-ranking officials or courts.

**179) Des normes de qualité sont-elles formulées pour les agents d'exécution ?**

- Oui  
 Non

Si oui, quels sont les critères de qualités utilisés ?

Performance indicators and targets for the activity of bailiffs are defined in various orders of the Federal Bailiff Service and include, among other things, proportions of completed enforcement proceedings, amounts of debts, fines and taxes actually collected.

**180) Qui est chargé de formuler ces normes de qualité ?**

- un organisme professionnel  
 le juge  
 Ministère de la Justice  
 autre

Si "autre", veuillez préciser :

The Federal Bailiff Service.

**181) Disposez-vous d'un mécanisme spécifique pour l'exécution des décisions de justice rendues contre des autorités publiques, y compris pour assurer le suivi de cette exécution?**

- Oui

Non

Si oui, veuillez préciser :

The procedure for recovering compensations or debts from public budgets of federal and regional levels and budgets of local authorities is set in Chapter 24.1 of the Budgetary Code of the Russian Federation.

**182) Disposez-vous d'un système de contrôle de l'exécution ?**

Oui

Non

Si oui, veuillez préciser :

Electronic system for collecting statistics.  
Online database of debtors at <http://www.fssprus.ru/>

**183) Quelles sont les principales plaintes des usagers concernant les procédures d'exécution ?**

**Veuillez n'en indiquer que 3 au maximum**

absence de toute exécution ?

non exécution des décisions judiciaires rendues contre des autorités publiques ?

manque d'information ?

durée excessive ?

pratiques illégales ?

supervision insuffisante ?

coût excessif ?

autre ?

Si autre, veuillez préciser:

As reported by the Federal Bailiff Service.

**184) Votre pays a-t-il préparé ou adopté des mesures concrètes pour changer la situation concernant l'exécution des décisions de justice – en particulier les décisions rendues contre les autorités publiques?**

Oui

Non

Si oui, veuillez préciser :

See comment to question 37 about the Federal law "On the compensation for the violation of the right to trial within reasonable time and the right to execution of judicial acts within reasonable time" (30 April 2010, no. 68-FZ).

**185) Existe-t-il un système mesurant la durée des procédures d'exécution :**

pour les affaires civiles ?

pour les affaires administratives ?

**186) Pour un jugement concernant un recouvrement de créances, pouvez-vous estimer le délai de notification aux parties habitant dans la ville du siège de la juridiction ?**

NA

**187) Nombre de procédures disciplinaires initiées à l'encontre des agents d'exécution. Si "autre", veuillez le préciser dans la boîte "commentaire" ci-dessous.****[Si la procédure disciplinaire est intentée sur la base de plusieurs manquements, veuillez ne compter ces procédures qu'une seule fois, pour le manquement principal.]**

Nombre total de procédures disciplinaires initiées (1+2+3+4)	<input checked="" type="checkbox"/> nombre :	15 125
1. pour faute déontologique	<input checked="" type="checkbox"/> nombre :	27
2. pour insuffisance professionnelle	<input checked="" type="checkbox"/> nombre :	773
3. pour délit pénal		NAP
4. Autre	<input checked="" type="checkbox"/> nombre :	14 325

Commentaire :

As reported by the Federal Bailiff Service.

Crimes cannot be dealt with in the framework of disciplinary proceedings.

**188) Nombre de sanctions prononcées à l'encontre des agents d'exécution.****Si "autre", veuillez le spécifier dans la boîte "commentaire" ci-dessous. S'il existe une disparité entre le nombre de procédures disciplinaires initiées et le nombre de sanctions, veuillez indiquer les raisons dans la boîte "commentaire" ci-dessous.**

Nombre total de sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> nombre :	8 458
1. Réprimande	<input checked="" type="checkbox"/> nombre :	8 026
2. Suspension	<input checked="" type="checkbox"/> nombre :	5
3. Révocation	<input checked="" type="checkbox"/> nombre :	65
4. Amende		NAP
5. Autre	<input checked="" type="checkbox"/> nombre :	362

Commentaire :

As reported by the Federal Bailiff Service:

1 - 1984 reprimands + 6042 remarks,

2 - 5 removals from office,

3 - 65 dismissals from civil service,

4 - NAP,

5 - 362 warnings about not full correspondence to office.

