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**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

**RUSSIAN FEDERATION/
FEDERATION DE RUSSIE**



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

**adopted by the CEPEJ at its 5th Plenary Meeting
(Strasbourg, 15 – 17 June 2005)**

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DRAFT REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

COUNTRY: RUSSIAN FEDERATION

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I. Demographic and economic data

I. A. General information

- 1. Number of inhabitants** 143.474.143
Source Russian Demographic Yearbook, 2005
- 2. Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level**
State level 4.270.100 million roubles, approximately 125.591.176.470 EUR
Regional / entity level €
Source
- 3. Per capita GDP** 3478 EUR
Source National Accounts in Russia in 1997 – 2004, 2005
- 4. Average gross annual salary** 2379 EUR
Source Russian Statistic Yearbook

I. B. Budgetary data concerning judicial system

- 5. Total annual budget allocated to all courts** 1.545.651.802 EUR
Source Federal Law of 26 December 2005 No. 189-Φ3 "On the Federal Budget for 2006"

Please specify:

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount:

	Yes	Amount
▪ Salaries?	Yes	705.388.735 EUR
▪ IT?	No	€
▪ Justice expenses borne by the State?	No	€

Source *Federal Law of 26 December 2005 No. 189-Φ3 "On the Federal Budget for 2006"*

7. Annual public budget spent on legal aid Information not available

Source [redacted]

8. If possible, please specify:

▪ the annual public budget spent on legal aid in criminal cases	Information not available
▪ the annual public budget spent on legal aid in other court cases	Information not available

Source [redacted]

9. Annual public budget spent on prosecution system 926.827.355 EUR

Source *Federal Law of 26 December 2005 No. 189-Φ3 "On the Federal Budget for 2006"*

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice	No	No	No	No
Other ministry. Please specify	No	No	No	No
Parliament	No	Yes	No	No
Supreme Court	No	No	No	Yes, only in respect of the funds allocated to it
Judicial Council – Judicial Directorate at the Supreme Court of the Russian Federation	Yes	No	Yes	Yes
Courts	Yes	No	No	Yes
Inspection body. Please specify.	No	No	No	No
Other. Please specify	No	No	No	No

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your budgetary system

The Judicial Directorate at the Supreme Court of the Russian Federation (hereinafter – the Judicial Directorate) is a Federal State body, which carries out organizational maintenance of the performance of the Supreme courts of the republics, the regional and kray courts, the courts of the cities of Federal importance, the courts of the autonomous region and autonomous districts (hereinafter – the courts of the constituent entities of the Russian Federation), the district courts, military courts, bodies of judicial society, as well as financing of justices of the peace. The courts of the constituent entities of the Russian Federation and circuit (fleet) military courts are financed directly by the Judicial Directorate through the bodies of the Federal Treasury, and they are the recipients of the Federal budget. District and garrison courts do not have the status of legal persons, maintenance of their activity is carried out by the territorial bodies of the Judicial Directorate, which was created in accordance with the Federal Law of 8 January 1998 No. 7-Φ3 “On the Judicial Directorate at the Supreme Court of the Russian Federation”.

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

	Criminal cases	Other than criminal cases
Representation in court (Yes/No)	Yes	Yes
Legal advice (Yes/No)	Yes	Yes
Other (Yes/No). Please specify	Yes (drafting addresses, complaints, motions and other legal documents)	Yes (drafting addresses, complaints, motions and other legal documents)

Comments. Access of citizens to qualified legal aid is guaranteed by the Constitution of the Russian Federation (Article 48). In cases provided by law legal aid is granted for free.

Provision of legal aid to physical persons aiming at protection of their rights, freedoms and legal interests, as well as provision of access to court is vested, first of all, with the advocacy – such assistance constitutes the essence of the advocate activity (Section 1 of the Federal Law of 31 May 2002 No. 63-Φ3 “On Advocate Activity and the Advocacy in the Russian Federation”).

As to the public prosecution authorities, one of priority directions of their activities is supervision over observance of rights and freedoms of citizens by the Federal executive authorities, legislative and executive authorities of the constituent entities of the Russian Federation, other bodies, as well as by heads of commercial and non-commercial organizations (Section 1 of the Federal Law of 17 January 1992 No. 2202-I “On the Public Prosecution of the Russian Federation” with the relevant amendments).

The work of the public prosecution on consideration of complaints and addresses of citizens may be considered as one of the forms of provision of legal aid to people. Any person has a right to address to the bodies of the public prosecution, if he or she possesses information on violation of law. Replies containing

reasoning of the decisions adopted are given to such complaints. Public prosecutors take measures in the order prescribed by law to elimination of violations made and to bringing to responsibility of persons responsible (Section 10 of the Federal Law "On the Public Prosecution of the Russian Federation).

In the criminal proceedings, a public prosecutor represents the party of prosecution and carries out criminal prosecution on behalf of the State. The victim of crime could be a party of prosecution, as well. When maintaining the State prosecution, taking part in trial before the courts of other instances, the public prosecutor obviously assists the victims of crimes via protection of their rights and interests. At the same time, public prosecutors are called for comprehensive establishment of truth necessary for delivery of lawful motivated and fair judicial decisions. In particular, the request of a public prosecutor for delivery of verdict of conviction in the absence of evidence on the guilt of the accused person is considered as violation of his professional duties (the Order of the Prosecutor General of the Russian Federation of 3 June 2002 No. 28 "On Organization of Work of Public Prosecutors in Judicial Stages of Criminal Proceedings"). Legal assistance to the defendant party is also provided in this way. At this, it should be noted that, in accordance with the criminal procedural legislation of the Russian Federation, the State prosecutor takes part in consideration of each criminal case, except for the cases of private prosecution. In civil proceedings public prosecutor has the right, in cases specified by law, to address to the court with a statement for protection of rights, freedoms and legal interests of persons, who, in virtue of good reasons, have no possibility to address to the courts themselves.

12. Number of legal aid cases:

- **total**
- **criminal cases**
- **other than criminal cases**

Information not available
Information not available
Information not available

Source [redacted]

Comments. There is no registration of cases of legal aid provision. It could be said, however, that the State prosecution supports accusation on more than 657.000 cases considered by courts, which delivered their sentences, 230.500 addresses were lodged by the public prosecution in the interests of citizens, more than 137.000 complaints in the matters of lawfulness and reasonability of judicial decisions on criminal and civil cases, more than 796.000 persons were received on personal audience by public prosecutors.

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes. Suspects and defendants have a right to legal aid free of charge by a lawyer. In case of financial hardship of a convict, costs on assistance of his lawyer is compensated at the expense of the funds of the Federal budget. The court may exempt a convict in full or in part of the obligation to compensate these costs, if it can substantially influence the well-being of the persons financially dependent from the convict.

