

COUNTRY: THE RUSSIAN FEDERATION	
Year of reference: 2003	
QUESTIONS	DATA
I. General information	
1. Number of inhabitants 145,2 millions	Year: 2002 Source: General results of population census of 2002 www.gks.ru
2. Total annual State/regional public budget on debit 2 659 447,0 million roubles on income 2 742 850,4 million roubles volume of gross domestic product 15 300 million roubles	Year: 2004 Source: Federal Law of 23 December 2003 N 186-Ф3 "On State Budget for 2004"
3. Average gross annual salary	Year: Source:
II. Access to Justice to all courts	
A. Legal aid/cost of justice	
4. Annual public budget spent on legal aid 36 706,6 roubles	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation
5. If possible: - Annual public budget spent on legal aid in criminal cases - Annual public budget spent on legal aid in other court cases No data	Year: Source:
6. Total number of legal aid cases (in a year) No data	Year: Source:
7. If possible: - total number of legal aid cases in criminal matters (in a year) - total number of legal aid cases in other court cases (in a year) No data	Year: Source:
8. Does your country has an income and asset test for granting legal aid? In accordance with the legislation of the Russian Federation, free legal aid is granted	Year: Source: Article 132 of the Code of Criminal Procedure of the Russian Federation Section 26 of the Federal Law of 31 May

<p>in the following cases, regardless income of persons:</p> <ul style="list-style-type: none"> - if a suspect or accused declared his refuse from the defense counsel, but his refuse was not allowed and defense counsel took part in the criminal proceeding on assignment; - in case of rehabilitation of a person; - for minors kept in institutions of preventive measures against neglect and offences of minors. 	<p>2002 “On Advocacy and Legal Profession in the Russian Federation”</p>
<p>9. If yes, what is the maximum income level for granting legal aid?</p> <p>Legal aid is provided to certain categories of persons, whose average per capita income (of families) is below the cost of living established for the constituent entity of the Russian Federation in accordance with the federal legislation. The cost of living in the Russian Federation in general in 2003 was the following:</p> <p>I quarter – 2047 roubles II quarter – 2137 roubles III quarter – 2121 roubles IV quarter – 2143 roubles</p>	<p>Year: 2003 Source: Section 26 of the Federal Law of 31 May 2002 “On Advocacy and Legal Profession in the Russian Federation”</p>
<p>10. Is it possible to refuse legal aid for lack of the merit of the case (eg. concerning the abusive character of legal actions)? If yes, the decision is taken by : an internal instance of the court an external instance a mixed instance court/external other What factors are taken into account ?</p> <p>The Russian legislation does not provide a possibility to refuse in provision of legal aid in connection with the absence of the merit of the case. At the same time, those actions of physical and legal persons are not allowed, which are performed only with intent to do harm to another person, as well as abuse of rights in other forms. In such cases, the court may refuse a person in protection of his right.</p>	<p>Year: 2003 Source: Article 10 of the Civil Code of the Russian Federation</p>
<p>11. Does it exist a general rule according to which a person has to pay a court tax or fee to start a proceeding at a general jurisdiction court?</p>	<p>Year: 2003 Source: Articles 88 and 132 of the Code of Civil Procedure of the Russian Federation</p>

No data	
B. Users of the courts and victims	
<p>15. Are there official internet sites/portals (eg. Ministry of justice, etc..) on which the general public may have free access to:</p> <ul style="list-style-type: none"> - legal texts (eg. Codes, laws, regulations, etc.) - Yes - to the case-law of the higher court/s - Yes - to other documents (for examples legal forms) - Yes <p>The Supreme Court of the Russian Federation www.supcourt.ru</p> <p>The Judicial Directorate at the Supreme Court of the Russian Federation www.cdep.ru</p> <p>The Supreme Arbitration Court of the Russian Federation www.arbitr.ru</p> <p>The General Prosecutor's Office of the Russian Federation www.genproc.gov.ru</p> <p>The Ministry of Justice of the Russian Federation www.scli.ru www.minjust.ru</p> <p>The Federal Service of Execution of Punishments of the Russian Federation www.guin-uis.ru</p> <p>legal data web-site Garant www.garant.ru</p> <p>legal data web-site Konsultant-Plus www.consultant.ru</p>	<p>Year: 2003</p> <p>Source: Data submitted by the Supreme Court of the Russian Federation, the General Prosecutor's Office of the Russian Federation, the Ministry of Justice of the Russian Federation.</p>
<p>16. Is there a public and free-of-charge for victims specific information system to inform and to help victims of crimes ?</p>	<p>Year: Source:</p>

