



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

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

142008800

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

	Amount
State level	182783170545
Regional / entity level	150940800193

3) Per capita GDP (in €)

7085

4) Average gross annual salary (in €)

5004

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

41

Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

The information for questions 1 to 4 was submitted by the Federal Service of State Statistics of the Russian Federation (official Web site is www.gks.ru)

The information for question 4 was submitted by the Central Bank of the Russian Federation (the official Web site is www.cbr.ru).

The exchange rate on 1 January 2009 was 41.42.

1. 2. Budgetary data concerning judicial system

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

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

2406286197

7) Please specify

2330389234

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 or indicate NA

(not available) in case that the information cannot be supplied**Please provide comments to explain the data provided under question 8:**

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	1445608805
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	41507668
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	120455439
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	145313583
Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	216541512
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	2825805
Other (please specify):	<input checked="" type="checkbox"/> Yes	449122600

Comment :

Budget allocated to court buildings: this value includes the Surpeme Court of the Russian Federation.

Budget allocated to investment in new court buildings: this value does not include the Supreme Court of the Russian Federation.

Answers to questions 6 and 8 can differt insignificantly due to the necessity to convert the values from russian Roubles to Euros and to round the resultings values.

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:

The annual public budget of the courts has increased. This fact is conditional on increasing of the judges' salaries, implementation of the federal target programme "The Evaluation of the Judicial System of Russia" on 2007-2011.

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:

There are the following exceptions:

- a claimant can be exempted from a court tax (state due) under Article 89 of the Civil Procedure Code of the Russian Federation and Article 333.36 of the Tax Code of the Russian Federation,
- an interested party can be granted the right to pay by instalments or a delay under Article 90 of the Civil Procedure Code of the Russian Federation and Article 333.41 of the Tax Code of the Russian Federation.

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

NA

12) Total annual approved budget allocated to the whole justice system (in €)**Please provide information concerning the budgetary elements that included in the whole justice system budget:**. Amount 2406286197

Comment :

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

13) Total annual approved public budget allocated to legal aid (in €)**Please provide comments to explain the figure provided under question 13:**. Amount 53543496

Comment :

This sum was allocated in 2008 only to cover legal aid in the form of participation of lawyers in criminal proceedings.

14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NA	NA

Comment :

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 €)****Please provide comments to explain the figure provided under question 16:**. Amount 846018639

Comment :

This value does not include the budget of the Investigation Committee under the Prosecution Service of the Russian Federation (this specialized body was introduced within the prosecution system of the Russian Federation on 7 September 2007, primarily, for the purpose of investigating certain types of

crimes).

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	No	No	No	No
Other ministry	Yes	No	Yes	No
Parliament	No	Yes	No	Yes
Supreme Court	Yes	No	Yes	Yes
Judicial Council	Yes	No	Yes	No
Courts	No	No	No	No
Inspection body	No	No	No	Yes
Other	Yes	No	No	Yes

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

According to Article 171 of the Budgetary Code of the Russian Federation preparation of the project of the budget is an exceptional power of the Government of the Russian Federation. Directly, the preparation of the budget is carried out by the Ministry of Finance of the Russian Federation, the finance authorities of the subjects of the Russian Federation and the finance authorities of the local government authorities.

At that, according to article 172 of the Budgetary Code of the Russian Federation the Ministry of Finance of the Russian Federation is empowered to request the relevant state authorities for necessary information in order to provide for timely and qualitative preparation of the project of the budget.

Following Article 192 of the Budgetary Code of the Russian Federation the Government of the Russian Federation introduces the project of draft law to the State Duma of the Federal Assembly of the Russian Federation for examination and adoption.

The Federal Assembly of the Russian Federation (the Parliament) adopts the federal law on the budget and introduces it to the President of the Russian Federation for signing.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.

The information for answering the questions 6-16 was submitted by the Ministry of Finance of the Russian Federation and the Judicial Department at the Supreme Court of the Russian Federation.

2. Access to Justice and to all courts

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	Yes	Yes
Other	Yes	Yes

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

According to points 2, 3 and 4 of part 1 of Article 26 of the Federal Law of the Russian Federation of 31 May 2002 no. 63-Φ3 "On Advocatory Action and Advocacy in the Russian Federation", legal aid should be granted free of charge for citizens of the Russian Federation, which have an average per capita less than the living-wage amount established at the regional level in the following cases: 1) all issues, except ones related to entrepreneurship, – for veterans of WW2; 2) drawing up a written request for pension and allowance; 3) all issues related to rehabilitation – for victims of political repression. According to part 3 of the named Article, legal aid should be granted free of charge in all cases for under age persons, detained in institutions of child neglect and delinquency prevention.

Legal aid in criminal cases concerns other issues. Thus, a lawyer represents the interests of a defendant at the stage of preliminary investigation. According to part 3 Article 49 of the Criminal Procedure Code of the Russian Federation, a lawyer shall be admitted to participate in a criminal case:

- 1) from the moment of rendering the ruling to prosecute a person as a defendant, except for the instances envisaged by subparagraphs 2 – 5 of this paragraph;
- 2) from the moment of the initiation of criminal case– in the instances envisaged by Articles 223 and 318 of the Code;
- 3) from the moment of the actual apprehension of a person suspected of having committed an offense: a) in the instances envisaged by Articles 91 and 92 of the Code;
- 4) when the person is subjected to a measure of restraint in the form of custody under Article 100 of the Code;
- 5) from the moment of commencement of carrying out of other measures of procedural compulsion or other procedural actions that affect the rights and freedoms of a person suspected of having committed an offense.