14. Does your country have an income and asset test for granting legal aid:

- | | No | Yes/Amount |
|---|----|------------|
| ▪ for criminal cases? | No | [redacted] |
| ▪ for other than criminal cases? | No | [redacted] |

Source [redacted]

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes [redacted] No [redacted]
Information not available.

16. If yes, is the decision taken by:
- the court? Yes
 - a body external to the court?
 - a mixed decision-making body (court and external)?

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:
- for criminal cases? Yes No
 - for administrative cases? No
 - for other than criminal cases? Yes

If yes, are there exceptions? Please specify:

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?
- No Yes Please specify:

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:
- criminal cases? Yes No
 - other than criminal cases? Yes

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system

On criminal cases, it is enough for a suspect or a defendant to raise a request to provide him or her legal assistant free of charge. No confirmation of hard financial situation is requested in this case. Payment for services of a lawyer in this case is carried out at the expense of funds of the Federal Budget. Expenses on these aims are noted in the Federal law on the Federal budget for a relevant year in the relevant specific expense item.

Legal aid is provided free of charge to minors in any cases, if they are situated in the institutions of the system of prevention of neglect and offences committed by minors. The following persons have a right to legal aid free of charge, if their income is lower the amount of the minimum cost of living:

- a) claimants on the cases on exaction of alimony, compensation of damage caused by death of bread-winner, maim or other deterioration of health connected with labour activity;
- b) veterans of the Second World War on the matters not connected with commercial activity;
- c) nationals of the Russian Federation in lodging claims on establishment of pensions and benefits;
- d) nationals of the Russian Federation – victims of political repressions on the matters of rehabilitation.

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

- | | Yes | No |
|--|-----|--------------------------|
| ▪ legal texts (e.g. codes, laws, regulations, etc.)? | Yes | <input type="checkbox"/> |
| ▪ | | |
| ▪ case-law of the higher court/s? | Yes | <input type="checkbox"/> |
| ▪ | | |
| ▪ other documents (for examples legal forms)? | Yes | <input type="checkbox"/> |

Internet address(es):

Supreme Court of the Russian Federation

www.supcourt.ru

www.vsrp.ru

General Prosecutor's Office of the Russian Federation

www.genproc.ru

Ministry of Justice of the Russian Federation

www.minjust.ru

Private legal data-bases:

"Garant" www.garant.ru

"Konsultant-Plus" www.consultant.ru

"Kodeks" www.kodeks.ru

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No

If yes, please specify:

No. There is no obligation to provide information to the parties concerning the approximate terms of the proceedings. However, at this, the obligation to provide information to the parties as to the date of hearings before the court, if they are scheduled by judge (court), is established in legislation.

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes No

Comments. Such an information is available on the internet sites of the General Prosecutor's Office of the Russian Federation and of the Ministry of Internal Affairs of the Russian Federation. Besides, specific information for assistance and knowledge of victims of crimes may be received on "hot lines" free of charge.

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism (Yes/No)	Hearing modalities (Yes/No)	Procedural rights (Yes/No)	Other (Yes/No). Please specify
Victims of rape	Yes	Yes	Yes	No
Victims of terrorism	Yes	Yes	Yes	No
Child/Witness/ Victim	Yes	Yes	Yes	No
Victims of domestic violence	Yes	Yes	Yes	No
Ethnic minorities	Yes	Yes	Yes	No
Disabled persons	Yes	Yes	Yes	No
Juvenile offenders	Yes	Yes	Yes	No
Other	Yes	Yes	Yes	No

Comments. Special measures taken in the course of judicial proceedings in respect of different categories of victims of crime are the following:

1) victims of rape – a possibility to held in camera proceedings on the cases on crimes against sexual privacy and personal sexual freedom;

2) children – witnesses or victims of crimes (under 14 years obligatory and from 14 till 18 years following the decision of the court) are questioned with participation of a pedagogue. If a minor has physical or mental weaknesses, participation of a pedagogue is obligatory regardless his / her age. If necessary, legal representatives of minor victims or witnesses may be called for participation in questioning of them; in case if the minors are under 14 years, their participation is obligatory. Victims and witnesses of crimes under 16 years shall not be held responsible for refuse from witnessing and for intentional giving of false testimony; they do not sign any documents on this matter. Questioning of minor victims and witnesses may be held in the absence of the defendant for the purposes of protection of their rights. After completion of questioning these persons may, upon permission of presiding judge, leave the court-room;

3) disabled persons (invalids) – the law provides obligatory participation of defence advocate in criminal proceedings, if the defendant, in virtue of his / her physical weaknesses, cannot carry out the right to defence;

4) minor offenders – a special chapter of the Code of Criminal Procedure of the Russian Federation establishes particularities of proceedings on criminal cases on crimes committed by minors. It contains the following provisions: in the course of proceedings, conditions of life and up-bringing of a minor, the level of his / her mental development and other peculiarities of personality, influence of senior persons on minors shall be established along with other circumstances subject to prove. When deciding the question on

taking the measure of restraint, the possibility of taking a minor for custody of parents, custodians, guardians or other trustees, as well as of officials of specialized minor institutions, in which a minor is kept, should be considered in each case. Legal representatives are immediately informed of detention of a minor or of extension of the term of detention. Summoning of a minor offender in court is carried out via his / her legal representatives or the administration of specialized minor institution, in which a minor is kept. Questioning of a minor cannot be carried out more than two hours without a break, and more than four hours a day in total. A defender takes part in the questioning, his participation is obligatory. Participation of a pedagogue or a psychologist is obligatory in questioning of a minor under 16 years and minors, who are over 16, but who suffer from mental disorders or whose mental development is not in order. Legal representatives of a minor offender are called to trial, and they possess a wide range of procedural rights. A minor offender may be removed from the court-room for the time of examination of circumstances, which could negatively influence him. The court may release a minor offender, who committed less serious offence or offence of medium gravity, from criminal responsibility or punishment and apply pedagogical measures, if it establishes that improvement may be reached without application of punishment.

24. Does your country have compensation procedure for victims of crimes?

Yes

25. If yes, does this compensation procedure consist in:

- | | |
|------------------|-----|
| ▪ a public fund? | Yes |
| ▪ a court order? | No |
| ▪ private fund? | Yes |
| | No |

26. If yes, which kind of cases does this procedure concern?

Compensation of damage caused is carried out following the judicial decision to victims of any crimes without any exceptions.

