



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Russian Federation

National correspondent

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1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

142000000

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	371582148035
Regional / entity level	

3) Per capita GDP (in €)

6690,18

4) Average gross annual salary (in €)

4678

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

34.6965 (the Russian Central Bank's official site)

Please indicate the sources for the questions 1 to 4

1,3,4 - The Russian Federal State Registration Service.

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

2486680213

7) Please specify

Federal Law on Federal Budget for 2007 of 19.12.2006 no. 238-FZ

The volume of budget allocations for funding the judicial system activity was allocated in 2007th in amount of 86 279,1m RUB (without Constitutional Court of Russian Federation and bodies of judicial community - 85 518,5 millions RUB) (source of information - Federal Law from 19 December 2006 # 238-FZ 'About federal budget on 2007th')

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	1524674016
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	28446183
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	65421440
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	157947516
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	138342484
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	
Other (please specify):	<input checked="" type="checkbox"/> Yes	421566595

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

Yes

No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

2004 816,356,226

2005 1,135,670,200

2006 1,530,252,175

2007 2,092,796,904

2008 2,336,398,259

10) 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?

for other than criminal cases?

If yes, are there exceptions? Please specify:

The statements of claims, claims of special proceedings, emerging from public interests, appeals and cassation claims on judicial judgments, claims on supervisory review and also on declarations on repeated delivery of judicial judgment, judicial order, definitions of court and other documents from the application are paid by the state fee.

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

No information available

12) Total annual approved budget allocated to the whole justice system (in €)

1150924761

13) Total annual approved public budget allocated to legal aid (in €)

85 020 103

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount		

15) Is the public budget allocated to legal aid included in the court budget ? Yes No**16) Total annual approved public budget allocated to the public prosecution system (in €)**

1060382372

17) Is the budget allocated to the public prosecution included in the court budget? Yes No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Government, Constitutional Court, Supreme Arbitration Court, Judicial Department

Question 18.

In addition to the submitted information please be informed that the Government is responsible for preparation of the budget, the Parliament is responsible for adoption of the budget, the Judicial Department at the Supreme Court of the Russian Federation is responsible for management and allocation of the budget among the individual courts and for evaluation of the use of the budget at the national level

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system and the main reforms that have been implemented over the last two years**
- **if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process**

Question 13. Total annual approved public budget allocated to legal aid provided by counsels appointed by inquiry agencies, pre-trial investigation bodies, a public prosecutor or court to participate in criminal proceedings as a defence party was RUR 2,949.9 million in 2007. Moreover, RUR 50.4 million is allocated in 2007 for a pilot program for creation of the State system for provision of legal aid to the low-income population by virtue of Decree of the Russian Government of 22 August no. 534 on a pilot program for creation of the State system for provision of legal aid to the low-income population.

Question 16. Total annual approved public budget allocated to the public prosecution system equaled to RUR 36,791.6 million in 2007 (the source of the information: Federal Law of 19 December 2006 no. 238-FZ on federal budget for 2007).

Please indicate the sources for the questions 6, 7, 13 et 16

Federal Law on Federal Budget for 2007 of 19.12.2006 no. 238-FZ.

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

Preparation of documents, representation in state authorities and local municipal authorities

22) Does legal aid foresee the covering or the exoneration of court fees?

Yes

No

If yes, please specify:

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

Yes

No

If yes, please specify:

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	57009
Criminal cases	
Other than criminal cases	

25) 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
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?		Yes	
for other than criminal cases?		Yes	

27) 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
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

According to Article 124 of the Russian Constitution, court financing is only effected by the federal budget and shall ensure comprehensive and independent administration of justice in line with a federal law.

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

--	--	--

criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 24 and 26

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) 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 (Please specify the Internet addresses):

- | | | |
|--|---|--|
| legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> yes | www.consultant.ru |
| case-law of the higher court/s? | <input checked="" type="checkbox"/> yes | http://sudrf.ru/
http://arbitr.ru |
| other documents (for example forms)? | <input checked="" type="checkbox"/> yes | www.president.kremlin.ru
www.government.gov.ru
www.rsnet.ru |

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

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

- Yes
 No

If yes, please specify:

There are public and free of charge system of information to help victims of crimes in

Russian Federation.