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

Yes

No

If yes, please specify:

Legal aid foresees the covering or the exoneration of court fees in civil cases. It is not the case in criminal cases.

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

NAP

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	1408544
in criminal cases	NA
Other than criminal cases	NA

Comment :

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:

	Yes	Amount in €
for criminal cases		
for other than criminal cases?	yes	

Comment :

The amount is the minimum living wage established at the regional level (in each of the subjects of the Russian Federation).

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)?

NAP

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:

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

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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 answering the questions 24 and 26

The information for answering the question 24 was submitted by the Judicial Department at the Supreme Court of the Russian Federation.

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:

legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):

Yes

www.rg.ru (website of the "Rossiyskaya Gazeta" newspaper - the official source for the publication of legal texts in the Russian Fédération)
 www.scli.ru (website of "Scientific Centre for Legal Information" - an institution of the Ministry of Justice of the Russian Fédération that, among other things, maintains an online legal database)
 www.kremlin.ru (website of the President of the Russian Fédération features, among other things, an online legal database)
 www.consultant.ru ("Consultant Plus" online legal database)
 www.garant.ru ("Garant" online legal

case-law of the higher court/s? Internet address(es): Yes

database)
www.consultant.ru
www.garant.ru
www.ksrf.ru (the
Constitutional Court of
the Russian
Fédération)
www.supcourt.ru (the
Supreme Court of the
Russian Fédération)
www.arbitr.ru (the
Supreme Commercial
Court of the Russian
Fédération)

other documents (for examples forms)? Internet address(es): Yes

www.consultant.ru,
www.garant.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 many public and free-of-charge hot lines for victims of crimes (general and specialized: for victims of rape, victims of domestic violence, victims of fraud with bank cards, etc.).

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	Yes	No	Yes	No
Victims of terrorism	Yes	No	Yes	No
Children/Witnesses/Victims	Yes	Yes	Yes	No
Victims of domestic violence	Yes	No	Yes	No
Ethnic minorities	Yes	No	Yes	No
Disabled persons	Yes	No	Yes	No
Juvenile offenders	Yes	No	Yes	No
Other	Yes	No	Yes	No

Comment :

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?
 a private fund?

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

A compensation is to be awarded for any damage caused by a crime irrespective of its gravity.

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:

According to Federal Law of 17 January 1992 no. 2202-1 "On the procuracy of the Russian Federation" (a copy is enclosed) the procuracy of the Russian Federation carries out general supervision on of the observe Constitution of the Russian Federation and the legislation of the Russian Federation and special supervision on a number of State bodies of the Russian Federation, including the supervision on observance of the rights and liberties of human and citizen, and it must be stressed that participation in court proceedings is a part of the procuracy functions, in this respect the matter is procurator, not prosecutor.

As it was mentioned the procurator participates in court proceedings: civil and criminal. And at that only in criminal proceedings exactly at the stage of the court proceedings procurator gains the status of prosecutor.

As regards the supervision on observance of the rights and liberties of human and citizen, according to the Chapter 2 Section III of the mentioned above Federal Law, procurator has wide powers during supervise of the concerned kind, procurator examines the written requests, applications and other complaints of the Russian Federation citizens.

At that according to the practice of implementation of the mentioned Federal Law in case of lodging an application with the procuracy of the Russian Federation a procurator examines the material and if the submitted material is not enough he/she can summon the complainant.

Then, the procuracy has special days of reception hours for citizens who allege that a violation has been committed in his respect. In case of personal 'visit' of a citizen a procurator takes oral statements and organizes supervision.

At any case final decision must be reasonable and comprehensive, otherwise, it definitely will be quashed by a higher prosecutor.

As for wide powers, a procurator having examined an application is entitled to open administrative proceedings, initiate criminal case or even represent claimant (in particular circumstances) in civil proceedings.

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

- Yes
 No

If yes, please specify:

According to point 18 of part 1 of Article 42 of the Criminal Procedure Code of the Russian Federation, a victim have the right to bring complaints against actions (or inaction) and decisions of the inquiry officer, investigator, procurator, and court. According to Article 125 of the Criminal Procedure Code of the Russian Federation, a ruling on discontinue a case may be appealed against.

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):

National, regional and local fund.

An amount of compensation depends on the circumstances of each case.

According to Article 53 of the Constitution of the Russian Federation, any person shall be entitled to compensation by the state for damage caused by unlawful actions (inaction) of state authorities or their officials.

This provision find its reflection in Article 1069 of the Civil Code of the Russian Federation, according to which damage caused to an individual or to a legal person as a result of unlawful actions (inaction) of state authorities or their officials shall be compensated at the expense of the respective treasury.