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

Yes

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

- | | | |
|------------------------------------|-----|----|
| ▪ excessive length of proceedings? | Yes | No |
| ▪ wrongful arrest? | No | No |
| ▪ wrongful condemnation? | Yes | No |
| | Yes | No |

If yes, please specify (fund, daily tariff):

The order of remedying of rights and freedoms of a person, who was unlawfully or unreasonably prosecuted in the criminal proceedings, and compensation of damage caused to him (rehabilitation) is determined by the Constitution of the Russian Federation and the criminal procedural legislation.
The right to rehabilitation includes the right to compensation of pecuniary damage, elimination of circumstances of non-pecuniary damage and restoration of labour, pension, housing and other rights. Damage caused to a person as the result of criminal prosecution shall be reimbursed by

the State in full at the expense of the Federal budget regardless the guilt of the investigation body, investigator, public prosecutor or the court.
The amount of compensation to be paid is determined by the court for each particular case.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes

If possible, please specify their titles, how to find these surveys, etc:

Systematic nation-wide quantitative and qualitative surveys of public opinion, which examine the level of trust of the public to the judiciary, are carried out by the leading Russian sociological agencies: "All-Russian Centre for Survey of Public Opinion", "Levada-Centre", "ROMIR Monitoring", as well as Scientific Research Institution of Problems of Strengthening Legalism and Nomocracy at the General Prosecutor's Office of the Russian Federation, human rights organisations. Besides, similar one-time surveys were carried out by the first-rate Russian news agency "RIA NOVOSTI".

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level	Yes	Yes
Surveys at court level	No	No

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes

According to the Constitution of the Russian Federation, everyone is entitled to address to the Federal or regional State authorities with a complaint on non-effectiveness of the judiciary system and to submit his / her suggestions as to its development.

Besides, in accordance with the Law of the Russian Federation of 27 April 1993 No. 4866-I "On Appealing Against Actions and Decisions Violating Rights and Freedoms of Citizens", every citizen can address to the court with complaint, if he / she believes that unlawful actions (decisions) of State authorities, municipal authorities, institutions, enterprises or their associations, public organisations or their officials, State officials violate his / her rights and freedoms.

Consideration of such complaints against the judicial decisions is carried out by the public prosecution, as well, to which a person may address, as well.

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned	30 days (this term may be reduced for documents under special control)	30 days (this term may be reduced for documents under special control)
Higher court	30 days (this term may be reduced for documents under special control)	30 days (this term may be reduced for documents under special control)

Ministry of Justice	30 days, for complaints under special control – 5 days	30 days, for complaints under special control – 5 days
High Council of Justice	Not applicable	Not applicable
Other external organisations (e.g. Ombudsman)	10 days	10 days

Can you give information elements concerning the efficiency of this complaint procedure?

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure):

▪ first instance courts of general jurisdiction		
courts of general jurisdiction of the lowest level:		
district courts		2479
garrison military courts	133	
justices of the peace		6558

Source Report of the Judicial Directorate at the Supreme Court of the Russian Federation on the composition and rotation of judges in the courts of general jurisdiction in 2005

▪ specialised first instance courts		
arbitration courts of constituent entities of the Russian Federation		82

Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Arbitration court are State federal courts, which deal with commercial disputes among legal persons.

34. Total number of courts (geographic locations)

courts of general jurisdiction:		
district courts		2479
garrison military courts		133
regional and equal courts		89
curcuit (fleet) military courts		13
Supreme Court of the Russian Federation		1
arbitration courts:		
arbitration courts of constituent entities of the Russian Federation		82
arbitration appellate courts		20 (at present 4)
Federal arbitration circuit courts (cassational courts)		10
Supreme Arbitration Court of the Russian Federation		1

35. Number of first instance courts competent for a case concerning:

- **a debt collection for small claims** *6558 (under jurisdiction of justices of the peace)*

Please specify what is meant by small claims in your country:

Suit on a small claim is one which value is not more than 50.000 roubles (approximately 1470 EUR).

- a dismissal 2479 (district courts)
- a robbery 2479 (district courts)

36. Number of professional judges sitting in courts [redacted]
(present the information in full time equivalent and for permanent posts)

general jurisdiction courts (only permanent judges):

Federal courts 23.172
Justices of the peace 6.558

In accordance with the requirements of the Law of the Russian Federation "On the Status of Judges in the Russian Federation", retired judges may be called for administration of justice for the term of not more than one year. The total amount of retired Federal judges, who were called to administration of justice in 2005, is 196, the amount of such justices of the peace is 16.

Source Report of the Judicial Directorate at the Supreme Court of the Russian Federation on the composition and rotation of judges in the courts of general jurisdiction in 2005

arbitration courts: permanent judges – 3098, temporal judges – 16.

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such None

Source [redacted]

Please specify:

The judges do not perform their duties on an occasional basis, since it is not provided by the legislation of the Russian Federation.

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs None

Source [redacted]

Please specify:

The legislation of the Russian Federation does not provide any status of non-professional judges, as well as of lay judges.

39. Does your judicial system include trial by jury with the participation of citizens?

No [redacted]

Yes Yes For which type of case(s)?

The legal system of the Russian Federation provides participation of jury in judicial consideration of cases. First instance courts composed of one Federal judge and a bench of 12 jurors consider cases, following the motion of the defendant, on crimes provided by Article 31 § 3 of the Code of Criminal Procedure of the Russian Federation.

If possible, number of citizens who were involved in such juries for the year 2004?

[redacted]

40. Number of non-judge staff who are working in courts [redacted]

(present the information in full time equivalent and for permanent posts)
courts of general jurisdiction 58.390 (all of them permanent)
arbitration courts 6.847 (all of them permanent)

Source *Reports of the Judicial Directorate at the Supreme Court of the Russian Federation "Data on staff and factual composition of the supreme court of a republic, kray, regional or equal court, circuit (fleet) military court" for 2005, "Data on staff and factual composition of district and garrison military court" for 2005, "Data on staff and factual composition of departments (sections) of the Judicial Directorate in the constituent entities of the Russian Federation".*

41. If possible, could you distribute this staff according to the 3 following categories:

- **non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars:**

courts of general jurisdiction	32.568
arbitration courts	3.251

- **staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management):**

courts of general jurisdiction	2.713
arbitration courts	3.306

- **technical staff:**

courts of general jurisdiction	2.190
arbitration courts	290

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No **No**
 Yes **Number of staff**

43. **Number of public prosecutors** **55.021 (permanent)**
(present the information in full time equivalent and for permanent posts)

Source *The Decree of the President of the Russian Federation of 19 August 2003 No. 969 "On Total Staff Composition of the Bodies of the Public Prosecution of the Russian Federation"*

44. Do you have persons who have similar duties as public prosecutors?

No

45. Is the status of prosecutors:

- independent within the judiciary? **Yes**
- independent from the judiciary ? **Yes**
- under the authority of the Ministry of Justice? **No**

46. **Number of staff (non prosecutors) attached to the public prosecution service** **16.902**
(present the information in full time equivalent and for permanent posts)

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board – Judicial Directorate at the Supreme Court of the Russian Federation	Yes	Yes	Yes*	Yes
Court President	Yes	Yes	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other. Please specify	No	No	No	No

* Departments (sections) of the Judicial Directorate at the Supreme Court of the Russian Federation in the constituent entities of the Russian Federation are recipients of the budgetary funds on expenditures for district courts and garrison military courts.