No	
<p>17. Is there a public, free of charge and personalised specific information system, managed by the police or the justice system, on the follow up given to complaints by victims of crime</p> <p>No</p>	<p>Year: Source:</p>
<p>18. Does your country have a public compensation fund to compensate financially victims of crimes?</p> <p>No</p>	<p>Year: Source:</p>
<p>19. Does your country have users' or legal professionals' (judges, lawyers, officials, etc.) inquiries to measure the public trust and the satisfaction of the services delivered by the judiciary?</p> <p>Yes</p>	<p>Year: Source:</p>
<p>20. Is there a national or local procedure for complaints regarding the bad functioning of the judiciary (eg. through an ombudsman)?</p> <p>at the court's level/internal procedure Yes</p> <p>at the court's level/external procedure Yes</p> <p>at the national level/internal procedure Yes</p> <p>at the national level/external procedure Yes</p>	<p>Year: 2003 Source: Chapters 24 and 25 of the Code of Civil Procedure of the Russian Federation – possibility of appeal in court of decisions, actions (omissions) of State authorities, municipal authorities, State officials, State and municipal servicemen, as well as normative legal acts The Decree of the Presidium of the Supreme Soviet of the USSR of 12 April 1968 No. 2534-VII “On the Order of Consideration of Proposals, Statements and Complaints of Citizens”</p>
<p>21. As a general rule, do the institutions which receives a complaint have an obligation to respond and/ or to deal with the complaint within a certain time limit</p> <p>Time limit for the answer Yes</p> <p>Time limit for the dealing of the complaint Yes</p>	<p>Year: 2003 Source: Article 15 of the Code of Criminal Procedure of the Russian Federation provides that authorities and officials, to whom proposals, statements and complaints of convicts are addressed, shall deal with them in the terms established by the legislation and inform of the decisions on them to the convicts. Paragraph 9 of the Presidium of the Supreme</p>

	<p>Soviet of the USSR of 12 April 1968 No. 2534-VII “On the Order of Consideration of Proposals, Statements and Complaints of Citizens” stipulates that statements and complaints of citizens are dealt with within one month from the date of receipt on the State or non-governmental body, on a business, institute, organization obliged to decide the matter on the merits. Statements and complaints, which do not require additional check-up, shall be decided immediately and not later than within 15 days.</p> <p>According to Section 21 of the Federal Law of 15 July 1995 No. 103-Φ3 “On Detention of Persons Suspected in and Accused of Committing Crimes”, answers to oral statements of suspects and accused persons shall be given within one day. Answers on written complaints addressed to the administration of detention ward shall be given within ten days.</p>
III. Functioning of courts and efficiency of justice	
A. Functioning	
22. Total number of courts	2711 courts of general jurisdiction Data submitted by the Supreme Court of the Russian Federation.
23. Number of general jurisdiction first instance courts 2609 district and garrison military courts	Year: 2004 Source: The Federal Law of 29 June 2004 No. 59-Φ3 “On Creation and Abolition of Certain Garrison Military Courts” The Federal Law of 13 July 2004 No. 63-Φ3 “On Abolition of the Aleutian District Court of the Kamchatka Region”
24. Number of specialised first instance courts Specify the different areas of specialisation At present, a system of administrative courts within the system of the courts of general jurisdiction is being created. Besides the system of the courts of general jurisdiction, a system of arbitration courts exists in Russia, Arbitration courts deal with the economic disputes between legal persons.	Year: 2004 Source:
25. Number of professional judges sitting in	Year: 2004