By virtue of Article 151 of the Civil Code of the Russian Federation , non-pecuniary damage caused to a citizen shall be also subject to compensation.

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:

As regards the courts of general jurisdiction of the Russian Federation, the federal target programme "The Evaluation of the Judicial System of Russia" on 2007-2011 provides for the following target indicators:

- the percentage of citizens who trust the courts,
- the percentage of citizens who do not trust the courts,
- the percentage of citizens who consider that the information concerning the courts' functioning which is available for them is insufficient,
- the percentage of citizens who consider the court's functioning to be inadequate,
- the percentage of citizens who mention the inattention, thoughtlessness and roughness of the judges and the courts' stuff,
- the number of cases examined in violation of procedural terms.

The Ministry of Economic Development of the Russian Federation, as a mail coordinator of implementation of the mentioned federal target programme, carries out the annual monitoring, including achievement of the named target indicators.

The Judicial Department at the Supreme Court of the Russian Federation, every three months, reports on the achievement of the named target indicators.

As regards the commercial courts of the Russian Federation, for the purposes of implementation of the federal target programme "The Evaluation of the Judicial System of Russia" on 2007-2011, the commercial courts of the Russian Federation periodically organize public opinion polls of the users of the commercial courts of the Russian Federation, including visitors. Collection of information is carried out using questionnaire method. The questionnaires are published at the official Web sites of the commercial courts of the Russian Federation and also they are placed in the information kiosks at the courts' buildings.

In addition to the stated above, it should be noted that for the purposes of measurement of the public trust and satisfaction with the functioning of the judicial system of Russia, the questionnaires are carried out by academic institutions (i.e. the Institute of Sociology at the Russian Academy of Sciences), specialized companies (i.e. the All-Russian Centre of Examination of Public Opinion), different public associations. The results of the questioning are published in the mass communication media.

42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	Yes	Yes
Surveys at court level	Yes	Yes

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

- Yes
- No

44) If yes, please specify:

Please give elements of information concerning the efficiency of this complaint procedure:

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Court concerned	Yes	Yes
Higher court	Yes	Yes
Ministry of Justice	Yes	Yes
High Council of the Judiciary	Yes	Yes
Other external organisations (e.g. Ombudsman)	Yes	Yes

Comment :

In addition to the stated, an individual is entiteled to lodge a complaint with a higher official, prosecution bodies of the Russian Federation, the Ombudsman of the Russian Federation.

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. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.

	Total number
First instance courts of general jurisdiction	10082
Specialised first instance Courts (legal entities)	82
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	NA

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

The courts of general jurisdiction of the Russian Federation (including military courts) are:

- the Supreme Court of the Russian Federation (1)
- the supreme courts of the constituent entities of the Russian Federation and circuit (naval) courts - 97,
- district courts and garrison military courts - 2549,
- the justices of the peace - 7435.

For the purposes of the present questionnaire, the specialized courts are the commercial courts. There is the following amount of the commercial courts in the Russian Federation:

- the Supreme Commercial Court of the Russian Federation
- the first instance courts - 81,
- the appeal instance courts - 20.

The system of commercial courts also includes 20 appellate instance courts and 10 cassation instance courts.

47) Is there a change in the structure in 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:

48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
a debt collection for small claims	7554
a dismissal	2549
a robbery	10081

Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):

Please indicate the sources for answering the questions 45 and 48:

The information was submitted by the Supreme Commercial Court of the Russian Federation, the Supreme Court of the Russia Federation and the Judicial Department at the Supreme Court of the Russia Federation.

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)

Please provide comments to explain the answer under question 49:

Number . 34390

Comment :

The mentioned amount of judges is:

- 30607 judges of the courts of general jurisdiction,
- 111 judges of the Supreme Court of the Russian Federation,
- 3618 judges of the commercial courts and
- 54 judges of the Supreme Commercial Court of the Russian Federation.

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	NAP

51) Please provide comments to explain the answer under question 50:

There are no judges sitting in courts on an occasional basis and who are paid as such in the Russian Federation.

52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).

Please provide comments to explain the answer under question 52:

	Yes	Number

Do you have non-professional judges?	NAP
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Comment :

There is no in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs.

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

Yes

No

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

For criminal cases initiated under the commission of crimes, prohibited by Articles 105 (2) (aggravated murder), 126 (3) (aggravated abduction), 131 (3) (aggravated rape), 205 (terroristic act), 206 (2 and 3) (aggravated hijacking), 208 (1) (organization of unlawful armed unit or participation in it), 209 - 211 (banditism, organization of criminal community, theft of aeral, water or railway vehicle), 212 (1) (mass disturbances), 227 (piracy), 263 (3) (aggravated violation of the traffic rules), 267 (3), 269 (3), 275 - 279 (treason, espionage activities, armed mutiny), 281 (sabotage), 290 (3 and 4), 294 - 302, 303 (3 and 4), 304, 305, 317 (the crimes against justice), 321 (3), 322 (2) (crimes against administrative order), 353 - 358, 359 (1 and 2) и 360 (crimes against the peace and security of humanity) 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?

19914

55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.