48. In general, do the courts in your country have computer facilities?

Yes

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing	Yes			
	Electronic data base of jurisprudence				Yes
	Electronic files	No	No	No	No
	E-mail		Yes		
	Internet connection			Yes	
Administration and management	Case registration system			Yes	
	Court management information system				Yes
	Financial information system	Yes			

Communication between the court and the parties	Electronic forms	No	No	No	No
	Special Website			Yes	
	Other electronic communication facilities				Yes

Source Periodical Semi-Annual Reports of courts and departments of the Judicial Directorate at the Supreme Court of the Russian Federation, complex check of the Chief Department of organisational legal maintenance of the activity of courts of the Judicial Directorate.

50. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

Yes Please specify the name and the address of this institution:

Judicial Directorate at the Supreme Court of the Russian Federation.
Address: 31/1-2, ul. Gilyarovskogo, 107996, Moscow, RUSSIA

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

Gathering statistics on the activity of arbitration courts is carried out by the Supreme Arbitration Court of the Russian Federation.
Statistic information on the results of the activity of the Constitutional Court of the Russian Federation and of the relevant statute (constitutional) courts of the constituent entities of the Russian Federation is collected directly by these courts.
The Judicial Directorate at the Supreme Court of the Russian Federation collects judicial statistics of the courts general jurisdiction (including military courts and justices of the peace).

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes

52. Do you have a regular monitoring system of court activities concerning the:

- | | Yes | No |
|------------------------------|-----|----|
| ▪ number of incoming cases? | Yes | |
| ▪ number of decisions? | Yes | |
| ▪ number of postponed cases? | Yes | |
| ▪ length of proceedings? | Yes | |
| ▪ other? | Yes | |
- Please specify:

53. Do you have a regular evaluation system of the performance of the court?

Yes Please specify:

On the results of each half-year and each year the Judicial Directorate of the Supreme Court of

the Russian Federation drafts Report on basic indicators of statistical accounting on the activity of courts of general jurisdiction of the Russian Federation, as well as statistical reviews on data on judicial statistics.

54. Concerning court activities, have you defined:

- **performance indicators?** Yes

Please specify the 4 main indicators for a proper functioning of justice:

- backlog of cases in the beginning and the end of the period under consideration;
- number of not-completed cases in the period under consideration;
- in the above number – with breach of procedural terms of scheduling and consideration of cases;
- length of period of pending of cases before the courts, number of judicial acts quashed or amended by higher courts

- **targets?** Yes

Please specify who is responsible for setting the targets:

- executive power? Yes
- legislative power? No
- judicial power? Yes
- other? No **Please specify:**

Please specify the main objectives applied:

Source Constitution of the Russian Federation, the Federal Constitutional Law of 31 December 1996 No. 1-ΦK3 “On the Judicial System of the Russian Federation”

55. Which authority is responsible for the evaluation of the performances of the courts:

- **the High Council of judiciary?** Yes
- **the Ministry of justice?** No
- **an Inspection body?** No
- **the Supreme Court?** Yes
- **an external audit body?** No
- **other?** No **Please specify:**

56. Does the evaluation system include quality standards concerning judicial decisions?

Yes **Please specify:**

The number of judicial acts quashed or amended by higher courts.

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

	Yes	No
▪ civil cases?	Yes	
▪ criminal cases?	Yes	
▪ administrative cases?	Yes	

Comments. The following indicators are noted in the forms of reports of activity of general jurisdiction courts in consideration of criminal and civil cases:

- backlog of non-considered cases in the beginning and the end of the period under consideration;
- from the backlog as to the end of the period under consideration – stayed cases (on criminal cases)
- from the backlog as to the end of the period under consideration – non-stayed cases:
 - a) from the above number, on civil cases – from the established terms to 3 months inclusively; from 3 months till 1 year inclusively; more than 1 year;
 - b) from the above number, on criminal cases – from 1,5 till 3 months inclusively; from 3 till 6 months inclusively; more than 6 months;
- completed cases:
 - a) from the above number, on civil cases – from the established terms to 3 months inclusively; from 3 months till 1 year inclusively; more than 1 year (including periods when cases were stayed);
 - b) from the above number, on criminal cases – from 1,5 till 3 months inclusively; from 3 till 6 months inclusively; more than 6 months (including period when cases were stayed).

Besides, the following indicators are noted on civil cases:

- number of cases, on which decisions on scheduling preliminary hearings outside the terms established by the Code of Civil Procedure of the Russian Federation for consideration and determination of cases were delivered;
- from the above number, number of cases, which were considered in the period longer that the one prescribed by the Code of Civil Procedure of the Russian Federation (with regard to the term stated for determination of complex cases).

The indicators showing the consideration of cases on administrative offences are not generally noted in statistical reports. However, the periods of administrative cases pending may be analysed on the basis of the data of record keeping. Indicator “considered within the terms beyond those established by Article 29.6 of the Code of the Russian Federation on Administrative Offences and by other normative acts” is noted in statistical reports on the activity of courts on consideration of cases on administrative offences.

58. Do you have a way of analysing queuing time during court procedures?

Yes **Please specify:**

Analysis on the length of queuing time on pending cases is carried out on indicators of the length of cases pending before courts. Following the registry in the judicial record keeping with regard to indicators “date of receipt of the case (statement)”, “referred to judge”, “scheduled”, queuing time may be analysed, including the possibility of requests in automatic systems of judicial record keeping.

59. Do you monitor and evaluate the performance of the prosecution services?

Information not available.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your court monitoring and evaluation system**

IV. Fair trial

IV. A. Fundamental principles

- 60. Is there in your judicial system:**
- **a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?**
Yes
 - **the right to have reasons given for all prisons sentences?**
Yes
 - **for all cases, an effective remedy to a superior jurisdiction?**
Yes, in the order of appellate, cassational and revision judicial proceedings.
- 61. Which is the percentage of judgements in first instance criminal cases in which the suspect is not actually present or represented?**
Information not available.
- 62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?**

Yes
- 63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:**

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)	Information not available		1	7	0	0	1	0	0	1
	Article 6§1 (duration)			1	0	0	0	1	1	0	0
	Article 6§2			0	2	0	0	0	0	0	0
	Article 6§3a			0	1	0	0	0	0	0	0
	Article 6§3b			1	1	0	0	0	0	0	0
	Article 6§3c			1	1	0	0	0	0	0	0
	Article 6§3d			0	2	0	0	0	0	0	0

	Article 6§3e		0	0	0	0	0	0	0	0
Civil proceedings	Article 6§1 (equity)		7	23	0	0	1	1	0	0
	Article 6§1 (duration)		1	12	0	0	0	5	0	0
	Article 6§1 (non execution only)		2	8	3	3	1	1	0	0

Source Information provided by the Office of the Representative of the Russian Federation at the European Court of Human Rights.