All necessary information for the steps to be taken is on official Internet site of the General Prosecutors Office of the Russian Federation. Territorial bodies of the procuracy and interior affairs of the Russian Federation have information telephones for these cases.

Many Regions of the Russian Federation has hot line for the victims of crimes.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

Yes

No

36) If yes, does this compensation procedure consist in:

a public fund?

a court decision?

private fund?

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

A victim of crimes has a right for compensation of damaged caused by a crime (pecuniary and non-pecuniary), including expenses related to participation in the proceedings (i.e. for representation). As regards legal persons – pecuniary damage and damage to goodwill.

Question 36. The compensation procedure for a damage inflicted as a result of a terrorist act (Article 205 of the Criminal Code of the Russian Federation) consist in a court decision enforced by means of the treasury of the Russian Federation. It is the Russian Ministry of Finance that is responsible for the payment thereof.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

Public prosecutor is enabled to lodge a civil action in the framework of criminal proceedings under Article 44 § 3 of the Criminal Procedure Code of the Russian Federation in favor of underage persons, legally incapable, disabled persons, persons who cannot exercise their procedural rights due to other reasons.

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

There is a judicial order of appealing against the mentioned decision, including on dismissal of a criminal case, and activities (inactivity) of a public prosecutor under Article 125 § 1 of the Criminal Procedure Code of the Russian Federation.

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

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

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

No tariff defined.

Question 40. Yes, there is a system for compensating a damage in pursuance of Articles 1069, 1070 of the Civil Code of the Russian Federation in compliance with the Budget Code of the Russian Federation at the expense of the treasury of the Russian Federation, that of a Russian region, or a municipal treasury. In 2007, more than RUR 525 million was paid by means of the treasury of the Russian Federation by virtue of 186 writs of execution for unlawful actions of law enforcement agencies, courts, bailiffs.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

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

No surveys conducted.

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
 No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Higher court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

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

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	9846
Specialised first instance courts (legal entities)	119
All the courts (geographic locations)	2696

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

Military courts - 131

Justices of the peace – 7,367

number of first instance courts includes the justice of peace

The Russian Federation court system contains federal courts of general jurisdiction (general (civil) and military courts) and commercial courts and justices of the peace (professional judges at permanent basis for small civil and criminal cases).

Federal courts of general jurisdiction contain the Supreme Court of the Russian Federation (cassational (appeal) and supervisory review instance), the regional supreme courts (first instance for aggravated crimes and special categories of civil cases, appeal instance for district courts), district courts (first instance courts and appeal instance for justices of the peace). And for the military courts – the Military Chamber of the Supreme Court of the Russian Federation, the circuit (naval) courts, the garrison courts.

Consequently, there are:

First instance courts of general jurisdiction – 2479 (district courts) + 86 (regional courts) + 7367 (justices of the peace).

Specialized courts – 119 (garrison courts) + 12 (circuit (naval) courts).

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

In 2006 there were 3 small-composition (one, two and three composition) courts abolished, in 2008 there will be 47 small-composition courts abolished.

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	7367
a dismissal	2479
a robbery	2479

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Please indicate the sources for the question 45

Information provided by the Judicial Department

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

30539

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	NAP
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

The question is not relevant in view of the answer to question 50

Not applicable. All judges in the Russian Federation are professional and at permanent basis

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

Question 52.

The institution of the non-professional judges was abolished in 2005. At present there are only professional judges

Q49

To the submitted number 23172 plus 7367 (justices of the peace)

Justices of the Peace are judges of general jurisdiction in the Russian Federation and fulfill their duties on the professional basis.

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

At the defendant's request, the chamber of 12 jurors consider cases of offences contrary to Article 31 § 3 of the Criminal Code of the Russian Federation, criminal cases initiated under Articles 105 § 2, 126 § 3, 131§ 3, 205, 206 § 2 and 3, 208, 209 - 211, 212 § 1, 227, 263 § 3, 267 § 3, 269 § 3, 275 - 279, 281, 290 § 3 and 4, 294 - 302, 303 § 2 and 3, 304, 305, 317, 321 § 3, 322 § 2, 353 - 358, 359 § 1 and 2 and 360 of the Criminal Code of the Russian Federation.

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

During 2007, there were 18450 persons involved in participation as jury.