<p>31. Which institution is formally responsible for setting up the budget devoted to courts?</p> <p>The Government of the Russian Federation in cooperation with the presidents of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation and the Supreme Arbitration Court of the Russian Federation, the head of the Judicial Directorate at the Supreme Court of the Russian Federation and the Council of Judges of the Russian Federation drafts a bill on the federal budget in the part of financing of courts. In case of discrepancies, the Government of the Russian Federation attaches proposals of relevant courts, of the Judicial Directorate at the Supreme Court of the Russian Federation and the Council of Judges of the Russian Federation to the bill of the federal law with its conclusion.</p> <p>As the main manager of the funds of federal budget, the Judicial Directorate at the Supreme Court of the Russian Federation approves estimates of incomes and expenses of dependent budgetary institutions, makes budgetary list, determines the limits of budgetary funds and executes the relevant part of budget, drafts and submits consolidated return on the execution of budget on the funds to the body responsible for the control over the budget, consolidated estimate of incomes and expenses. Similar functions are carried out by the Supreme Court of the Russian Federation.</p>	<p>Year: 2004</p> <p>Source:</p> <p>Article 33 of the Federal Constitutional Law of 31 December 1996 No. 1-ФКЗ “On Judicial System of the Russian Federation”</p> <p>Article 158 of the Budget Code of the Russian Federation</p>
<p>32. Who manages the budget of the courts?</p> <p>The courts of the Russian Federation themselves deal with the funds allocated to them for provision of their activity, in accordance with the federal law on federal budget for the relevant financial year and other federal legislation.</p>	<p>Year: 2004</p> <p>Source:</p> <p>Section 4 of the Federal Law of 10 February 1999 No. 30-ФЗ “On Financing of the Courts of the Russian Federation”</p>
<p>33. Which institution is responsible for arranging and scheduling the court hearings/sessions?</p> <p>in criminal cases</p> <p>in other than criminal cases</p> <p>The decision on scheduling hearings is made</p>	<p>Year: 2004</p> <p>Source:</p> <p>Article 227 of the Code of Criminal Procedure of the Russian Federation</p> <p>Chapter 14 of the Code of Civil Procedure of the Russian Federation</p>

by a judge.	
B. Efficiency	
34. Total number of criminal cases received by the public prosecutor (in a year) 183 240	Year: 2003 Source: Data submitted by the General Prosecutor's Office of the Russian Federation.
35. Total number of criminal cases dropped by the public prosecutor (in a year) Please indicate also, out of this total, those dropped as the offender has not been identified Preliminary investigation on 33 889 criminal cases was stayed, including 26 881 cases in connection with failure to identify the offender. 19 020 criminal cases were dismissed.	Year: 2003 Source: Data submitted by the General Prosecutor's Office of the Russian Federation.
36. Total number of criminal cases which are concluded by a sanction/measure imposed/negotiated by the public prosecutor (in a year) 653 009 criminal cases were dealt by the courts of general jurisdiction and magistrates in the first instance. 773 920 persons were convicted by the courts of the first instance.	Year: 2003 Source: Data submitted by the General Prosecutor's Office of the Russian Federation.
37. Total number of criminal cases charged by the public prosecutor before the courts (in a year) 837 327 cases	Year: 2003 Source: Data submitted by the General Prosecutor's Office of the Russian Federation.
38. Total number of incoming criminal cases in the courts concerning robbery cases (in a year) 236 973	Year: 2003 Source: Data submitted by the General Prosecutor's Office of the Russian Federation.
39. Total number of judicial decisions, concerning robbery (in a year). Please indicate also if possible: Number or % of convicted persons Number or % of acquitted persons 185 388 verdicts of accusation (99,7%) and 254 158 verdicts of acquittal (75,2%)	Year: 2003 Source: Data submitted by the General Prosecutor's Office of the Russian Federation.

acquittal (0,3%)	
40. Percentage of decisions concerning robbery subject to an appeal to a higher court (in a year) 15,1%	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
41. Total number of incoming criminal cases in the courts, concerning intentional homicide (in a year) 23 932	Year: 2003 Source: Data submitted by the General Prosecutor's Office of the Russian Federation.
42. Total number of judicial decisions, concerning intentional homicide (in a year) Please indicate also if possible: Number or % of convicted persons Number or % of acquitted persons 21 166 verdicts: 22 301 verdicts of accusation (98,1%) and 420 verdicts of acquittal (1,84%)	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
43. Percentage of decisions concerning intentional homicide subject to an appeal to a higher court (in a year) 63,7 %	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
44. Total number of incoming civil and administrative cases in the courts (in a year) 5 189 909	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
45. Total number of judicial decisions in civil and administrative matters (in a year) 4 442 317 decisions	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
46. Percentage of decisions concerning civil and administrative matters subject to an appeal to a higher court (in a year) 12,1 % on civil cases 2,2 % on administrative cases	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
47. Total number of incoming divorce cases in the courts (in a year) 552 363	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.