IV.B. Timeframes of proceedings
IV. B. 1. General

64. Are there specific procedures for urgent matters in:

- | | | |
|--------------------------------|-----|----|
| | Yes | No |
| ▪ civil cases? | Yes | |
| ▪ criminal cases? | Yes | |
| ▪ administrative cases? | Yes | |

Comments. In criminal proceedings a special summary order of consideration of cases of private prosecution is provided. Thus, the judicial consideration on cases of private prosecution shall be started within 14 days from the date of receipt of the statement or criminal case in the court.

In civil proceedings, summary proceedings (on small claim suits) are used for delivery of judicatory civil orders (*ad deliberandum*) (i.e. judicial acts delivered by single judge on the basis of statements on exaction of monetary sums or demand of debtor's property). Consideration of cases on protection of electoral rights or the right to participate in referenda of the citizens of the Russian Federation can be treated as urgent proceedings of consideration of civil cases. Besides, statements on forced hospitalisation of a person into psychiatric in-patient department or on psychiatric examination are considered in urgent proceedings.

Cases on administrative offences punishable by administrative arrest or administrative deportation are considered on the day of receipt of the protocol on administrative offence and other materials of the case-file, in respect of persons subjected to administrative detention – within 48 hours from the moment of arrest.

65. Are there simplified procedures for:

- | | | |
|---|-----|----|
| | Yes | No |
| ▪ civil cases (small claims)? | Yes | |
| ▪ criminal cases (petty offences)? | Yes | |
| ▪ administrative cases? | | No |

Comments. In civil proceedings such a procedure is, for instance, delivery of judicatory civil orders (*ad deliberandum*) and default decisions. A judicatory civil order is a judicial act delivered by single judge on the basis of statements on exaction of monetary sums or demand of debtor's property on certain kinds of claims. In particular, it is a claim based on a deed, which was verified by notary, or a deed, which requires a simple written form; claims on exaction of alimony, on exaction of arrears on taxes, duties and other obligatory payments from citizens, etc.

In criminal proceedings such a procedure is, for instance, a special order of the proceedings on the motion of a defendant on his consent with the charges on him, for such cases sentence is delivered without judicial investigation of the case.

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes, a court of the second instance may remit a case for fresh consideration to the court of the

first instance, except for consideration of cases in the appellate order of general jurisdiction, when a district court as the court of the second instance in respect of justices of the peace, when quashing the decision, delivers its own decision without remitting the case to the court of the first instance.

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): approximately 6.334.000 cases in 2004: approximately 4.783.000 litigious cases and approximately 1.551.000 non-litigious cases. Non-litigious cases are those, which are considered with delivery of judicatory civil orders.

Please specify the main types of cases:

Cases of action proceedings:
 - on dissolution of marriages;
 - on exaction of alimony for maintenance of children;
 - on deprivation of parental rights;
 - on payment for work;
 - on housing disputes;
 - on protection of consumer rights;
 - on disputes originated from pension legislation;
 - on disputes related to inheritance of property.
 Cases originated from public legal affairs, including complaints on unlawful actions (omission) of officials, State and municipal civil servants, as well as State authorities and municipal authorities.
 Cases of special procedure. Including cases on establishment of facts of legal importance.

Source Report on the activity of courts of the first instance on consideration of civil cases for 12 months of 2004 on all courts of general jurisdiction of the Russian Federation.

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number (1st instance)	Incoming cases	5.852.000	Information not available	549.000	33.000
	Decisions on the merits	5.019.000	3.798.000	450.000	22.000
	Percentage of decisions subject to appeal in a higher court	5,9 %	1,9 % of decisions of justices of the peace, 4,2 % of decisions of district courts, 3,4 % on all courts	Information not available	Information not available
	Pending cases by 1 January 2005	485.000	Information not available	49.000	5.000

	Percentage of pending cases of more than 1 years	0,8 %	Information not available	Information not available	Information not available
Average length (from date of lodging of court proceedings*)	1st instance decisions	Courts of general jurisdiction – 2 months from the date receipt of suit, justices of the peace – 1 month from the date of adoption for consideration	General term – 15 days, it may be extended for 30 days; on cases on electoral rights – 5 days; cases related to arrest, deportation – on the day of receipt of protocol; cases on detention – 48 hours. 2,2 % of cases were considered with breach of terms.	Within 1 month from the date of lodging the claim.	Within 1 month
	2nd instance decisions	Within 1 month	General term – 10 days; on cases on electoral rights – 5 days; cases related to arrest, deportation – within 1 day	Within 1 month	Within 1 month
	Total procedure	Information not available			

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Terms of examination of cases before the courts are calculated from the moment of receipt of suit (statement, complaint) or a case on administrative offence with the court.

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
▪ to conduct or supervise police investigation?	Yes	
▪ to conduct investigation?	Yes	
▪ when necessary, to demand investigation measures from the judge?	Yes	
▪ to charge?	Yes	
▪ to present the case in the court?	Yes	
▪ to propose a sentence to the judge?	Yes	
▪ to appeal?	Yes	
▪ to supervise enforcement procedure?	Yes	
▪ to end the case by dropping it without the need for a judicial decision?	Yes	
▪ to end the case by imposing or negotiating	Yes	

- **a penalty without a judicial decision?
other significant powers?** Yes No
Please specify:

Public prosecutor is also empowered to initiate criminal proceedings, to dismiss investigator or inquirer from further investigation, to withdraw any criminal case from investigator or inquirer and to remit it to other investigator or investigation body, to quash unlawful acts of public prosecutor of lower level, investigator, inquirer; to extend the term of preliminary investigation, to approve indictment (act of charges) and to remit it to the court, to remit the case for additional investigation, etc.

71. Does the prosecutor also have a role in civil and/or administrative cases?

Yes **Please specify:**

Public prosecutor has a right to take part in consideration of civil and administrative cases. Public prosecutor has a right to address to the court with a statement for protection of rights, freedoms and legal interests of individual persons, indefinite range of persons or in the interests of the Russian Federation, constituent entities of the Russian Federation or municipal entities. As to protection of interests of persons, such right of public prosecutor appears in case when a person, in virtue of good reasons, cannot address to court himself / herself. Public prosecutor enters into the proceedings and gives his / her assessment on cases on eviction, restoration at the place of work, compensation of damage caused to life and health, as well as in other cases in performance of duties imposed on public prosecution. Cases on disputing normative legal acts, on protection of electoral rights, on adoption (adrogation) and quashing of adoption and in certain other cases are related to such cases. Public prosecutor is vested with the right to take part in consideration of cases on administrative offences, as well as to lodge appeals on such kind of cases, regardless whether public prosecutor participated in consideration of such cases.