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

62075

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	<input type="checkbox"/> Yes	In the courts, there is no non-judge staff with judicial tasks giving autonomous competence and whose decisions could be subject to appeal.
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	<input checked="" type="checkbox"/> Yes	39369
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)	<input checked="" type="checkbox"/> Yes	22506
technical staff	<input checked="" type="checkbox"/> Yes	200

Please indicate the sources for the questions 49, 50, 52, 53 and 55

49 – Information of the Judicial Department.

52 – Federal Law on the Justices of the Peace of 17.12.1998 no. 188-FZ.

53 – The Criminal Procedure Code

55 – Information of the Judicial Department pertaining to the Supreme Court.

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

29311

58) Do any other persons have similar duties as public prosecutors?

- Yes
 No

If yes, please specify:

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

11874

Please indicate the sources for the questions 57 and 59

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

OTHER - the Judicial Department of the Russian Federation. And the day to day management – the court president and court administrative director.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the

courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Special Website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

Yes, it is Judicial Department under the Supreme Court of the Russian Federation. Address 107996 Moscow, str. Gilyarovskogo, 31, buildings 1 and 2.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

62, 63,64 – Information of the Judicial Department at the Supreme Court of the Russian Federation

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
 No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
 number of decisions?
 number of postponed cases?
 length of proceedings (timeframes)?
 other?

Please specify:

Besides the reports of their activities the courts of general jurisdiction in accordance with the Table of forms of statistical reports draw up the semiannual reports as well as quarterly operative reports which is the sample of the major indicators of their activities.

68) Do you have a regular system to evaluate the performance of each court?

- Yes
 No

Please specify:

69) Concerning court activities, have you defined performance indicators?

- Yes
 No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
 Length of proceedings (timeframes)
 Closed cases
 Pending cases and backlogs
 Productivity of judges and court staff
 Percentage of cases that are treated by a single sitting judge
 The enforcement of penal decisions
 Satisfaction of employees of the courts
 Satisfaction of clients (regarding the services delivered by the courts)
 Judicial and organisational quality of the courts
 The costs of the judicial procedures
 Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes
 No

72) Are there performance targets defined at the level of the courts?

- Yes
 No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
 legislative power
 judicial power (for example a High Judicial Council or a Higher Court)
 other

Please specify

This question is not applicable in the light of the answer to the question 72.

74) Please specify the main targets applied:

This question is not applicable in the light of the answer to the question 72.

75) Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

The Head of the corresponding court evaluates the performance of the court.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
- No

If yes, please specify:

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
 No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- civil cases?
 criminal cases?
 administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

- Yes
 No

If yes, please specify:

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
 No

Please specify (including an indication of the frequency of the evaluation):

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

Yes

No

If yes, please specify:

You can indicate below:

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

At the present time the measures to organize such monitoring through carrying out of the surveys in the regions of the Russian Federation by the independent experts are being taken.

Please indicate the sources for the the question 70,71, 72 and 76

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

There are no statistical data as to the judgments in such criminal cases.

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

Yes

No

If possible, number of successful challenges (in a year):

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)				
Civil proceedings - Article 6§1 (non-execution)				
Criminal proceedings - Article 6§1 (duration)				

Please indicate the sources for the questions 82 and 84

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

civil cases?

criminal cases?

administrative cases?

If yes, please specify:

Civil cases.

Order proceedings in cases of:

- claim is based on notarized deal
- claim is based on deal in simple written form
- claim is based on protest of a bill by a notary public in non-payment, non-accept or non-dating of accept
- claim to recover alimony
- claim to collect arrears, recovery of other obligatory payments from a citizen

- claim to recover accrual but not paid salary
- claim of interior affair authorities to recover for expenses for search of the defendant or debtor or a child, taken away by a judicial decision

Special proceedings:

- ascertainment of facts which have legal significance
- adoption
- announcement a person to be untraceable or dead
- limitation of legal capacity
- announcement underage person to be sui juris
- announcement of derelict and a right of a municipal to derelict real thing
- restoration of a right in respect of lost capital issues payable to bearer or order negotiable paper
- compulsory hospitalization of a citizen to the psychiatric hospital or compulsory psychiatric examination
- amendment of entry of act of civil status
- on applications of notarial act committed or refused
- on applications for restoration of the forfeited court proceedings

Proceedings in absentia.

Criminal cases.