Please provide comments to explain the answer under question 55:

Number . 99109

Comment :

85174 - non-judge staff of the courts of general jurisdiction,
2644 - administrators of the courts of general jurisdiction,
956 - non-judge staff of the Supreme Court of the Russian Federation,
9971 - non-judge staff of the commercial courts,
364 - non-judge staff of the Supreme Commercial Court of the Russian Federation.

56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

- non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

- 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) Yes 6919

such as registrars

- | | | |
|---|---|------|
| - 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 | 4226 |
| - technical staff | <input checked="" type="checkbox"/> Yes | 1609 |

Comment :

The amounts given consist in:

1 - non-judge staff whose task is to assist the judges:

- 6213 in commercial courts,
- 59 in the Supreme Commercial Court of the Russian Federation,
- 647 in the Supreme Court of the Russian Federation,

2 - staff in charge of different administrative tasks as well as of the management of the courts:

- 3758 in commercial courts,
- 305 in the Supreme Commercial Court of the Russian Federation,
- 163 in the Supreme Court of the Russian Federation,

3 - technical staff:

- 1410 in commercial courts,
- 53 in the Supreme Commercial Court of the Russian Federation,
- 146 in the Supreme Court of the Russian Federation.

57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:

3. 1. 3. Prosecutors

58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Number	<input checked="" type="checkbox"/> .	30315
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Comment :

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

Yes

No

If yes, please specify:

60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).

Please provide comments to explain the answer under question 60:

Number



12259

Comment :

3. 1. 4. Court budget and new technologies

61) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	No	Yes	No
Court administrative director	Yes	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	Yes	Yes

62) You can indicate below:

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

In addition:

Preparation of the budget - the First Deputy of the President of the Supreme Court of the Russian Federation, the Judicial Department at the Supreme Court of the Russian Federation, the Supreme Commercial Court of the Russian Federation, the Judicial Council of the Russian Federation and judicial councils in the subjects of the Russian Federation.

Arbitration and allocation - the First Deputy of the President of the Supreme Court of the Russian Federation, the Judicial Department at the Supreme Court of the Russian Federation, the Supreme Commercial Court of the Russian Federation, the Judicial Council of the Russian Federation and judicial councils in the subjects of the Russian Federation.

Day to day management of the budget - the First Deputy of the President of the Supreme Court of the Russian Federation, the Supreme Commercial Court of the Russian Federation, the Judicial Department at the Supreme Court of the Russian Federation, the financial departments of the courts.

Evaluation and control of the use of the budget - the First Deputy of the President of the Supreme Court of the Russian Federation, the Judicial Department at the Supreme Court of the Russian Federation, the Supreme Commercial Court of the Russian Federation.

63) 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	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No
Electronic files	Yes	No	No	No
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

64) 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	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

65) 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	Yes	No	No	No
Special Website	Yes	No	No	No
Other electronic communication facilities	Yes	No	No	No

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

- Yes
 No

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

The Judicial Department of the Russian Federation - for courts of general jurisdiction, the Department of the Supreme Court of the Russian Federation - for the Supreme Court of the Russian Federation, and the Department of the Supreme Commercial Court of the Russian Federation - for commercial courts.

You can indicate below:

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

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and evaluation

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

- Yes
 No

68) 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:

The number of quashed and amended judicial decisions.

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

- Yes
- No

Please specify:

With the purpose of the growth of efficiency of commercial courts' activities in the Russian Federation the monitoring of the results of their activities is being systematically conducted. For example, by Federal Constitutional Law of 28 April 1995 № 1-ФКЗ On Commercial Courts in the Russian Federation and by the Regulation of commercial courts, which is approved by the Ruling of the Plenum of the Supreme Commercial Court of the Russian Federation of 5 June 1996 № 7, commercial courts are conducted analysis of judicial statistics. The collection and editing of statistics are centralized in the Supreme Commercial Court of the Russian Federation.

70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?

- Yes
- No

71) Please select the 4 main performance and quality indicators that is 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
- enforcement of penal decisions
- satisfaction of employees of the courts
- satisfaction of clients (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

The number of quashed and amended judicial decisions.

When fulfillment of generalizations, which are connected with application of criteria of estimation of commercial courts' work, the following criteria, worked out in the international practice, are taking into account.

1. Independence of courts.
2. The system of courts' governance (administrative abilities of courts' heads and etc).
3. The judicial policy (the system of planning of courts' development).
4. The resources of judicial system (human, material, financial and informational).
5. The quality of legal procedure and efficiency of enforcement of courts' decisions.
6. Transparency and availability of judicial protection.
7. The level of trust to judicial system.

The indicated list of criteria is not exhaustive. In relation to this list the work for improvement of the mentioned criteria is being conducted.

72) Are there performance targets defined for individual judges (if no go to question 74) ?

- 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

If other, please specify:

The Supreme Commercial Court of the Russian Federation and the Supreme Court of the Russian Federation.

74) Are there performance targets defined at the level of the courts (if no go to question 77)?

- Yes
 No

75) 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

If other, please specify:

The president of the court.

76) Please specify the main targets applied

the specified above and :

1. Legality.
2. Access to justice.
3. Terms of consideration of case.
4. Other.

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

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

78) 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:

The specified above.