According to Article 57 of the Federal Law "On public civil service of the Russian Federation" (27 July 2004, no. 79-FZ), the following disciplinary sanctions can be imposed on bailiffs:

- remark,

- reprimand,

- warning about not full correspondence to office,

- removal from office,

- dismissal from civil service.

**H.1****Vous pouvez indiquer ci-dessous :****- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**

**- les caractéristiques de votre système d'exécution des décisions civiles et les réformes majeures mises en œuvre au cours des deux dernières années**

Question 185.

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the answer to this question in that cycle was incorrect.

There are no automated electronic systems for measuring the timeframes of enforcement proceedings in civil and administrative cases, if this is what is meant in this question.

**Veillez indiquer les sources pour les réponses aux questions 186, 187 et 188 :**

## 8. 2. Exécution des décisions pénales

### 8. 2. 1. Exécution des décisions pénales

**189) Qui est chargé de l'exécution des décisions pénales? (plusieurs options possibles)**

- Juge
- Procureur
- Services pénitentiaire et de probation
- Autre autorité

Veillez préciser ses fonctions et compétences (ex. fonctions d'initiative ou de contrôle). Si "autre autorité", veuillez préciser :

The list of authorities responsible for the enforcement of criminal penalties can be found in Article 16 of the Russian Criminal Penitentiary Code.

The Russian Federal Penitentiary Service is responsible for the prison and probation system in the Russian Federation, which includes:

- penitentiary inspections,
- arrest facilities,
- detention facilities,
- colonies, correctional institutions and prisons.

There are authorities that do not belong to the penitentiary system of the Russian Federation and can enforce certain types of criminal penalties, namely:

- 1) fines are recovered by the officers of the Russian Federal Bailiff Service;
- 2) certain types of penalties imposed on military servicemen are enforced by disciplinary military units and military unit commanding officers,
- 3) deprivation of special or military rank, honorary title, class rank or government decorations is enforced by the courts that have delivered corresponding judgments.

**190) En matière d'amendes prononcées par une juridiction pénale, existe-t-il des études permettant d'évaluer le taux de recouvrement effectif ?**

- Oui
- Non

**191) Si oui, quel est le taux de recouvrement ?**

- 80-100%
- 50-79%
- moins de 50%

ne peut être estimé

Veillez indiquer la source ayant permis de répondre à cette question :

Annual statistics on the sums of imposed and recovered fines in criminal cases is kept by the Russian Federal Bailiff Service, which is responsible for the enforcement of this type of criminal penalty.

The relevant information can be found in form no. 1-3 (column 6) of its statistical report for the year 2010: [http://www.fssprus.ru/files/fssp/db/files/vso2010\\_12.zip](http://www.fssprus.ru/files/fssp/db/files/vso2010_12.zip)

This kind of statistics is also kept by the Judicial Department of the Supreme Court of the Russian Federation on the basis of the information collected from the courts of general jurisdiction (including the Supreme Court of the Russian Federation and the justices of the peace).

The relevant information can be found in section 2 (rows 1 and 2) of form no. 4 of its statistical report for the year 2010: <http://www.cdep.ru/index.php?id=5&item=494>

The available statistics allows to estimate the correlation between the total sums of fines that have been pending and that have been actually recovered during the reference year. However, as several years can pass between the imposition of a fine and its full recovery, it is impossible to estimate the absolute recovery rate.

## H.2

**Vous pouvez indiquer ci-dessous :**

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**
- les caractéristiques de votre système d'exécution des décisions pénales et les réformes majeures mises en œuvre au cours des deux dernières années**

## 9. Notaires

### 9. 1. Notaires

#### 9. 1. 1. Notaires

#### 192) Existe-t-il des notaires dans votre pays ? Si non allez à la question 197

- Oui  
 Non

#### 193) Les notaires ont-ils un statut :

-----

Si "autre", veuillez le préciser dans la boîte "commentaire" ci-dessous.

privé (sans contrôle d'une autorité publique)?		NAP
de profession libérale réglementée par les pouvoirs publics ?	<input checked="" type="checkbox"/> nombre	7 357
public?	<input checked="" type="checkbox"/> nombre	55
autre ?		NAP

Commentaire :

The figures are as of 1 January 2009 and were obtained from the concept of the draft Federal Law "On notaries and notarial activity in the Russian Federation". The number of notaries employed in public notary offices has been decreasing in the recent years.

According to Article 1 of "The fundamentals of the Russian Federation legislation on notaries" (11 February 1993, no. 4462-1), there are notaries employed in public notary offices and private practitioner notaries in the Russian Federation.

Notarial functions are also vested in consular officers of the Russian Federation.

A limited number of notarial functions can be vested in the head of a local administration when there is no notary in the respective settlement.

#### 194) Le notaire exerce-t-il une fonction (plusieurs réponses possibles):

- dans le cadre de la procédure civile ?  
 dans le domaine du conseil juridique ?  
 pour authentifier les actes/certificats ?  
 autre ?

Si "autre", veuillez préciser :

Comparability note: nothing has changed since the previous evaluation cycle, but the answer to this question in that cycle was incomplete.

According to Articles 35 and 36 of "The fundamentals of the Russian Federation legislation on notaries" (11 February 1993, no. 4462-1), notaries, among other things, can:

- certify transactions and attest facts,
- certify authenticity of copies of legal documents, as well as extracts from them and translations thereof,
- certify the authenticity of signatures on documents,
- accept captain's protest notes and prepare acts on captain's protests,
- receive money and securities from a debtor in deposit for subsequent transfer to a creditor,
- accept documents for storage,
- issue certificates confirming right to a share in common property of spouses,
- issue certificates confirming right to inherited property,
- take measures to protect inherited property.

**195) Existe-t-il un système de supervision et de contrôle de l'activité des notaires ?**

- Oui  
 Non

**196) Quelle est l'autorité chargée de superviser et de contrôler les notaires :**

- une instance professionnelle ?  
 le juge ?  
 le ministère de la justice ?  
 le procureur ?  
 autre ?

Si "autre", veuillez préciser :

Comparability note: nothing has changed since the previous evaluation cycle, but the answer to this question in that cycle was incorrect.

According to Article 34 of "The fundamentals of the Russian Federation legislation on notaries" (11 February 1993, no. 4462-1), notaries employed in public notary offices are supervised by the Ministry of Justice of the Russian Federation and its regional offices, while private practitioner notaries are supervised by notary chambers.

According to chapter 6 of the Fundamentals, private practitioner notaries are organized through notary chambers of the federal entities and the Federal Notary Chamber.

According to Article 1 of the Fundamentals, the registry of all practicing notaries is kept by the Ministry of Justice of the Russian Federation and its territorial offices.

According to Article 33 of the Fundamentals, complaints against notary's actions can be lodged with courts.

**I.1**

**Vous pouvez indiquer ci-dessous :**

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système notarial et les réformes majeures mises en œuvre au cours des deux dernières années

## 10. Interprètes judiciaires

### 10. 1. Interprètes judiciaires

#### 10. 1. 1. Interprètes judiciaires

**197) Le titre d'interprète judiciaire est-il protégé?**

- Oui  
 Non

**198) La fonction d'interprète judiciaire est-elle régulée par des normes juridiques?**

- Oui  
 Non

**199) Nombre d'interprètes judiciaires accrédités ou enregistrés :**

NAP

**200) Existe-t-il des critères relatifs à la qualité de l'interprétation dans les tribunaux ?**

- Oui  
 Non

Si oui, veuillez préciser (par exemple avoir passé avec succès un examen particulier) :

**201) Les tribunaux sont-ils responsables de la sélection des interprètes judiciaires ? Si non, veuillez indiquer dans la boîte "commentaire" ci-dessous quelle autorité est responsable de la sélection.**

- Oui  pour les recruter et/ou les nommer pour un mandat d'une certaine durée  
 Oui  pour les recruter sur une base ad hoc en fonction des besoins d'une procédure spécifique  
 -  Non

Commentaire :

### J.1

**Vous pouvez indiquer tout commentaire utile à l'interprétation des données indiquées dans ce chapitre**

Question 197.

Comparability note: nothing has changed since the previous evaluation cycle, but the answer to this question in that cycle was incorrect.

There is no such profession as court interpreter in the Russian Federation. This is only a procedural status.

Individuals are not required to pass specific examinations, obtain licenses or certificates, register with courts or any other organizations to be able to act as court interpreters.

Question 198.

Criminal proceedings.



According to Article 59 of the Russian Criminal Procedure Code, any individual with good command of the necessary language can be invited to act as a interpreter. Article 69 of the Code allows to challenge court interpreters on the ground of their incompetence.

Proceedings in cases concerning administrative offences.

According to Article 25.10 of the Russian Code of Administrative Offences, any individual of legal age with good command of the necessary language can be invited to act as an interpreter. Interpretation shall be precise and complete. Article 25.12 of the Code does not set any specific grounds for challenging interpreters.

Civil proceedings.

The Russian Civil Procedure Code does not set any specific requirements to persons that can be invited as interpreters (Article 162 of the Code) and does not set any specific grounds for challenging them (Article 18 of the Code).

Commercial proceedings.

According to Article 57 of the Russian Commercial Procedure Code, any individual with good command of the necessary language can be invited to act as an interpreter. Interpretation shall be precise, complete and timely. Article 23 of the Code does not set any specific grounds for challenging interpreters.

Liability of court interpreters.

According to Article 307 of the Russian Criminal Code, knowingly false interpretation in the course of criminal, civil and commercial proceedings constitutes a crime.

According to Article 17.9 of the Russian Code of Administrative Offences, knowingly false interpretation in the course of proceedings in cases concerning administrative offences and during enforcement proceedings constitutes an administrative offence.

**Veillez indiquer la source pour répondre à la question 199 :**

## 11. Experts judiciaires

### 11. 1. Experts judiciaires

#### 11. 1. 1. Experts judiciaires

**202) Dans votre système, les experts interviennent-ils durant la procédure judiciaire comme (choix multiple possible):**

- "Experts témoins" à qui les parties demandent d'apporter leur expertise pour soutenir leur argumentation
- "Experts techniques" qui mettent à la disposition du tribunal leurs connaissances scientifiques et techniques sur des questions de fait
- "Experts juristes" qui peuvent être consultés par le juge pour des questions de droit spécifiques ou qui ont pour tâche de soutenir le juge dans la préparation du travail judiciaire (mais qui ne participent pas au jugement)

**203) Le titre d'expert judiciaire est-il protégé ?**

- Oui
- Non

**204) La fonction d'expert judiciaire est-elle régulée par des normes juridiques?**

- Oui
- Non

**205) Nombre d'experts judiciaires (experts techniques) accrédités ou enregistrés.**

NA

**206) Existe-t-il des critères relatifs à l'exercice de la fonction d'expert judiciaire dans le cadre des procédures judiciaires ?**

- Oui
- Non

Si oui, veuillez préciser, notamment les délais impartis pour présenter un rapport technique au juge :

Quality requirements to forensic expert activity are set in Articles 4, 8 and 16 of the Federal Law "On the public forensic expert activity in the Russian Federation" (31 May 2001, no. 73-FZ). According to Article 41 of the same Law, they apply to the activity of any person performing forensic expert examination (not only to the activity of public forensic experts).

Certain requirements are also defined in the relevant procedural codes.

Time limits for forensic expert examinations are set by judges.

**207) Les tribunaux sont-ils responsables de la sélection des experts judiciaires ?**

-----

**Si non, veuillez indiquer dans la boîte "commentaire" ci-dessous quelle autorité est**

**responsable de la sélection des experts judiciaires?**

- Oui  pour les recruter et/ou la nommer pour un mandat d'une certaine durée
- Oui  pour les recruter sur une base ad hoc en fonction des besoins d'une procédure spécifique
- Non .

Commentaire :

Judges appoint individual experts and specialists or choose expert institutions with regard to the opinions of the parties.

**K.1****Vous pouvez indiquer tout commentaire utile à l'interprétation des données indiquées dans ce chapitre**

Question 202.

Basically, any individual possessing necessary special knowledge can be invited to participate in the court proceedings in the capacity of expert or specialist.

Experts perform expert examinations and prepare expert reports.

Specialists assist in performing procedural actions and provide written or oral consultations.

Both experts and specialists bear responsibility for knowingly false testimony or report (consultation) under either Article 307 of the Russian Criminal Code or Article 17.9 of the Russian Code of Administrative Offences.

The statuses of experts and specialists are defined in the relevant procedural codes.

Unlike the other procedural codes, the Russian Criminal Procedure Code allows for both experts and specialists to be challenged on the ground of their incompetence.

Unlike the other procedural codes, the Russian Commercial Procedure Code had not contained any provisions regarding specialists until 2011 (these provisions were added by Federal Law of 8 December 2011 no. 422-FZ).

As regards legal advice, the Russian procedural legislation does not expressly prohibit experts or specialists from advising on issues of law, but such opportunity is used rarely.

Question 203.

According to Article 41 of the Federal Law "On the public forensic expert activity in the Russian Federation" (31 May 2001, no. 73-FZ), forensic expert examinations can be performed by:

- public forensic experts,
- other persons possessing necessary special knowledge (private experts, members of non-governmental expert organizations, employees of non-expert organizations).

Only the title of public forensic expert is protected. Articles 11 and 12 of the Law define the statuses of public forensic expert institutions and public forensic experts. Article 13 of the Law sets the requirements to public forensic experts.

Public forensic expert institutions function under the Ministry of Justice, Ministry of the Interior, Ministry of Defense, Ministry of Health Care and Social Development, Federal Security Service, Federal Drug Control Service and some other public bodies of the Russian Federation.

Question 204.

The Federal Law "On the public forensic expert activity in the Russian Federation" (31 May 2001, no. 73-FZ).

The Russian Criminal Procedure Code (the most relevant Articles: 57, 58, 70, 71, 80, 168 and

195).

The Russian Code of Administrative Offences (the most relevant Articles: 25.8, 25.9 and 26.4).

The Russian Civil Procedure Code (the most relevant Articles: 18, 79, 80, 84, 85, 171 and 188).

The Russian Commercial Procedure Code (the most relevant Articles: 23, 55, 55.1, 82, 83, 86 and 87.1).

**Veillez indiquer la source pour répondre à la question 205 :**

## 12. Réformes envisagées

### 12. 1. Réformes envisagées

#### 12. 1. 1. Réformes

**208) Veuillez fournir des informations sur le débat actuel dans votre pays sur le fonctionnement de la justice. Des réformes sont-elles en préparation ou envisagées. Si possible, respectez les catégories suivantes:**

**1. Programmes de réforme généraux**

**2. Budget**

**3. Tribunaux et Ministère Public (par exemple pouvoir et organisation, modifications structurelles -par exemple la réduction du nombre des tribunaux-, gestion et méthodes de travail, technologies de l'information, arriéré judiciaire et efficacité, frais de justice, rénovation et construction de nouveaux bâtiments)**

**4. Conseil supérieur de la Magistrature**

**5. Professionnels de la justice (juges, procureurs, avocats, notaires, agents d'exécution, etc.) : organisation, formation, etc.**

**6. Réformes en matière civile, pénale et administrative, de conventions internationales et d'actes de coopération**

**7. Exécution des décisions de justice**

**8. Médiation et autres ADR**

**9. Lutte contre la criminalité et système pénitentiaire**

**10. Autres**

3) Courts.

The term of the Federal Target Program "Development of the Russian Judicial System" for 2007-2011 (approved by the Ruling of the Government of the Russian Federation of 21 September 2006, no. 583) was extended until 2012. The program aims, among other things, at enhancing transparency, openness and accessibility of justice and improving efficiency and quality of court activity.

3) Courts.

Appellate stage of proceedings is to be introduced in the courts of general jurisdiction, by 1 January 2012 in civil cases and by 1 January 2013 in criminal cases. The scope of cassational and supervisory review will be changed accordingly.

The legal basis for this major reform is as follows:

- the Federal Constitutional Law "On the courts of general jurisdiction in the Russian Federation" (7 February 2011, no. 1-FKZ),
- the Federal Law "On the amendment of the Civil Procedure Code of the Russian Federation" (9 December 2010, no. 353-FZ),
- the Federal Law "On the amendment of the Criminal Procedure Code of the Russian Federation" (29 December 2010, no. 433-FZ).

Currently, court decisions in criminal and civil cases, which have not entered into force, can be reviewed by way of either appellate or cassational procedure. Only the decisions of the justices of the peace are subject to review by way of appellate procedure (see Article 320 of the Russian Civil Procedure Code and Article 354(2) of the Russian Criminal Procedure Code). Decisions delivered by higher courts of general jurisdiction are subject to review by way of cassational procedure.

Unlike the cassational procedure, appellate procedure allows for full re-examination of the case under the same rules that are set for the courts of first instance (see Article 327 of the Russian Civil Procedure Code and Article 365 of the Russian Criminal Procedure Code). The court of appellate instance can adopt a new decision or uphold, amend or quash the decision being reviewed (see Article 328 of the Russian Civil Procedure Code and Article 367 of the Russian Criminal Procedure Code). Unlike the court of cassational instance, the court of appellate instance does not have an option to quash the reviewed decision and remit the case to the inferior court for a new examination, which obviously takes a lot more time.

The reform will introduce appellate instance review for all the decisions in criminal and civil matters which have been delivered by the courts of general jurisdiction of first instance and have not

entered into force. Cassational review will apply only to the decisions that have entered into force. Supervisory proceedings will become even more exceptional.

### 3) Courts.

A court dealing with intellectual rights is to be instituted in the system of commercial courts before 1 February 2013.

The legal basis for its creation is the Federal Constitutional Law "On the amendment of the Federal Constitutional Laws "On the court system of the Russian Federation" and "On the commercial courts in the Russian Federation" in connection with the institution of the Court for intellectual rights within the system of commercial courts" (6 December 2011, no. 4-FKZ).

The Court for intellectual rights will be a specialized commercial court dealing with disputes relating to the protection of intellectual rights, both in the first and second instance.

### 5) Notaries.

Draft Federal Law "On notaries and notarial activity in the Russian Federation" is under debate. Among other things, it provides for the removal of public notary offices and the unification of profession, sets stricter requirements to candidate notaries and stricter control over the practice of profession, introduces new functions and aims to improve accessibility of notaries for citizens and organizations in hard-to-reach and low populated areas.

### 7) Bailiffs.

Under debate are, among other things, the issues of granting the "law enforcement body" status to the Federal Bailiff Service and introducing stricter requirements to candidate bailiffs.

### 9) Penitentiary system.

"The concept of development of the penitentiary system of the Russian Federation until 2020" has been approved by the Ruling of the Government of the Russian Federation of 14 October 2010, no. 1772-r. It aims, among other things, to enhance and optimize the penitentiary system to meet the European standards, make the conditions of serving sentence and detention more humane, improve the efficiency of the work on social and psychological re-adaptation of convicts.

### 10) Legal aid.

The Federal Law "On legal aid in the Russian Federation", no. 324-FZ, has been adopted on 21 November 2011. It enters into force on 15 January 2012 and aims to promote the development and optimize the structure of public and non-governmental legal aid systems.