Shorted terms for:

- application of measure of restraint
- extension of the applied measure of restraint
- examination of the complaints against investigator, prosecutor

Special proceedings in respect of cases initiated under crimes punished no more than 10 years imprisonment and if defendant agreed with the charges (with prosecutor and victim consent).

Simplified proceeding on administrative offences provides by article 28.6 of the Russian Code on administrative offences. For example, in case of commitment by the person of administrative offence, the imposed punishment are the following:

Warning or penalty charge in amount of 100 rubles and in case of breaking custom rules – no more then 1000 rubles.

There is no protocol of administrative offence, so the authorized person in place where was committed an offence arranges warning or imposes penalty charge.

If a person in charge contests the existence of the event of administrative offence and imposed punishment on him or refuses to pay fine, then the simplified proceeding do not take place. The authorized person arranges protocol of administrative offense.

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

All the mentioned proceedings in the question 85 attributable to the simplified proceedings

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

Yes

No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	500000	12575000	112569000	506000
1 Civil (and commercial) litigious cases*	473000	7133000	7126000	480000
2 Civil (and commercial) non-litigious cases*	27000	438000	439 000	26000
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	No data	5005000	5005000	No data
7 Other				
Total criminal cases (8+9)	171000	1225000	1225 000	171000
8 Criminal cases (severe criminal offences)	61000	437000	437000	61000
9 Misdemeanour cases (minor offences)	110000	788000	788 000	110000

89) ~ The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under

"misdemeanour cases (minor offences)".

Explanation

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	24910	651404	614015	26986
1 Civil (and commercial) litigious cases*	16223	443041	416731	16414
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	8687	208363	197264	10572
7 Other				
Total criminal cases (8+9)	11000	333372	304942	12052
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)				
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)				
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	47000	523000	521000	49000
Employment dismissal cases	5000	30000	31000	4000
Robbery cases	41000	336000	338000	39000
Intentional homicide case	6000	24000	25000	5000

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases	0.9	0			
Employment dismissal cases	8.6	0			
Robbery cases	0.5	0			
Intentional homicide	10	0			

94) Where appropriate, please specify the specific procedure as regards divorce:

As concerns the divorce procedure in court, it is provided with respect to the couples having common minor children, or in case one of the spouses does not give consent to the divorce, or, having no objection thereto, avoids getting registered as divorced by a registry office (Article 21 of the Family Code of the Russian Federation).

According to Article 22 of the Code, divorce court proceedings take place if a court established that no further life of the couple together and preservation of the family are possible.

In considering the divorce case in absence of one of the spouses' consent to the divorce, a court shall be entitled to endeavour to reconcile the spouses and adjourn the proceedings by defining a three-month term for them to be reconciled with each other.

The divorce shall be possible if no measures aimed at reconciliation of the spouses appeared to be successful and the spouses (one of them) insist on getting divorced. Given mutual consent to the divorce, a court declares them divorced without inquiring into the grounds for the divorce.

In the course of the divorce court proceedings, spouses can submit to the court an agreement as to with which of them their minor children will reside, on the children and/or incapacitated needy spouse maintenance payment, and the size thereof, or on the severance of the spouses' common property (Article 24 § 1 of the Code).

According to Article 24 § 2 of the Code, failing the spouses' agreement as regards the above issues, and in case it is established that the agreement infringes upon the children or one of the spouses' rights, a court shall be entitled:

- to determine with which of the spouses their minor children will reside upon the divorce
- to determine which of the parents will pay maintenance to the children, and the size thereof
- at the request of the spouses (one of them), to ensure the severance of their common property
- at the request of a spouse entitled to receive maintenance payment from the other spouse, to determine the size of such a payment.

In case the severance of the property infringes upon the third persons' interests, a court shall be entitled to institute separate proceedings for severance of the property.

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

According to article 154 of Civil procedure code of Russian federation civil cases shall be examined and adjudicated by court before expiring 2 months beginning from the date on which the application reached a court, by the justice of the peace – before expiring of 1 month beginning from the date on which the application was accepted for examination.

Cases on restoration at work, on collection of alimonies are examined and adjudicated by court before expiring of 1 month.

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- to conduct or supervise police investigation?
- to conduct investigation?
- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

Under Article 45 of the Civil Procedure Code of the Russian Federation a prosecutor can initiate civil procedure in favour of citizens of the Russian Federation (in case if a person under age, state of health, incapacity and other satisfactory reasons can not lodge a claim by him(her)self), unspecified number of persons, the government interest, subjects of the Russian Federation and municipal institutions.