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

- Yes
- No

80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

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

- Yes
- No

If yes, please specify:

The length of proceedings: the date of lodging a complaint with a court or receiving a case by a court, the date of receiving the case by a judge, etc.

82) 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):

83) 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 in this chapter
 the characteristics of your court monitoring and evaluation system

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

84) 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)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).

NA

85) 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):

4 complaints from 44 were
found reasonable
(commercial courts).

86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	1	NA	0	0
Civil proceedings - Article 6§1 (non-execution)	8	NA	3	0
Criminal proceedings - Article 6§1 (duration)	0	NA	3	0

4. 2. Timeframes of proceedings

4. 2. 1. General information

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

civil cases?

criminal cases?

administrative cases?

Please specify:

In civil cases - family cases.

In criminal cases - the questions of application of the measure of restraint in the form of detention, sanctions for the operative-search activities involving restriction of human rights and freedoms.

88) Are there simplified procedures for:

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

Please specify (for example if you have introduced a new law on simplified procedures):

89) 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:

The mentioned questions are to be solved on the requests of the lawyers and the interested parties.

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

90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	515000	16036000	16135000	417000
1 Civil (and commercial) litigious cases*	489000	10164000	10263000	391000
2 Civil (and commercial) non-litigious cases*	26000	458000	458000	26000
3 Enforcement cases	NA	NA	22000	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	5415000	5415000	NA
7 Other				
Total criminal cases (8+9)	156000	1124000	1166000	114000
8 Criminal cases (severe criminal offences)	48000	347000	360000	35000
9 Misdemeanour and / or minor offences cases	108000	776000	805000	78000

91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):

The table concerns cases examined by the courts of general jurisdiction.

As regards commercial courts, please find enclosed the following information:

Incoming cases - 1 078 481 (67 685 actions were returned to the claimants)

Resolved cases - 970 152.

92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 91.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	32000	872000	845000	45000
1 Civil (and commercial) litigious cases*	18000	275000	249000	17000
2 Civil (and commercial) non-litigious cases*	NA	267	267000	NA
3 Enforcement cases	0	7000	7000	0
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	14000	330000	329000	15000
7 Other				
Total criminal cases (8+9)	14000	355000	329000	13000
8 Criminal cases (Severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour and/or minor offences cases	NA	NA	NA	NA

Comment :

The table concerns cases examined by the courts of general jurisdiction.

As regards commercial courts, please find enclosed the following information:

Incoming cases (appeal and cassational instance courts) - 146 591 + 95 999

Resolved cases (appeal and cassational instance courts) - 127 627 + 84 529

93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

*** Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**** if applicable**

Please check the consistency of data as mentioned under question 88.

Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08

Total of civil, commercial and administrative law cases* (litigious and non-litigious)	9000/1000	258000/10000	153000/56000	6000/500
1 Civil (and commercial) litigious cases*	9000/1000	258000/10000	153000/10000	6000/500
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	8000	81000	88000	1000
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	NA	NA	45000	NA
7 Other				
Total criminal cases (8+9)	16000/2000	335000/25000	245000/25000	11000/1000
8 Criminal cases (severe criminal offences)	NA	NA	NA	NA
9 Misdemeanour cases (minor offences)	NA	NA	NA	NA

Comment :

The first amount is the number of cases examined by a judge of a supervisory review instance court in order to establish whether the matter is to be referred to the supervisory review instance court or not and the second amount is the number of cases referred to the supervisory review instance court and examined.

The table concerns cases examined by the courts of general jurisdiction.

As regards commercial courts, please find enclosed the following information:

Incoming cases - 21023

Resolved cases - 17 334/324

94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	50000	562000	565000	47000
Employment dismissal cases*	4000	26000	26000	3000
Robbery cases	52000	426000	441000	38000
Intentional homicide	5000	21000	22000	4000

95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 92:

	to appeal	than 3 years	length)	length)	(average total length)
Litigious divorce cases*	NA	NA	NA	NA	NA
Employment dismissal cases*	NA	NA	NA	NA	NA

Robbery cases	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA

Comment :

The average length of criminal proceeding - 2,2 months and civil proceedings - 2,2 months.

96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:

97) How is the length of proceedings calculated for the four case categories? Please give a description of the calculation method.

The average length of proceeding is calculated in the basis of the the amount of cases examined:

- to 1,5 month inclusive,
- over 1,5 month to 3 months inclusive,
- over 3 month to 1year inclusive,
- over 1 year to 2 years inclusive,
- over 2 years to 3 years inclusive,
- over 3 years to 4 years inclusive.

98) 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 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:

See the answer to the question 99.

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

- Yes
- No

Please specify:

According to Federal Law of 17 January 1992 no. 2202-1 "On the procuracy of the Russian Federation" (a copy is enclosed) the procuracy of the Russian Federation carries out general supervision on of the observe Constitution of the Russian Federation and the legislation of the Russian Federation and special supervision on a number of State bodies of the Russian Federation, including the supervision on observance of the rights and liberties of human and citizen, and it must be stressed that participation in court proceedings is a part of the procuracy functions, in this respect the matter is procurator, not prosecutor.

As it was mentioned the procurator participates in court proceedings: civil and criminal. And at that only in criminal proceedings exactly at the stage of the court proceedings procurator gains the status of prosecutor.

As regards the supervision on observance of the rights and liberties of human and citizen, according to the Chapter 2 Section III of the mentioned above Federal Law, procurator has wide powers during supervise of the concerned kind, procurator examines the written requests, applications and other complaints of the Russian Federation citizens.

At that according to the practice of implementation of the mentioned Federal Law in case of lodging an application with the procuracy of the Russian Federation a procurator examines the material and if the submitted material is not enough he/she can summon the complainant.

Then, the procuracy has special days of reception hours for citizens who allege that a violation has been committed in his respect. In case of personal 'visit' of a citizen a procurator takes oral statements and organizes supervision.

At any case final decision must be reasonable and comprehensive, otherwise, it definitely will be quashed by a higher prosecutor.

As for wide powers, a procurator having examined an application is entitled to open administrative proceedings, initiate criminal case or even represent claimant (in particular circumstances) in civil proceedings.

100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:

	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	188419	NAP	4087	NAP	NAP	168881

Comment :

In the Russian Federation criminal cases can not be discontinued on the ground that the offender could not be identified, they can only be suspended (15,451 criminal cases were suspended in 2008 because the offender could not be identified).

Discontinued due to the lack of an established offence or a specific legal situation (4,087 criminal cases):

- 1,003 cases discontinued for the lack of the event of a crime,
- 2,629 cases discontinued for the lack of corpus delicti,
- 443 cases discontinued due to the expiration of the period of limitation (in respect of an identified person),
- 12 cases discontinued under amnesty acts.

This value should also include the number of criminal cases discontinued due to the death of the accused; however this data is not available.

Criminal penalty can be imposed only by a court.

Data includes only those road traffic offences that resulted in the infliction of serious harm to the health of the victim(s) or the death of the victim(s). Other road traffic offences are punished as administrative offences (not crimes) and are not dealt by the prosecutors.

You can indicate below:

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

Please indicate the sources for answering the questions 90 to 95 and 100:

The information was submitted by the Judicial Department at the Supreme Court of the Russian Federation, the Supreme Commercial Court of the Russian Federation and the General Prosecutor's Office of the Russian Federation.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recruitment, nomination and promotion

101) 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

Other, please specify:

102) 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?

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

- Yes
- No

If no, please specify which authority is competent for the promotion of judges:

104) Which procedures and criteria are used for promoting judges? Please specify.

The criteria and order of appointment of a judge (including appointment of a judge of the Federal court to the position of the court's President, Deputy President or to the position to a higher court) are regulated by the provisions of the Russian Federation Law of 26 June 1992 № 3132-I On the Judges' Status in the Russian Federation.

The promotion of commercial courts' judges is carried out on the basis of competition. The competition is announced by the Russian Federation Supreme Qualified Board of Judges or by other qualified board of corresponding level.

If the Russian Federation Supreme Qualified Board of Judges takes a favorable decision in relation to the indicated judge the President of the Russian Federation with a glance of the opinion of the President of the Russian Federation Supreme Court appoints this judge to a higher position.

Also when deciding regarding promotion of a judge the following facts are taking into account: record of service as a judge; operational experience in the judicial system; presence of state and departmental awards; dignity "Honoured jurist of the Russian Federation"; academic degree in law and as well efficiency in consideration of judicial cases.

105) 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

Other, please specify:

106) 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?

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

Yes

No

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

108) Which procedures and criteria are used for promoting prosecutors? Please specify:

The conclusions of assessment commissions are important when considering the question of prosecutors' promotion. On the basis of assessment commissions' conclusions is formed the reserve of personnel, which is aimed at promotion of the most qualified and reliable prosecutors to higher positions. The reasons for including to the reserve of personnel are certain record of service in prosecutor's bodies, presence of necessary professional training, reports about previous work of a potential candidate, ability to a leading work; moral qualities. Also, the reliability of data about income and property of a candidate are being checked. The psychologist estimates personal feature of a candidate. The candidate is directed for 10 days to probation period to the department, where he will work after appointment. The results of this probation period and reports of heads of department are taken into account.

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

Yes

No

Are there exceptions? Please specify:

110) Is there a probation period for judges? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for judges	yes	3 years

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

- Yes
 No

Are there exceptions? Please specify:

112) Is there a probation period for prosecutors? If yes, how long is this period?

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	yes	3-12 months

113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?**Please specify the length**

- for judges? Yes
for prosecutors? Yes

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
 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**114) 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)
 In-service training for the use of computer facilities in the court)

115) Frequency of the training of judges

	Annual	Regular	Occasional
Initial training	Yes	Yes	Yes
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	Yes	No
In-service training for management functions of the court (e.g. court president)	Yes	No	No

In-service training for the use of computer facilities in the court	No	Yes	No
---	----	-----	----

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

- Initial training
- General in-service training
- Specialised in-service training (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)

117) Frequency of the training of prosecutors

	Annual	Regular	Occasional
Initial training	Yes	Yes	Yes
General in-service training	No	Yes	No
Specialised in-service training (specialised public prosecutor)	No	Yes	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	Yes	No
In-service training for the use of computer facilities in the public prosecution service)	No	Yes	No

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in 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 has been implemented over the last two years

5. 2. Practice of the profession

5. 2. 1. Salaries

118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 118:

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	13067	10705
Judge of the Supreme Court or the Highest	45011	39160

Appellate Court		
Public prosecutor at the beginning of his/her career	7200,68	6264,59
Public prosecutor of the Supreme Court or the Highest Appellate Instance	12239,61	10648,46

Comment :

119) Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	Yes	Yes
Special pension	Yes	Yes
Housing	Yes	Yes
Other financial benefit	Yes	Yes

120) If other financial benefit, please specify:

For fulfilment of their official duties, the public prosecutors are provided by travel documents for all types of vehicles (except taxi).

121) Can judges combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	No	No	No

122) If other function, please specify:

123) Can prosecutors combine their work with any of the following other functions ?

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	No	No	No

124) If other function, please specify:**125) 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 answering the question 118

The information was submitted by the Supreme Court of the Russian Federation, the Judicial Department at the Supreme Court of the Russian Federation and the General Prosecutor's Office of the Russian Federation.

5. 2. 2. Disciplinary procedures**126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

The qualifications panel of judges is authorized to initiate disciplinary proceedings against judges and the higher prosecutor - against the prosecutors.

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

The qualifications panel of judges has the disciplinary power on judges is and the higher prosecutor - on the prosecutors.

128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**Please provide comments to explain the answers to question 128:**

	Judges	Prosecutors
Total number (1+2+3+4)	371	2717
1. Breach of professional ethics		
2. Professional inadequacy		
3. Criminal offence		
4. Other		

Comment :

For gross and systematic violations of the requirements of the Procedural Codes of the Russian Federation and the Code of the Judges Ethics, entailed procrastination of examination of the cases, violations of the rights and freedoms of the participants of the court proceedings, etc, 56 judges were dismissed prematurely and 315 judges (including 9 judges of the commercial courts) were reprimanded.

As regards prosecutors, 12 prosecutors were dismissed for violations during serving and 22 - for

discredit actions.

129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 129

	Judges	Prosecutors
Total number (total 1 to 9)	371	2717
1. Reprimand	315	
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal	56	34
9. Other		

Comment :

Prosecutors: 2652 - disciplinary penalties, 27 - administrative punishments, 4 - charged.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).

62353

131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.

- Yes
 No
 Not applicable

132) Number of legal advisors. If there is no data available, please indicate it (NA)

NAP

133) Do lawyers have a monopoly of representation in (multiple options are possible):

- 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:

In criminal cases only a lawyer may be a counsel of a defendant and represent his interests during criminal proceedings (pretrial investigation, examination of the criminal case by the courts of first, appeal and cassational instances and by way of supervisory review). At that, along with a counsel, under the request of the defendant any other person (i.e. relative) may be allowed (by the court) to participate in the criminal proceedings and represent the defendant's interests.

As regards other than criminal cases, any person or organisation may represent a client before a court under power of attorney, issued by the client.

A prosecutor also may lodge a civil action on behalf of an individual, who has not a possibility to lodge an action by his/her self with a court, on behalf of unestablished group of individuals and represent the interests of the claimants before the court.

134) Is the lawyer profession organised through?

- a national bar?
 a regional bar?
 a local bar?

Please specify:

Please indicate the source for answering the questions 130 and 132:

The information was submitted by the Ministry of Justice of the Russian Federation and the Federal Chamber of Lawyers of the Russian Federation.

6. 1. 2. Training

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

Yes

No

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

Yes

No

137) 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

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

Yes

No

Please provide comments to explain the answer under question 138

139) Are lawyers fees

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

6. 2. Evaluation

6. 2. 1. Complaints and sanctions

140) Have quality standards been formulated for lawyers?

- Yes
- No

141) 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):

142) Is it possible to complain about

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

Please specify:

143) Which authority is responsible for disciplinary procedures

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

Please specify:

The relevant Bar associations is responsible for disciplinary procedures too.

144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 141:

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	2559		23	2536

Comment :

145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Please provide comments to explain the answers to question 145:

	Reprimand	Suspension	Removal	Fine	Other
Annual number	2559		473		2086

Comment :

You can indicate below:

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

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

146) Does the legal system provide for mediation procedures? If no go to question 151

Yes

No

147) If applicable, please specify, by type of cases, the organisation of mediation

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	No	Yes	Yes	Yes
Family law cases (ex. Divorce)	Yes	No	Yes	Yes	Yes
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	No	Yes	Yes	Yes
Criminal cases	No	No	No	Yes	Yes

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

Yes

No

If yes, please specify:

149) Number of accredited mediators. If there is no data available, please indicate it (NA)

150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

civil cases?	NA
family cases?	NA
administrative cases?	NAP
employment dismissals?	NA
criminal cases?	NA

Please indicate the source for answering the question 150:

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

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

There is a possibility to solve a matter by means of the intermediate courts.

You can indicate below:

- any useful comments for interpreting the data mentioned in this chapter
- 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

152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154

- Yes
 No

153) Number of enforcement agents. If there is no data available, please indicate it (NA).

24468

154) Are enforcement agents (multiple options are possible):

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

Please specify their status and powers:

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

- Yes
 No
 Not applicable

156) Is the profession of enforcement agent organised by?

- a national body?
 a regional body?
 a local body?
 not applicable

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

- Yes
 No
 Not applicable

158) Are enforcement fees:

- regulated by law?
- freely negotiated?
- not applicable

Please indicate the source for answering the question 153:

The information was submitted by the Federal Service of Bailiffs of the Russian Federation.

8. 1. 2. Supervision**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
- No
- Not applicable

160) 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:

The Federal Service of Bailiffs of the Russian Federation.

161) Have quality standards been formulated for enforcement agents?

- Yes
- No
- Not applicable

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

The legislator and the Federal Service of Bailiffs of the Russian Federation are responsible for formulating these quality standards .

162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?

- Yes
- No

if yes, please specify

163) Is there a system for monitoring the execution?

- Yes
 No

If yes, please specify

8. 1. 3. Complaints and sanctions**164) 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:

165) 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:

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

- for civil cases?
 for administrative cases?

167) 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 sits:

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

more

If more, please specify

168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of disciplinary proceedings	<input checked="" type="checkbox"/> number:	19752
for breach of professional ethics	<input checked="" type="checkbox"/> number:	317
for professional inadequacy	<input checked="" type="checkbox"/> yes, number:	626
for criminal offence	<input checked="" type="checkbox"/> number:	1071
Other	<input type="checkbox"/> number:	

169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.

Total number of sanctions	<input checked="" type="checkbox"/> number:	10066
Reprimand	<input type="checkbox"/> number:	
Suspension	<input checked="" type="checkbox"/> number:	24
Dismissal	<input checked="" type="checkbox"/> number:	522
Fine	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

You can indicate below:

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

Please indicate the source for answering the questions 167, 168 and 169:

The information submitted by the Federal Service of Bailiffs of the Russian Federation.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

170) 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):

The Federal Service of Execution of Sentences of the Russian Federaion.

171) 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 in this chapter**
- 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

172) Do you have notaries in your country? If no go to question 177

- Yes
 No

173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):

a private one (without control from public authorities)?		NAP
a status of private worker ruled by the public authorities?	<input checked="" type="checkbox"/>	number
a public one?	<input checked="" type="checkbox"/>	number
other?	<input type="checkbox"/>	number

Comment :

No information available as to the number of notaries in 2008

174) Do notaries have duties:

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

Please specify:

Please indicate the source for answering the question 173

9. 1. 2. Supervision

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

- Yes
 No

176) 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?
- not applicable

Please specify:

A professional body - Federal Notary Chamber of the Russian Federation.

You can indicate below:

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

10. Court interpreters

10. 1. function

10. 1. 1. Statute

177) Is the title of court interpreter protected?

- Yes
 No

178) Is the function of court interpreter regulated?

- Yes
 No

179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations

NA

180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?

- Yes
 No

If yes, please specify:

181) Are the courts responsible for the selection of court interpreters?

- Yes
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

11. Functioning of justice

11. 1. Foreseen reforms

11. 1. 1. Reforms

182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:

On 12 December 2008 Federal law no. 262-FZ "On the provision of access to information about the courts' activities" was adopted. It has been in force since 1 July 2010. The law is aimed at enhancing the transparency and accessibility of the courts to the public. In particular, the courts are obliged to publish all their judgments on their websites, with a few exceptions. Court users can obtain information about the progress of both their own cases and the cases of other applicants through Internet.

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

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

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

Therefore, the Russian Federation now provides for statutory mechanisms to compensate for all the four breaches listed in Question 40 of the questionnaire for the Report on European judicial systems.

The above mentioned law has been developed in close cooperation with the Committee of Ministers of the Council of Europe, and the case-law of the European Court of Human Rights has been taken into account.

The Federal target program "Development of the Russian judicial system" for 2007-2011 was approved by ruling of the Russian Federation Government of 21 September 2006 no. 583. Among other things it is aimed at enhancing the transparency and accessibility of the courts, raising the level of citizens' trust in the justice system, wider use of mediation and better utilization of IT means, which will lead to the improvement of the judicial protection of the rights and freedoms of the citizens and organisations. The implementation of this program continues. Currently under debate is the prolongation of the implementation of the program till 2012.

On 9 November 2009 Federal constitutional law no. 4-FKZ "On the disciplinary judicial presence" was adopted. It has been in force since 10 March 2010. The law has introduced a specialized judicial body that is authorized to

review the decisions of the bodies of judicial community on the early termination of the judge's powers for committing a disciplinary offence.

On 27 July 2010 Federal law no. 193-FZ "On the alternative procedure for dispute resolution with the participation of a facilitator (mediation procedure)" was adopted. It comes into force on 1 January 2011. The law sets the basic principles for the mediation procedure, specifies the types of disputes that can be subject to mediation, provides for the requirements to the mediators, as well as foresees cases when the mediation procedure is not allowed. The purpose of the law is to promote in the Russian Federation the non-litigious resolution of disputes arising from civil, employment, family and commercial relations.