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		978.371
Discontinued by the public prosecutor	In general	1.435.830
	Because the offender could not be identified	1.369.926
	Because of absence of fact of crime or corpus delicti	65.904
Concluded by a penalty, imposed or negotiated by the public prosecutor		Not applicable
Charged by the public prosecutor before the courts		657.123

Source **Information from reports of the General Prosecutor's Office of the Russian Federation for 2004.**

73. **Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:**

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	1.059.000	308.000	26.700
	Judicial decisions	677.000	224.000	22.400
	Convicted persons	816.000	298.000	22.000
	Acquitted persons	9.000	400	400
	Percentage of decisions subject to appeal in a higher court	19,8 % (with regard to persons, in whose respect the sentences were appealed against)	Information not available	Information not available
	Pending cases by 1 January 2005	155.000	40.400	6.000
	Percentage of pending cases of more than 6 months	2,8 % of the total amount of completed cases. 8,3 % of the total amount of pending cases	Information not available	Information not available
Average length*(from the date of official charging)	1st instance decision	Information not available	Information not available	Information not available
	2nd instance decision	Information not available	Information not available	Information not available
	Total procedure	Information not available	Information not available	Information not available

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings**

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:

- | | |
|--|-----|
| ▪ a body composed of members of the judiciary? | Yes |
| ▪ a body composed of members external to the judiciary? | No |
| ▪ a body composed of members of the judiciary and external to the judiciary? | No |
| | Yes |

Comments. Such bodies are qualification collegia of judges of the constituent entities of the Russian Federation, which carry out the selection of candidates for posts of judges and, in case of positive decision, on condition of successful passing of the qualification examination for a post of judge, recommend candidates for appointment on the post of judge. A qualification collegium of judges of a constituent entity of the Russian Federation consists of judges, representatives of public and a representative of the President of the Russian Federation.

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- | | |
|--|-----|
| ▪ a body composed of members of the prosecution system? | Yes |
| ▪ a body composed of members external to the prosecution system? | Yes |
| ▪ a body composed of members of the prosecution system and external to the prosecution system? | No |
| | No |

Comments. Public prosecutors are initially appointed by the Prosecutor General of the Russian Federation.

76. Is the mandate given for an undetermined period for:

- | | Yes | No |
|----------------|--------------|----|
| ▪ judges? | See comments | |
| ▪ prosecutors? | See comments | |

Are there exceptions ? Please specify:

If no, what is the length of the mandate:

Is it renewable?

- | | | | |
|-------------------|--------------|--------------|--------------|
| ▪ of judges? | See comments | Yes | No |
| ▪ of prosecutors? | See comments | See comments | See comments |

Comments. Judges of the courts of general jurisdiction (except for judges of the Supreme Court of the Russian Federation) are appointed by a decree of the President of the Russian Federation on the communication of the President of the Supreme Court of the Russian Federation.

Initially a judge of a Federal court of general jurisdiction (except for judges of the Supreme Court of the Russian Federation) is appointed for the term of three years, after which he / she can be appointed for this post for lifetime term of office.

Judges of the Supreme Court of the Russian Federation are appointed for their posts without limitation of the term of office by the Council of the Federation of the Federal Assembly of the Russian Federation following the communication of the President of the Russian Federation, which is made with regard to the opinion of the President of the Supreme Court of the Russian Federation.

Justices of the peace are appointed (elected) for their posts by the legislative (representative) body of a constituent entity of the Russian Federation or elected for the post by residents of a relevant judicial circuit in the order prescribed by the relevant law of the constituent entity of the Russian Federation.

Justices of the peace are initially appointed (elected) for their posts for the term established by the relevant law of the relevant constituent entity of the Russian Federation, but not for more than five years. In case of repeated or further appointments (elections) for the post, justices of the peace are appointed (elected) for the term established by the relevant law of the relevant constituent entity of the Russian Federation, but not for more than five years.

Presidents and deputy presidents of courts are appointed for their posts for the term of six years, but not more than twice on end.

The term of office of the Prosecutor General of the Russian Federation is five years. The Prosecutor General of the Russian Federation may be re-appointed, following the communication of the President of the Russian Federation, by the Council of the Federation of the Federal Assembly of the Russian Federation.

Labour contracts are concluded with all other public prosecutors for an indefinite period of time.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of the selection and nomination procedure of judges and prosecutors**

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory			
	Highly recommended	Yes		
	Optional			
General in-service training	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended	Yes	Regular	
	Optional		Occasional	Yes

Comments. In order of maintenance of the level of qualification necessary for performance of judicial duties, a judge has a right to professional training once a three year period in institutions of higher professional and after-graduate professional education with preservation of allowance for the period of training.

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
	Initial training	Compulsory	Yes	
	Highly recommended			
	Optional			
General in-service training	Compulsory	Yes	Annual	
	Highly recommended		Regular	Yes
	Optional		Occasional	
Specialised in-service training	Compulsory	Yes	Annual	
	Highly recommended		Regular	Yes
	Optional		Occasional	

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of of your training system for judges and prosecutors*

V. B. Practice of the profession

- 79. Gross annual salary of a first instance professional judge at the beginning of his/her career
29.700 roubles, or approximately 869,4 EUR
- 80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court
70.046,60 roubles, or approximately 2.050,46 EUR
- 81. Gross annual salary of a public prosecutor at the beginning of his/her career
527,4 EUR
- 82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court
949,3 EUR

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	Yes	Yes
Other financial benefit (If yes, please specify)	Yes, free of charge medical assistance (including medicaments, rehabilitation in sanatoriums), State insurance of life, health and property of judges, compensation of costs connected with rent of dwelling – at the expense of the Federal budget	No

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	Yes			Yes		
Research and publication	Yes			Yes		
Arbitrator			No			No
Consultant			No			No
Cultural function			No			No
Other function to specify	Yes, other creative activity			Yes, other creative activity		

85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?
No

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number	417	4.790
	Breach of professional ethics (Yes/No) If yes, please specify the number	Yes	Yes
	Professional inadequacy (Yes/No) If yes, please specify the number	Yes	Yes

	Criminal offence (Yes/No) If yes, please specify the number	Yes	Yes
	Other (Yes/No) If yes, please specify	No	Information not available
Types of sanctions	Total number	417	4.790
	Reprimand (Yes/No) If yes, please specify the number	No	Yes
	Suspension (Yes/No) If yes, please specify the number	No	Information not available
	Dismissal (Yes/No) If yes, please specify the number	Yes (pre-term cessation of powers) 94	Yes
	Fine (Yes/No) If yes, please specify the number	No	No
	Other (Yes/No) If yes, please specify	Yes (warning) 323	See comments

Comments. Most of disciplinary offences of judges and heads of courts were gross and systematic breaches of provisions of procedural legislation, which led, in any form, to procrastination in the course of consideration of cases and materials, violation of rights and legal interests of citizens and legal persons. Heads of the bodies and institutions of the public prosecution have a right to impose the following disciplinary punishments on the servants of the public prosecution for failure of performance or unduly performance of official duties or for committing offences, which discredit the honour of a servant of the public prosecution: rebuke, reprimand, strict reprimand, demotion of official rank, deprivation of breastplate “For Irreproachable Service in the Public Prosecution of the Russian Federation”, deprivation of breastplate “Honourable Official of the Public Prosecutor of the Russian Federation”, warning on non-complete qualification, dismissal.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning disciplinary procedures for judges and prosecutors**

In the course of performance of professional duties, as well as in out-of-work relations, a judge should avoid anything, which may damage the authority of the judiciary, dignity of a judge or raise doubts as his / her neutrality, fairness and impartiality.