In civil proceedings the prosecutor has all the procedural rights and duties of the claimant, except friendly settlement conclusion and taxes

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

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases						

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years**

The answer will be provided later.

Please indicate the sources for the questions 92 to 94 and question 98

The Russian Federal State Registration Service

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

A judge can be a Russian national with a higher legal education, complying with the Russian legislation.

At that:

A judge of the Constitutional Court of the Russian Federation can be a national of over 40 years old, with the legal experience of over 15,

A judge of the Supreme Court of the Russian Federation, the Supreme Arbitration Court of the Russian Federation can be a national of over 35 years old, with the legal experience of over 10,

A judge of a regional court and an equivalent court can be a national of over 30 years old, with the legal experience of over 7,

A judge of an arbitration court of a Russian region, constitutional court of a Russian region, district court, garrison military court, and a justice of the peace can be a national of over 25 years old, with the legal experience of over 5.

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

102) Which procedures and criteria are used for promoting judges? (please specify).

Giving qualification ranks, titles of honour of the Russian Federation, State awards of the Russian Federation.

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

Answer - other.

The staff prosecutors is completed in accordance with requirements of the Federal Law of January 17, 1992 No. 2202-1 "On Prosecutor's Office of the Russian Federation" (chapter V).

In accordance with the Article 40.1 of the mentioned law, prosecutors and investigators can be citizens of the Russian Federation having the higher legal education received in an educational institution of higher vocational education with state accreditation and possessing necessary professional and moral qualities, capable for health reasons to execute official duties imposed on them.

To positions of assistant prosecutors of prosecutor's offices of districts, towns and equated prosecutor's offices, and investigators of investigative departments of the Investigating committee at the prosecutor's office of the Russian Federation in districts, towns and equated specialized investigative departments of the Investigating committee at the prosecutor's office of the Russian Federation in exceptional cases can be appointed persons studying on the law specialty in educational institutions of higher vocational education, with state accreditation, and who graduated the third year of specified educational institutions.

2. A person cannot be accepted for service to agencies and institutions of the prosecutor's office and be at the specified service in case if such person:

is a citizen of a foreign state,

found by the court judgment incapable or partially capable,

under the court judgment deprived of the right to take public posts of public service within certain term,

was or is convicted,

has a disease that according to a medical report prevents execution of official duties,

is in close relation or capacity (parents, spouses, brothers, sisters, children and

brothers, sisters, parents or children of spouses) with workers of the agency or

institution of a prosecutor's office, if their service is connected with direct subordination

or submission to control of one of them to another,

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refuses to pass the procedure of executing the access to information consisting a state secret if the fulfillment of official duties upon the post, claimed by a person, is connected with the usage of such informatjQrir

3. Persons are taken to service into agencies and institutions of prosecutor's office on basis of a labor contract made for uncertain term or for a term at most five years.

4. Persons studying upon law specialty in educational institutions of higher vocational education with the education paid by the General prosecutor's office of the Russian Federation, and workers of the prosecutor's office studying in internal post-graduate course with preservation of cash allowance provided for by the second paragraph of point 3, article 43.4 of this Federal Law, are obliged - in accordance with contracts made with them - to work in agencies or institutions of the prosecutor's office until the expiration of the specified tenn, with the exception of dismissal cases for health reasons, in connection with conscription to active military service, dismissal of a woman with a child up to eight years old, in connection with liquidation of the agency or institution of the prosecutor's office, reduction of number or staff of workers (hereinafter - organizational - staff events), the specified persons should compensate expenses for their study.

5. For the post of a prosecutor of a town, district, equated to them prosecutors there are appointed persons not younger 25 years, with the working experience as a prosecutor or an investigator for at least three years.

For posts of prosecutors of subjects of the Russian Federation, equated prosecutors, there are appointed persons not younger 30 years, with the working experience as a prosecutor or an investigator for at least five years.

The general prosecutor of the Russian Federation is entitled in exceptional cases to appoint to posts of prosecutors as subjects of the Russian Federation, prosecutors of towns, districts, equated to them prosecutors of specialized prosecutor's offices with the working experience in the legal speciality on executive positions of public authorities.