48. Total number of judicial decisions in divorce cases (in a year) 452 872	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
49. Percentage of decisions concerning divorce cases subject to an appeal to a higher court (in a year) No data	Year: Source:
50. Total number of incoming dismissal cases in the courts (in a year) 33 397	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
51. Total number of judicial decisions of dismissal cases (in a year) 22 404	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
52. Percentage of decisions concerning dismissal cases subject to an appeal to a higher court (in a year) No data	Year: Source:
IV. Use of Information Technology in the court	
53. Annual information technology budget allocated to the courts (if possible in Euros) 500 million roubles (approximately 14 285 700 Euro)	Year: 2004 Source: Data submitted by the Supreme Court of the Russian Federation.
54. In general, do the courts have in your country computer facilities? for judges - Yes for non-judges court staff - Yes on the average 53 % of the courts are equipped with computers	Year: 2004 Source: Data submitted by the Supreme Court of the Russian Federation.
55. Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the judiciary? Yes The Judicial Directorate at the Supreme Court of the Russian Federation is in charge of collecting statistical data regarding functioning of the judiciary. Address: 129828, Russia, Moscow, Gilyarovskogo street, 31-1.	Year: 2004 Source: Data submitted by the Supreme Court of the Russian Federation.

from the formal beginning of the prosecution until the first instance judgment. No data	
63. Average length, in days, of robbery cases from the formal beginning of the prosecution until the appellate judgment. No data	Year: Source:
64. Average length, in days, of divorce cases from the deposit of the complaint until the first instance judgment. No data	Year: Source:
65. Average length, in days, of divorce cases from the deposit of the complaint until the appellate judgment. No data	Year: Source:
66. Average length, in days, of dismissal cases from the deposit of the complaint until the first instance judgment. No data	Year: Source:
67. Average length, in days, of dismissal cases from the deposit of the complaint until the appellate judgment No data	Year: Source:
68. Do you, on a regular basis, measure the size of backlog cases in the courts? Yes	Year: 2003 Source: Data submitted by the Supreme Court of the Russian Federation.
69. Do you have a way of analysing the queuing time during judicial procedures ? If yes, please, specify. No data	Year: Source:
VI. Independence, impartiality, efficiency, competence and role of judges	
70. Gross annual salary of a first instance professional judge at the beginning of his/her	Year: 2003 Source:

<p>87. Annual number of disciplinary proceedings against public prosecutors.</p> <p>3335 employees were imposed disciplinary sanctions, 21 employees – administrative sanctions, 12 employees – criminal penalties.</p>	<p>Year: 2003 Source: Data submitted by the General Prosecutor’s Office of the Russian Federation.</p>
<p>88. Annual number of sanctions against public prosecutors.</p> <p>5 employees were convicted, 34 employees were dismissed from public prosecution service for detraction acts.</p>	<p>Year: 2003 Source: Data submitted by the General Prosecutor’s Office of the Russian Federation.</p>
<p>VIII. Lawyers</p>	
<p>89. Number of lawyers practising in your country</p> <p>58 872 counsels</p>	<p>Year: 2003 Source: The statistical data regarding 12 months of 2003 submitted by the Ministry of Justice of the Russian Federation on registering of lawyers by the regional departments of the Ministry of Justice of the Russian Federation.</p>
<p>90. Is there a national bar association?</p> <p>There is no national association of counsels called “the board of counsels” in Russia. The counsels of the subjects of the Russian Federation must be the members of the regional chambers of counsels, which in their turn must be the members of the Federal chamber of counsels.</p>	<p>Year: 2003 Source: The Federal Law no. 63-Φ3 of 31 May 2002 “On counsel activity and counselship in the Russian Federation”</p>
<p>91. Have quality standards been formulated for lawyers?</p> <p>YES</p> <p>The quality standards must be formulated by the legislature, the Federal chamber of counsels, the regional chambers of counsels, given the local traditions and particularities.</p>	<p>Year: 2003 Source: The Federal Law no. 63-Φ3 of 31 May 2002 “On counsel activity and counselship in the Russian Federation” The Code of Professional Ethics of Counsels, adopted by the First All-Russian Congress of counsels on 31 January 2003.</p>
<p>92. Are there disciplinary proceedings for lawyers?</p> <p>YES</p>	<p>Year: 2003 Source: The Federal Law no. 63-Φ3 of 31 May 2002 “On counsel activity and counselship in the Russian Federation” The Code of Professional Ethics of Counsels, adopted by the First All-Russian Congress of counsels on 31 January 2003.</p>

<p>93. Annual number of disciplinary proceedings against lawyers.</p> <p>3</p>	<p>Year: 2003 Source: The statistical data for 2003 submitted by the Ministry of Justice of the Russian Federation on the activity of the territorial departments of justice with the regional chambers of counsels.</p>
<p>94. Annual number of sanctions against lawyers.</p> <p>In the order of disciplinary procedure the councils of the regional chambers of counsel have terminated the counsel status of 284 persons, including of 49 persons – for acts damaging the honor and dignity of counsel and derogating the authority of the Bar, of 235 persons – for non execution or improper execution by the counsel of his/her professional activity in relations with the client, as well as for non execution of decisions, rendered by the bodies of the chamber of counsels, within the scope of their competence.</p>	<p>Year: 2003 Source: The statistical data for 2003 submitted by the Ministry of Justice of the Russian Federation on counsels, whose status was terminated. The statistical data of the Federal chamber of counsels of the Russian Federation.</p>
<p>95. Is there possibility to complain on the lawyers' performance?</p> <p>YES</p>	<p>Year: 2003 Source: The Federal Law no. 63-Φ3 of 31 May 2002 “On counsel activity and counselship in the Russian Federation” The Code of Professional Ethics of Counsels, adopted by the First All-Russian Congress of counsels on 31 January 2003.</p>
<p>96. Which is the amount paid to a lawyer by the State in respect of legal aid for a first instance divorce case ?</p> <p>The payment of counsel’s fee for legal aid, which is provided for the Russian Federation nationals free of charge, including divorce cases pending before the first-instance courts, may be carried out at the expense of funds of the regional chambers of counsels. The federal legislation provides for the State compensation for providing the Russian Federation nationals with free legal aid. The amount and the procedure of such compensation shall be established by the Government of the Russian Federation. At present the relevant legal act is being worked out.</p>	<p>Year: 2003 Source: The Federal Law no. 63-Φ3 of 31 May 2002 “On counsel activity and counselship in the Russian Federation”</p>
<p>IX. Mediator proceedings (magistrates)</p>	

<p>of the unserved part of the punishment by more lenient punishment, on release from serving the punishment in connection with the disease of the convict, on postponement of serving punishment for pregnant women and women with children aged younger than 14 years, as well as on change of the type of penitentiary institution.</p> <p>In the course of forced execution of decisions, the courts determine such questions, as granting postponement for the debtor or installment of execution of the judicial decision, change of the way or the order of execution, stay of execution proceedings for the term for more than 10 days, stay or discontinuance of execution proceedings, substitution of a party of the execution proceedings by its successor, removal of sequestration of property, etc.</p>	<p>Federation. The Code of Arbitration Procedure of the Russian Federation.</p>
<p>108. Do the courts have the competence to decide against public authorities?</p> <p>Yes</p> <p>Are the courts involved in execution decisions against public authorities?</p> <p>Yes</p> <p>The court takes part in execution of judicial decisions against public authorities due to the common order of forced execution of judicial acts, including the bodies of all branches of power.</p>	<p>Year: 2003 Source: The Federal Law of 21 July 1997 No. 119-Φ3 “On Enforcement Proceedings”. The Code of Civil Procedure of the Russian Federation. The Code of Arbitration Procedure of the Russian Federation.</p>