A judge (except for judges of the Constitutional Court of the Russian Federation) may be subject to disciplinary punishment in the form of warning or pre-term cessation of judicial powers for commission of disciplinary offence (breach of provisions of the Law of the Russian Federation “On the Status of Judges in the Russian Federation”, as well as of the provisions of the Code of Judicial Ethics adopted by the All-Russian Congress of Judges). Decision on imposition of a disciplinary punishment on a judge is made by the qualification collegium of judges, to competence of which consideration the matter of cessation of powers of the judge on the moment of adoption of the decision relates.

The powers of a judge are terminated in case of performing by the judge of activity incompatible with the post of judge, as well as in connection with entering into force of sentence of conviction in respect of the judge or of decision on application of forced medical measures to the judge.

VI. Lawyers

87. **Number of lawyers practising in your country** **56.100**

Source *Regional registers of lawyers of the constituent entities of the Russian Federation*

88. **Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?**

No

89. **Do lawyers have a monopoly of representation:**

	Monopoly (Yes/No)		If no, possible representation by (Yes/No)	
Civil cases*	No		Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	Yes
Criminal cases*	Defendant	Yes	Member of family	See comments
			Trade Union	See comments
			NGO	See comments
			Other	See comments
	Victim	No	Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	Yes
Administrative cases*	No		Member of family	Yes
			Trade Union	Yes
			NGO	Yes
			Other	Yes

Comments. Following the procedural decision or judgment of the court, besides a lawyer one of close relatives of the defendant or other person, on admission of whom the defendant lodged a motion, may be admitted as a defender of a person suspected or accused on a criminal case. Such a person may be admitted also instead of lawyer in the proceedings before justices of the peace.

90. **Is the lawyer profession organised through?**

- **a national bar?** Yes, the Federal Bar Chamber, which unifies the bar chambers of the constituent entities of the Russian Federation
- **a regional bar?** Yes, the bar chambers of the constituent entities of the Russian Federation based on obligatory membership of lawyers of the relevant constituent entity of the Russian Federation
- **a local bar?** Yes, in the form of advocacy entities: advocatory offices, advocate collegia, advocate bureaux, legal consultation offices – as places of administration of advocate activity by lawyers.

91. **Is there a specific initial training or examination to enter the profession of lawyer?**

Yes. The decision on granting the status of lawyer is delivered by a qualification commission of the Bar Chamber of the constituent entity of the Russian Federation after passing of qualification examination by a person, who wishes to acquire the status of advocate.

The status of advocate in the Russian Federation may be granted to a person, who has higher education in laws got in an education institution of higher professional education with State accreditation or who has a scientific degree in laws. The said person shall also have a record of work on legal profession of not less than two years or to pass probation in an advocacy unit.

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes. A lawyer shall constantly develop his / her knowledge and qualification. At this, the Council of the Federal Bar Chamber assists upgrading of professional level of lawyers and it develops unified methodology of professional training and retraining of lawyers.

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No

94. Can users establish easily what the lawyers' fees will be?

Yes. Conditions and the amount of payment of remuneration by the principal for legal assistance of a lawyer is determined by the agreement between the parties.

95. Are lawyers fees:

- regulated by law? Yes
- regulated by Bar association? No
- freely negotiated? No

96. Have quality standards been formulated for lawyers?

Yes. Rules of conduct in the course of performance of advocate activity obligatory for each lawyer are established by the Code of Professional Ethics of Lawyer.

97. If yes, who is responsible for formulating these quality standards:

- the bar association? Yes
- the legislature? No
- other? No

Yes Please specify:

The Code of Professional Ethics of Lawyer is adopted by the All-Russian Congress of Lawyers.

98. Is it possible to complain about :

- the performance of lawyers? Yes Please specify:

To the Bar Chamber of the constituent entity of the Russian Federation or via the territorial body of the Federal Registration Service, and to courts, as well.

- the amount of fees? Yes

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Breach of professional ethics		Yes, 276
Professional inadequacy		Yes, 887
Criminal offence		Yes, 18

Reasons for disciplinary proceedings	Other	Yes: Performance of advocate activity after suspension of the status of advocate – 0. Occupation of elective office in bodies of advocate self-governing after suspension of the status of advocate – 0. Non-performance or undue performance of decisions of bodies of bar chamber by a lawyer – 78. Submission of false information to qualification commission for acquisition of the status of advocate – 7. Non-submission of information as to the form of advocate entity by a lawyer to bar chamber within more than four months from the date of granting of the status of advocate or of change of membership in a bar chamber of one constituent entity of the Russian Federation in favour of membership in bar chamber of another constituent entity of the Russian Federation, or from the date of renewal of the status of advocate – 281.
Type of sanctions	Reprimand	No
	Suspension	No
	Removal	Yes, 701
	Fine	No
	Other	Yes, rebuke – 506, warning - 340

100. Who is the authority responsible for the disciplinary procedures:

- **a professional body?** Yes
Yes **Please specify:**
Qualification commission and council of a bar chamber of a constituent entity of the Russian Federation.
- **the judge?** No
- **the Ministry of justice?** No
- **other?** No **Please specify:**

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning the organisation of the Bar**

VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

	Compulsion (Yes/No)		Body providing mediation (Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	Yes	Private mediator	No
			Public or authorised by court body	No
			Court	Yes
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	No
Family cases	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	No
	Ordered by judge in certain cases	Yes	Prosecutor	Yes
Administrative cases	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	Yes	Prosecutor	Yes
Employment dismissals	Compulsory stage prior to court proceedings	Yes	Private mediator	No
			Public or authorised by court body	Yes, commissions on labour disputes
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	Yes	Prosecutor	Yes
Criminal cases	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	Yes
	Compulsory stage in court proceedings	Yes	Judge	No
	Ordered by judge in certain cases	No	Prosecutor	Yes

102. Can you provide information about accredited mediators?

Information not available

103. Can you provide information about the total number of mediation procedure concerning:
- civil cases?
 - family cases?
 - administrative cases?
 - employment dismissals?
 - criminal cases?