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

Pursuant to the article 41.6 of the Federal Law "On Prosecutor's Office of the Russian Federation", the following incentives" are used for exemplary execution by workers of their official duties, continuous and faultless service in agencies and institutions of the prosecutor's office, performance of tasks of particular importance and complicity:

- expression of gratitude,
- awarding with a diploma,
- entering on the honors board, in book of honour,
- paying of a monetary bonus,
- awarding with a present,
- awarding with a valuable present,
- awarding with nominative weapon,
- pre-term conferring of class ranking or conferring of class ranking higher one rank than the next one,
- awarding with a breastplate "For Faultless Service in the Prosecutor's Office of the Russian Federation",
- awarding with a breastplate "Honorable Worker of the Prosecutor's Office of the Russian Federation " with simultaneous awarding with a diploma of the General prosecutor of the Russian Federation.

Especially distinguished workers can be recommended for conferring of a honorary title "Honored Lawyer of the Russian Federation" and awarding with public awards of the Russian Federation.

The General prosecutor of the Russian Federation can establish other types of incentives.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

Question 106. What procedures and criteria are used in the course of encouraging the prosecutors?

Criteria in the course of encouraging of prosecutors - the complexity and tension of work with consideration of the volume and results of work.

Procedures and criteria of material encouragement of prosecutors are:

- establishing for prosecutors of differentiated additional payment for complexity, tension, and high achievements in service,
- payment of bonuses following results of the work per quarter, year (for the purpose of strengthening of the material interest of prosecutors in conscientious flifillment of their official duties, improvement of the work

quality and the level of responsibility for its execution),

- material incentives (for model fulfillment by prosecutors of official duties, continuous and faultless service in agencies and institutions of the prosecutor's office, fulfillment of tasks of particular importance and complexity, and for holidays, professional holidays, in other cases).

107) Is the mandate given for an undetermined period for judges ?

Yes

No

Are there exceptions? Please specify:

A federal court judge, except for judges of the Russian Constitutional Court, the Russian Supreme Court, the Russian Supreme Arbitration Court, shall be appointed for 3 years for the first time, and thereafter up to the age of 70, without any tenure limitations.

108) Is the mandate given for an undetermined period for prosecutors?

Yes

No

Are there exceptions? Please specify:

Questions 108,109. Powers of prosecutors are permanent (until the age limit), except powers of the General prosecutor of the Russian Federation (5 years).

A person can be repeatedly appointed to the post of a prosecutor observing requirements of the Federal Law "On Prosecutor's Office of the Russian Federation"

109) If no, what is the length of the mandate?

Is it renewable?

for judges

yes, please specify the length

Please see the answer to question 107.

for prosecutors

yes, please specify the length

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 and the main reforms that have been implemented over the last two years

5. 1. 2. Training

110) Nature of the training of judges.

Is it compulsory?

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
General in-service training	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for specialised judicial functions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

112) Nature of the training of prosecutors. Is it compulsory?

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

Question 112.

The initial training is compulsory (high-education for jurist). Other kinds of training are provided on voluntary basis

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	14967	12261
Judge of the Supreme Court or the Highest Appellate Court	35220	30642
Public prosecutor at the beginning of his/her career	9523	8284
Public prosecutor of the Supreme Court or the Highest Appellate Instance	24982	21734

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Special pension	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input checked="" type="checkbox"/>	<input type="checkbox"/>

116) If other financial benefit, please specify:

Judges have the following additional benefits: reduced taxation, specific pension calculation procedure, dwelling, and other financial benefits.

Federal Law of 26.06.1992 no. 3132-1 on Status of Judges in the Russian Federation provides for the possibility for the judges to receive on a monthly basis non-taxable life payment amounting to 80 percent of the salary of a judge.

The judges requiring housing improvement are provided in accordance with the Russian legislation with a dwelling, having regard to a judge's right to an additional living area, equaling to 20 square meters or as a separate room purchased by the federal budget means allocated to that end.

The Russian Law on the Status of Judges in the Russian Federation provides for the following safeguards for the judges' social protection:

Payment for the traveling to and from the holiday place

Compensation for the expenses for moving to another place in case of abolition (restructuring) of a court

Provision of travel cards for all the municipal transport

Provision of a service uniform and judge's gown

Insurance of property, life and health

Payment on a monthly basis of indemnification for injuries or other damage to a judge's health excluding his further involvement in the judicial activities

Compensation for the expenses incidental to the tenancy (subtenancy) of dwellings prior to a dwelling being provided in line with law for permanent residence

Medical assistance, including provision of drugs and sanatorium-and-spa treatment by means of the federal budget.

Question 115. A prosecutor has no right to preferential tax treatment. At the same time, a privilege is established reducing tax costs of the prosecutor's office agencies for payment of the consolidated social tax, calculated for the wages fund of prosecutors: instead of 26,2% in general order, the specified tax is paid at the rate 6,2% (article 241 of the Tax Code of the Russian Federation).

A particular calculation of the pension is established for prosecutors under the article 44 of the Federal Law "On Prosecutor's Office of the Russian Federation".

Prosecutors are provided with residential premises at the expense of the federal budget means (article 44 of the Federal Law "On Prosecutor's Office of the Russian Federation").

Question 116. In accordance with Articles 44, 45 of the Federal Law "On Prosecutor's Office of the Russian Federation":

- payment of the return fare within the territory of the Russian Federation to the place of the annual paid leave,
- provision for official purposes with travel documents for all types of public transport (except taxi) within city, suburban, and local traffic,
- burial of prosecutors who died executing their official duties, at the expense of the federal budget,

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-mandatory public personal insurance for the amount equal to 180-divisible size of the average monthly allowance of a prosecutor,

-compensation of damage caused by" destruction or damage of property, owned by the prosecutor or members of their families, in connection with their official activity, in full volume, including the loss of profit,

- execution of medical care (including provision with medicines) at the expense of the federal budget means.

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:

Creative activity

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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120) If other function, please specify:

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

Yes

No

If yes, please specify:

Please indicate the source for the question 114

Information of the Judicial Department at the Supreme Court of the Russian Federation.

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

As regards judges, the President of a relevant or superior court, an agency of the community of judges.

As regards prosecutors, a superior prosecutor.

Question 122. The legislation does not provide initiating of disciplinary procedure by the public authority, same as his "disciplinary rights" with regard to prosecutors, such rights are possessed by the head of the prosecutor's office agency (employer).

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

As regards judges, the qualification chamber of Judges, the Russian Constitutional Court.

As regards prosecutors, a superior prosecutor.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	530	

1. Breach of professional ethics		
2. Criminal offence		
3. Professional inadequacy		
4. Other	22	

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)		
1. Reprimand	337	48
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		920
7. Transfer to another geographical (court) location		
8. Dismissal	72	126
9. Other		49

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 and the main reforms that have been implemented over the last two years

Period Preterm discontinuation of powers Warning

2005 81 305

2006 67 289

2007 72 337

other - - 49 procuracy workers put on trial.

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

Approximately 63,000.

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

- Yes
 No

128) Number of legal advisors?

No statistical data available.

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

The lawyer profession is organized at the federal level. The advocacy is governed by Federal Law of 31.05.2002 no. 63-FZ on Advocacy and the Bar in the Russian

Federation.

Please indicate the source for the question 126

The Federal Registration Service's report statistics no. 14-1 "Information on the Bar in the Russian Federation" approved by Order of the Minister of Justice of the Russian Federation of 10.01.2007 no. 3.

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
- No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
- No

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

- Yes
- No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
- No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

The All-Russian Meeting of the Bar of the Federal Chamber of the Russian Federation.

138) Is it possible to complain about :

- the performance of lawyers?
- the amount of fees?

Please specify:

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

The President of the Bar can initiate disciplinary proceedings. The qualification commission of the Bar in a Russian region considers complaints against lawyers.

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				total: 4,672

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number					

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

No differentiation of the grounds for initiation of disciplinary proceedings is provided.

2401 lawyers were brought to disciplinary responsibility in total, of whom 462 were deprived of the lawyer status.

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

Yes

No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

employment dismissals?

yes,
number:

criminal cases?

yes,
number:

Please indicate the source for the question 145

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

24586

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

Federal Service on Bailiffs of the Russian Federation and its territorial bodies.

Question 148. Officials are public civil agents for mandatory execution of judgments upon claims against the treasury of the Russian Federation.

Question 147. The Ministry of Finance of the Russian Federation is charged with execution of court acts upon claims against the Russian Federation on compensation of damage caused to an individual or a legal entity because of illegal actions (inaction) of federal public authorities or officials of these authorities.

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

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

Staff list of the territorial bodies of the Federal Bailiff Service.

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

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

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

Supervision – prosecution service

Monitoring – the Russian Ministry of Justice and the Chief Bailiff of the Russian Federation.

Question 154.

The court, the Ministry of Justice of the Russian Federation, the prosecutor are entitled to supervise and control for the enforcement proceedings (as regards the court and the procurator these institutions are to be challenged the actions (inactivity) of the enforcement agent to).

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- Yes
 No

If yes, please specify:

The Federal Law on Enforcement Proceedings.

Question 158. Yes, the Federal Law of December 27, 2005 No. 197-FZ On Amending the Budgetary Code of the Russian Federation, Civil Procedural Code of the Russian Federation, the Arbitrary Procedural Code of the Russian Federation and the Federal Law On Enforcement Procedure, was adopted concerning the mandatory execution of court judgments.

159) Is there a system measuring the timeframes of the enforcement of decisions:

- for civil cases?
 for administrative cases?

160) 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:

- between 1 and 5 days
 between 6 and 10 days
 between 11 and 30 days
 more

Please specify:

A copy of the enforcement proceedings decision shall be provided to the parties of the enforcement proceedings no later than upon the day following the adoption of the decision.

161) Disciplinary proceedings initiated against enforcement agents:

- | | |
|-------------------------------|---|
| Breach of professional ethics | <input checked="" type="checkbox"/> yes,
number: |
| Professional inadequacy | <input checked="" type="checkbox"/> yes,
number: |
| Criminal offence | <input checked="" type="checkbox"/> yes,
number: |
| Other | <input checked="" type="checkbox"/> yes,
number: |

162) Sanctions pronounced against enforcement agents:

- | | |
|------------|---|
| Reprimand | <input checked="" type="checkbox"/> yes,
number: |
| Suspension | <input checked="" type="checkbox"/> yes,
number: |
| Dismissal | <input checked="" type="checkbox"/> yes,
number: |
| Fine | <input checked="" type="checkbox"/> yes,
number: |
| Other | <input checked="" type="checkbox"/> yes,
number: |

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 157 and 160

Court case-law review, Federal Law on Enforcement Proceedings of 02.10.2007 no. 229-FZ, Federal Law on Bailiffs of 21.07.1997 no. 118-FZ.

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

- Yes
 No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

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

- Yes
 No

If yes, please specify:

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | | |
|---|--|-------|
| a private one (without control from public authorities)? | <input checked="" type="checkbox"/> yes,
number: | |
| a status of private worker ruled by the public authorities? | <input checked="" type="checkbox"/> yes,
number: | 7,226 |
| a public one? | <input checked="" type="checkbox"/> yes,
number: | 139 |
| other? | <input checked="" type="checkbox"/> yes,
number and
specify: | |

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

The notaries' duties include as follows:

- to certify deals,
- to issue ownership certificates for a share in the common property of spouses,
- to ban or lift a ban put on alienation of the property,
- to certify that a copy of a document or an extract therefrom is true and correct to the best of their knowledge,
- to certify the authenticity of a signature on a document,
- to certify that a translation of a document from one language into another is true and correct to the best of their knowledge,
- to certify that a national is alive,
- to certify a national's location in a particular place,
- to certify the identity of a national and the person on a picture,
- to certify the time of submission of documents,
- to transfer individuals or legal entities' applications to other individuals and legal entities,
- to accept pecuniary means and securities for deposit,
- to make executive endorsement,
- to effect bill of exchange protests,
- to present a check for payment and to certify non-payment of checks,
- to accept documents for keeping,
- to make captain's protests,
- to ensure evidence,
- to issue certificates for the right of succession,
- to make efforts to safeguard the inherited property and to manage it,

- to assist individuals and legal entities in their exercise of their rights and protection of legitimate interests, to explain them their rights and duties, to notify them of the consequences of the notarial activities,
- to carry out other actions in line with law.

Please indicate the source for the question 166

Information of the Federal Registration Service.

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

- Yes
 No

169) Which authority is responsible for the supervision and the control of the notaries:

- a professional body?
 the judge?
 the Ministry of Justice?
 the prosecutor?
 other?

Please specify:

The control of the private notaries shall be effected by the notary chambers in Russian regions, whereas of the public ones – the Federal Registration Service.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.