Information not available

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)?
Please specify:

Information not available.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

- judges? Yes
No
- bailiff practising as private profession ruled by public authorities? No
- bailiff working in a public institution? Yes
- other enforcement agents? Yes

Please specify their status:

In accordance with the Decree of the President of the Russian Federation of 9 March 2004 No. 314 "On the System and the Structure of Federal Executive Authorities", Bailiff's Service of the Ministry of Justice of the Russian Federation was reorganised into the Federal Bailiff's Service. In accordance with the Regulations on the Federal Bailiff's Service approved by the Decree of the President of the Russian Federation of 13 October 2004 No. 1316, the Federal Bailiff's Service functions as a Federal executive body, which carries out duties on forced execution of judicial acts and acts of other authorities.
The bailiffs are vested with powers on execution on judicial acts and acts of other authorities. A bailiff is a civil servant.
In cases provided by law orders of judicial acts are executed by tax authorities, banks, credit organisations and other authorities, which are not bodies of forced execution of judicial acts.

106. Number of enforcement agents 18.625

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes. When appointed on their posts, bailiffs pass professional training in accordance with the nature of functions carried out by them.

108. Is the profession of enforcement agent organised by?

- | | |
|--------------------|-----|
| | Yes |
| ▪ a national body? | Yes |
| ▪ a regional body? | Yes |
| ▪ a local body? | Yes |

Comments. 20 chief departments, 62 departments, 7 sections of the Federal Bailiff's Service are formed and registered as legal persons in the constituent entities of the Russian Federation, and their heads – chief bailiffs of constituent entities of the Russian Federation were appointed.

Bailiffs are joined into district, inter-district divisions or territorial divisions similar to them according to administrative territorial structure of the constituent entities of the Russian Federation, which are headed by senior bailiffs.

109. Can users establish easily what the fees of the enforcement agents will be?

Not applicable.

Comments. Conditions and order of forced execution of judicial acts do not stipulate contract relations on provision of services between bailiffs and parties of the enforcement proceedings. Creditor may make an advance contribution to deposit account of a branch of bailiff's service in the amount sufficient for performance of enforcement actions in full or in part. Such advance payment shall be returned in full by the completion of the enforcement proceedings.

110. Are enforcement fees:

Yes

- Not applicable.

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes Which authority is responsible for the supervision and the control of enforcement agents:

- | | |
|----------------------------|-----|
| | Yes |
| ▪ a professional body? | Yes |
| ▪ the judge? | No |
| ▪ the Ministry of justice? | Yes |
| ▪ the prosecutor? | Yes |
| ▪ other? | No |

Please specify:

112. Have quality standards been formulated for enforcement agents?

Yes Who is responsible for formulating these quality standards?

Federal Bailiff's Service

113. What are the main complaints of users concerning the enforcement procedure:

- | | | |
|------------------------|-----|----|
| | Yes | No |
| ▪ no execution at all? | Yes | |
| ▪ lack of information? | | No |
| ▪ excessive length? | Yes | |

- **unlawful practices?** No
- **insufficient supervision?** No
- **excessive cost?** Not applicable
- **other?** No

114. **Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?**

Yes **Please specify:**

Measures on improvement of social protection of bailiffs taken by the leaders of the State and the Federal Bailiff's Service are directed at strengthening responsibility of bailiffs in the course of execution of judicial decisions.
Adoption of the Federal Law "On Law Enforcement Service of the Russian Federation" and inclusion of the Federal Bailiff's Service into the list of State authorities, which perform law enforcement activity, would also promote improvement of the situation on execution of judicial decisions.
Together with the Ministry of Justice of the Russian Federation, the Federal Bailiff's Service takes part in drafting the Code of Execution of the Russian Federation.

115. **Is there a system measuring the timeframes of the enforcement of decisions :**

- | | Yes | No |
|------------------------------------|-------------------------------------|--------------------------|
| ▪ for civil cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ▪ for administrative cases? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

116. **As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:**

- | | Yes |
|--|--------------------------|
| ▪ between 1 and 5 days | <input type="checkbox"/> |
| ▪ between 6 and 10 days | <input type="checkbox"/> |
| ▪ between 11 and 30 days | <input type="checkbox"/> |
| ▪ more: please specify <input type="checkbox"/> | <input type="checkbox"/> |

Information not available

117. **Disciplinary proceedings and sanctions against enforcement agents:**

	Yes /No (If yes, please specify the total number)	
Disciplinary proceedings	Breach of professional ethics	No
	Professional inadequacy	6
	Criminal offence	285
	Other	No
Sanctions	Reprimand	3.549
	Suspension	No
	Dismissal	86
	Fine	No
	Other	No

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in civil matters**

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

No **Please specify which authority is entrusted with the enforcement of judgements (e.g prosecutor):**

The federal executive authority, which carries out law enforcement functions and functions on control and supervision in the sphere of execution of criminal punishments in respect of convicts, functions on detention of persons suspected or accused in committing crimes and defendants under detention on their guarding and conveying, as well as functions on control over behaviour of persons convicted on probation or persons, to whom the court provided suspension for enforcement of sentences, is the Federal Service On Execution of Penalties.

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

Information not available.

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your enforcement system of decisions in criminal matters*

IX. Notaries

120. Is the status of notaries:

	Yes	Number	No
▪ a private one?			
▪ a status of private worker ruled by the public authorities?	Yes, 6.961		
▪ a public one?	Yes, 181		
▪ other?			No

121. Do notaries have duties:

	Yes	No
▪ within the framework of civil procedure?		No
▪ in the field of legal advice?	Yes	
▪ to authenticate legal deeds?	Yes	
▪ other?	Yes	

If yes, please specify:

Notaries carry out the following kinds of notary actions: certify deals; issue certificates on property right over the share in the joint property of spouses; impose and withdraw prohibition on alienation of property; certify correctness of copies of documents and extracts from them; certify authenticity of signatures on documents; certify authenticity of translation of documents from one language into another; certify the fact that a person is

alive; certify the fact of presence of a person in a certain place; certify identity of a person with a face on a photo; certify the time of submission of documents; transmit statements of physical or legal persons to other physical or legal persons; deposit monetary sums and securities; carry out endorsements; carry out protests of a bill; submit checks for payment and certify non-payment on checks; deposit documents; carry out captain's protests; secure evidence; deal with probate (inheritance) cases (issue certificates on the right of inheritance and take measures for protection of inheritance property).
 Within the frames of their notary activity notaries can also draft acts of deals, statements and other documents, produce copies of documents and extracts from them, give clarifications (consultations on the questions of performance of notary actions).

122. Is there a body entrusted with the supervision and the control of the notaries?

Yes **Which authority is responsible for the supervision and the control of the notaries:**

- | | |
|---|--|
| <ul style="list-style-type: none"> ▪ a professional body? ▪ the judge? ▪ the Ministry of justice? ▪ the prosecutor? ▪ other? | <p>Yes</p> <p>Yes</p> <p>Yes, in case of lodging a complaint on incorrect performance of notary action or refuse of performance of notary action</p> <p>No</p> <p>No</p> <p>Yes Please specify:</p> |
|---|--|

Federal Registration Service

You can indicate below:

- *any useful comments for interpreting the data mentioned above*
- *the characteristics of your system of notaries*

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system: