



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2011

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants (if possible on 1 January 2011)

142 914 136

##### 2) Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €) - (If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP)

	Amount
State level	249 891 324 751
Regional / federal entity level (total for all regions / federal entities)	163 924 263 231

##### 3) Per capita GDP (in €)

7 766

##### 4) Average gross annual salary (in €)

6 210

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2011

41.4876

#### A.1

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

Question 1.

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

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

Question 2.

The specified sums reflect the executed budget.

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

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

6 636 900 000 000 Russian Roubles.

The Federal Service of State Statistics.

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

Question 3.

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

The Federal Service of State Statistics.

<http://gks.ru/wps/wcm/connect/rosstat/rosstatsite/main/account/>

Question 4.

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

The Federal Service of State Statistics.

Question 5.

The Central Bank of the Russian Federation.

[http://www.cbr.ru/eng/currency\\_base/daily.aspx](http://www.cbr.ru/eng/currency_base/daily.aspx)

### 1. 2. Budgetary data concerning judicial system

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

**6) Annual approved public budget allocated to the functioning of all courts, in €(if possible without the budget of the public prosecution services and without the budget of legal aid):**

TOTAL annual approved budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	<input checked="" type="checkbox"/> Yes	2 912 743 823
1. Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	1 864 433 723
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	97 767 272
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	<input checked="" type="checkbox"/> Yes	12 964 676
4. Annual public budget allocated to court buildings (maintenance, operating costs)	<input checked="" type="checkbox"/> Yes	186 833 154
5. Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	225 871 947
6. Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	7 929 817
7. Other (please specify):	<input checked="" type="checkbox"/> Yes	516 943 234

**7) If you cannot separate the budget of the public prosecution services and the budget of legal aid from the budget allocated to all courts, please indicate it clearly. If "other", please specify:**

The "other" category includes:

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

**8) Are litigants in general 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 to the rule to pay court a tax or fee? Please provide comments on those exceptions:

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

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

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

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

**9) Annual income of court taxes or fees received by the State (in €)**

426 511 157

**10) Annual approved public budget allocated to the whole justice system, in €(this global budget does not include only the court system as defined under question 6, but also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.)**

NA 9 129 524 916

**11) Please indicate the budgetary elements that are included in the whole justice system. If "other", please specify in the "comment" box below.**

Court system	Yes
Legal aid	Yes
Public prosecution services	Yes
Prison system	Yes
Probation services	Yes
Council of the judiciary	Yes
Judicial protection of juveniles	Yes
Functioning of the Ministry of Justice	Yes
Refugees and asylum seekers services	No
Other	Yes

Comment :

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

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

- question 6 (court system),
- question 12 (legal aid),
- question 13 (prosecution system),
- the Constitutional Court of the Russian Federation - 527 212 300 Russian Roubles (information on the budgets of the constitutional courts of the federal entities is NA),
- the Federal Bailiff Service and the system of enforcement of court decisions - 34 396 010 100 Russian Roubles,
- the Federal Penitentiary Service and the system of penitentiary and probation institutions - 162 766 888 900 Russian Roubles,
- the Ministry of Justice of the Russian Federation - 10 691 103 300 Russian Roubles (minus 75 943 900 Russian Roubles - the budget for legal aid bureaus which is taken into account in question 12 of this questionnaire).

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

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

**12) Annual approved public budget allocated to legal aid, in €- If one or several data are not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total annual approved public budget allocated to legal aid (12.1 + 12.2)	12.1 Annual public budget allocated to legal aid in criminal law cases	12.2 Annual public budget allocated to legal aid in non criminal law cases
Amount (in €)	105 836 124	103 960 392	1 875 732

**13) Total annual approved public budget allocated to the public prosecution services (in €). Please indicate in the "comment" box below any useful information to explain the figures provided.**

Amount 934 551 021

Comment :

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

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

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

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

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

**14) Authorities formally responsible for the budgets allocated to the courts (multiple options possible) :**

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

**15) If any other Ministry and/or inspection body and/or other, please specify (considering question 14):**

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

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

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

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

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

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

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

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

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

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

Pursuant to Article 21 (2) of the Budgetary Code of the Russian Federation, the list of the main administrators of the budgetary means for the year 2010 was set in Annex 6 to the Federal Law "On the federal budget for the year 2010 and for the planned period of 2011 and 2012" (2 February 2009, no. 308-FZ).

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

- the Accounts Chamber of the Russian Federation (Article 264.4 of the Budgetary Code of the Russian Federation),

- the Russian parliament (Articles 153 and 264.5 of the Budgetary Code of the Russian Federation).

## A.2

**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**

Question 6.

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

This sum includes:

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

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

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

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

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

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

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

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

If we deduct both figures from EUR 120 455 439 (the 2008 figure for justice expenses), we get EUR 19 577 382, which differs from EUR 12 964 676 (the 2010 figure for justice expenses) by -33.8%. This difference could be further explained by a different approach to the budget break down into categories.

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

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

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

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

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

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

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

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

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

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

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

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

Question 12.

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

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

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

12.2 (other than criminal cases).

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

12.1 (criminal cases).

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

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

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

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

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

**Please indicate the sources for answering the questions 6, 9, 10, 11, 12 and 13.**

Question 6.

Federal Law no. 308-FZ of 2 February 2009

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

The breakdown of the budget into categories is based on the information provided by:

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

Question 9.

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

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

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

The following sections of the report were used:

- form no. 3, section 1, column 15 (applications to initiate first instance proceedings),



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

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

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

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

Questions 10 and 13.

Federal Law no. 308-FZ of 2 February 2009

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

Question 12.

The Ministry of Finance of the Russian Federation,

The Supreme Court of the Russian Federation,

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

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 16) Does legal aid apply to:

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

#### 17) Does legal aid include the coverage of or the exemption from court fees?

Yes

No

If yes, please specify:

See comment to question 8 of this questionnaire.

#### 18) Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?

Yes

No

If yes, please specify:

#### 19) Can legal aid be granted for other costs (different from questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc ? If yes, please specify it in the "comment" box below).

	Criminal cases	Other than criminal cases
	Yes	Yes

Comment :

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

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

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

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

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

#### 20) Number of cases referred to the court and for which legal aid has been granted. Please specify in the "comment" box below, when appropriate. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

[This question concerns only the annual number of cases for which legal aid has been granted to those referring a case to a court. It does not concern legal advice provided for cases that are not brought before the court.]

	Number
Total	NA
in criminal cases	NA
other than criminal cases	NA

Comment :

**21) In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer? Please specify in the "comment" box below.**

Accused individuals	Yes
Victims	No

Comment :

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

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

**22) If yes, are individuals free to choose their lawyer within the framework of the legal aid system**

- Yes  
 No

**23) Does your country have an income and assets evaluation for granting legal aid to the applicant ? Please provide in the "comment" box below any information to explain the figures provided. If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.**

	amount of annual income (if possible for one person) in €	amount of assets in €
for criminal cases	NAP	NAP
for other than criminal cases?	Yes	NAP

Comment :

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

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

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

**24) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

- Yes  
 No

If yes, please explain the exact criteria for denying legal aid:

Question 25 is left unanswered because the answer to question 24 is "no".

**25) Is the decision to grant or refuse legal aid taken by :**

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

**26) Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

- Yes  
 No

If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**27) Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared, in:**

criminal cases?	Yes
other than criminal cases?	Yes

**B.1**

**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

Question 16.

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

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

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

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

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

The bureaus provide legal aid free of charge to:

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

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

- claimants in the first-instance civil court proceedings concerning the recovery of alimony or compensation for the damage resulting from the death of the bread winner or labour-related injury,
- WWII veterans in any matters except for those relating to entrepreneurship,
- the citizens of the Russian Federation applying for pension or allowance,
- the citizens of the Russian Federation - victims of political repressions seeking rehabilitation,

Irrespective of their financial situation, minors kept the institutions of the system of minors neglect and delinquency prevention, shall be provided with free legal aid in any matters.

**Please indicate the sources for answering the questions 20 and 23**

## 2. 2. Users of the courts and victims

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

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

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**The websites mentioned could appear in particular on the internet website of the CEPEJ. Please specify in the "comment" box below what documents and information the addresses for "other documents" include:**

- legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es):  Yes
- case-law of the higher court/s? Internet address(es):  Yes
- other documents (e.g. downloadable forms, online registration)?  Yes

Comment :

--- Legal texts ---

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

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

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

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

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

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

<http://www.consultant.ru>

<http://www.garant.ru>

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

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

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

--- Other documents ---

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

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

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

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

**29) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

Yes

No

If yes, please specify:

**30) Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

Yes

No

If yes, please specify:

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

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

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

**31) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons. If "other vulnerable person" and/or "other special arrangements", please specify it in the "comment" box below.**

**[This question does not concern the police investigation phase of the procedure and does not concern compensation mechanisms for victims of criminal offences, which are addressed under questions 32 to 34.]**

	Information mechanism	Special arrangements in court hearings	Other
Victims of rape	No	Yes	No
Victims of terrorism	No	Yes	No
Children (witnesses or victims)	No	Yes	No
Victims of domestic violence	No	Yes	No
Ethnic minorities	No	Yes	No
Disabled persons	No	Yes	No
Juvenile offenders	No	Yes	No
Other (e.g. victims of human trafficking)	No	Yes	No

Comment :

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

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

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

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

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

According to Article 280 (6) of the Criminal Procedure Code of the Russian Federation, victims and witnesses under the age of 18 can be interrogated in the absence of the accused.

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

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

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

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

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

criminal proceedings. According to Article 6 of the law, the security measures include, among other things:

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

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

**32) Does your country allocate compensation for victims of crime?**

- Yes  
 No

If yes, for which kind of offences

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

**33) If yes, does this compensation consist in:**

- a public fund?  
 damages to be paid by the responsible person (decided by a court decision)?  
 a private fund?

**34) Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

- Yes  
 No

If yes, please inform about the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**35) Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

- Yes  
 No

If yes, please specify:

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

**36) Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case?**

-----

**Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a judicial decision".**

- Yes  
 No  
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A judicial decision is needed).

If necessary, please specify:

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

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

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

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

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

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

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

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

Where appropriate, please give details on the compensation procedure, the number of cases, the result of the procedures and the existing mechanism for calculating the compensation (e.g. the amount per day for unjustified detentions or convictions):

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

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

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

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

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

### 38) Does your country have surveys aimed at legal professionals and court users to measure their trust and/or satisfaction with the services delivered by the judicial system? (multiple options possible)

- (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 the parties
- (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)
- (Satisfaction) surveys aimed at victims

If possible, please specify their titles, object and websites where they can be consulted:



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

Annex 2 to this program sets the following indicators:

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

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

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

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

**39) If possible, please specify:**

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

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

- Yes  
 No

**41) Please specify which authority is responsible for dealing with such complaints and inform whether there is or not a time limit to respond and/or a time limit for dealing with the complaint (multiple options possible). Please give information concerning the efficiency of this complaint procedure in the "comment" box below.**

	Time limit to respond (e.g. to acknowledge receipt of the complaint, to provide information on the follow-up to be given to the complaint, etc.)	Time limit for dealing with the complaint	No time limits
Court concerned	Yes	Yes	No
Higher court	Yes	Yes	No
Ministry of Justice	No	No	No
High Council of the Judiciary	Yes	Yes	No
Other external bodies (e.g. Ombudsman)	No	No	No

Comment :

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

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

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

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

notified accordingly.

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

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**42) Number of courts considered as legal entities (administrative structures) and geographic locations. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total number
42.1 First instance courts of general jurisdiction (legal entities)	9 978
42.2 First instance specialised Courts (legal entities)	92
42.3 All the Courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	NA

**43) Number (legal entities) of first instance specialised courts (or specific judicial order). If "other specialised 1st instance courts", please specify it in the "comment" box below. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

Total (must be the same as the data given under question 42.2)	92
Commercial courts	92
Labour courts	NAP
Family courts	NAP
Rent and tenancies courts	NAP
Enforcement of criminal sanctions courts	NAP
Administrative courts	NAP
Insurance and / or social welfare courts	NAP
Military courts	NAP
Other specialised 1st instance courts	NAP

Comment :

cf CN 30/08

Since 2010, commercial cassational courts have been entitled to examine, as first instance courts, complaints lodged under the Federal law "On the compensation for the violation of the right to trial within reasonable time and the right to execution of judicial acts within reasonable time" (30 April 2010, no. 68-FZ).

Question 42-1.

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

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

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

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

- the Supreme Court of the Russian Federation (1),
- the courts of federal entity level (83) and circuit (fleet) military courts (12),

- district (city) courts (2319) and garrison military courts (119),
- justices of the peace (7444).

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

#### Question 43.

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

The system of commercial courts in the Russian Federation includes:

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

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

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

#### **44) Is there a foreseen change in the structure of courts [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:

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

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

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

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

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

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

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

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

#### **45) Number of first instance courts (geographic locations) competent for the following cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number of courts
a debt collection for small claims	7525
a dismissal	2438

a robbery

2438

**Please give the definition for small claims and indicate the monetary value of a small claim:**

Debt collection for small claims.

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

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

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

Dismissal.

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

Robbery.

Articles 161 and 162 of the Russian Criminal Code.

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

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

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

**Please indicate the sources for answering questions 42, 43 and 45:**

Questions 42 and 43.

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

**3. 1. 2. Judges and non-judge staff**

**46) Number of professional judges sitting in courts (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Please provide in the "comment" box below any useful comment for interpreting the data above.**

\*\*\*\*\*

**[Please make sure that public prosecutors and their staff are excluded from the following figures (they will be part of questions 55-60). If a distinction between staff attached to judges and staff attached to prosecutors cannot be made, please indicate it clearly.]**

**Please indicate the number of posts that are actually filled at the date of reference and not the theoretical budgetary posts.]**

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	32313	NA	NA
1. Number of first instance professional judges	NA	NA	NA
2. Number of second instance (court of appeal) professional judges	NA	NA	NA
3. Number of supreme court professional judges	NA	NA	NA

Comment :

Question 46.

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

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

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

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

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

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

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

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

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

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

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

Question 47.

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

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

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

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

**47) Number of court presidents (professional judges). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	2392	1514	878
1. Number of first instance court presidents	NAP	NAP	NAP
2. Number of second instance (court of appeal) court presidents	NAP	NAP	NAP
3. Number of supreme court presidents	NAP	NAP	NAP

**48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2010). If necessary, please provide in the "comment" box below any information to explain the answer under question 48.**

Gross figure NAP  
If possible, in full-time equivalent NAP

Comment :

**49) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December 2010) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury).**

Gross figure NAP

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

Yes No

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

Question 50.

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

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

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

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

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

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

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

Question 51.

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

**51) Number of citizens who were involved in such juries for the year of reference:**

31 000

**52) Number of non-judge staff who are working in courts for judges (if possible on 31 December 2010) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled). If "other non-judge staff", please specify it in the "comment" box below.**

Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)  Yes 96128

1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP

2. Non-judge staff whose task is to assist the

judges (case file preparation, assistance during the hearing, court recording, helping to draft the decisions) such as registrars	<input checked="" type="checkbox"/> Yes	46272
3. Staff in charge of different administrative tasks and 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	27665
4. Technical staff	<input checked="" type="checkbox"/> Yes	22191
5. Other non-judge staff		NAP

**Comment :**

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

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

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

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

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

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

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

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

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

- 1) NAP,
- 2) 4092 judge assistants + 2485 court hearing secretaries,
- 3) staff in charge of administrative and management tasks – 4078,
- 4) technical staff – 1475,
- 5) other non-judge staff - NAP.

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

**54) Have the courts delegated certain services, which fall within their powers, to private providers (e.g. IT services, training of staff, security, archives, cleaning)?**

Yes

No

If yes, please specify:

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

**C.1**

**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 have been implemented over the last two years



Question 49.

Courts of general jurisdiction:

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

Commercial courts:

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

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

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

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

**Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

### 3. 1. 3. Public prosecutors and staff

**55) Number of public prosecutors (if possible on 31 December 2010) (please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	31 557	17 313	14 244
1. Number of prosecutors at first instance level	23 448	13 149	10 299
2. Number of prosecutors at second instance (court of appeal) level	7 142	3 638	3 504
3. Number of prosecutors at supreme court level	967	526	441

Comment :

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

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

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

**56) Number of heads of prosecution offices. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. Please provide in the "comment" box below any useful information for interpreting the data.**

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	2 714	2 548	167
1. Number of heads of prosecution offices at first instance level	2 621	2 456	165

2. Number of heads of prosecution offices at second instance (court of appeal) level	92	91	1
3. Number of heads of prosecution offices at supreme court level	1	1	0

Comment :

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

**57) Do other persons have similar duties to public prosecutors?**

Yes

No

Number (full-time equivalent)

**58) If yes, please specify their title and function:**

**59) If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

Yes

No

**60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2010) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

Number

Yes

11 933

**C.2**

**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 have been implemented over the last two years

**Please indicate the sources for answering questions 55, 56 and 60**

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

**3. 1. 4. Court budget and new technologies**

**61) Who is entrusted with responsibilities related to the budget within the court? If "other", please specify it in the "comment" box below.**

	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	Yes	Yes	Yes
Court administrative director	No	No	No	No
Head of the court clerk office	No	No	No	No
Other	Yes	Yes	Yes	Yes

Comment :

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

(1) The preparation of the budget in the courts of general jurisdiction of the federal entity level is performed by court administrators (officers of the Judicial Department of the Supreme Court of the Russian Federation sitting in the courts)

together with the heads of the courts' financial and economic divisions.

As regards the courts of general jurisdiction of the district (city) level and the justices of the peace, this function is performed by court administrators together with the heads of the respective financial and economic divisions of the Judicial Department of the Supreme Court of the Russian Federation.

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

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

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

The Supreme Court of the Russian Federation:

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

Commercial courts:

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

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

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

Word processing	100% of courts
Electronic data base of jurisprudence	100% of courts
Electronic files	-10% of courts
E-mail	100% of courts
Internet connection	100% of courts

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

Case registration system	100% of courts
Court management information system	100% of courts
Financial information system	100% of courts
Videoconferencing	0 % of courts

**64) For the electronic communication and exchange of information between the courts and their environment, what are the computer facilities used by the courts?**

Electronic web forms	100% of courts
Website	100% of courts
Follow-up of cases online	100% of courts
Electronic registers	100% of courts
Electronic processing of small claims	0 % of courts
Electronic processing of undisputed debt recovery	0 % of courts
Electronic submission of claims	-10% of courts
Videoconferencing	-50% of courts
Other electronic communication facilities	-10% of courts

**65) The use of videoconferencing in the courts (details on question 65). Please indicate in the "comment"**

**box below any clarification on the legal framework and the development of videoconferencing in your country.**

	65.1 In criminal cases, do courts or prosecution offices use videoconferencing for hearings in the presence of defendants or witnesses?	65.2 Can such court hearing be held in the police station and/or in the prison?	65.3 Is there any specific legislation on the conditions for using videoconferencing in the courts / prosecution offices, especially in order to protect the rights of the defence?	65.4 Is videoconferencing used in other than criminal cases?
	Yes	Yes	Yes	Yes

Comment :

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

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

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

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

### C.3

**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

Question 62.

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

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

Question 63.

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

Question 64.

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

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

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

Other electronic communication facilities include:

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

## 3. 2. Performance and evaluation

### 3. 2. 1. Performance and evaluation

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

Yes

No

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

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

**67) Are individual courts required to prepare an annual activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- Yes  
 No

**68) Do you have, within the courts, a regular monitoring system of court activities concerning:**

-----  
**The monitoring system aims to assess the day-to-day activity of the courts (namely, what the courts produce) thanks in particular to data collections and statistical analysis (see also questions 80 and 81).**

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

If other, please specify:

**69) Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

-----  
**The evaluation system refers to the performance of the court systems with prospective concerns, using indicators and targets. The evaluation may be of more qualitative nature (see questions 69-77). It does not refer to the evaluation of the overall (good) functioning of the court (see question 82).**

- Yes  
 No

Please specify:

**70) Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 72)**

- Yes  
 No

**71) Please select the 4 main performance and quality indicators that have been defined:**

- incoming cases  
 length of proceedings (timeframes)  
 closed cases  
 pending cases and backlogs  
 productivity of judges and court staff  
 percentage of cases that are processed by a single sitting judge  
 enforcement of penal decisions  
 satisfaction of court staff  
 satisfaction of users (regarding the services delivered by the courts)  
 judicial quality and organisational quality of the courts

costs of the judicial procedures

other:

If other, please specify:

**72) Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

Yes

No

**73) Who is responsible for setting the targets for each judge?**

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:

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

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

Two documents define the workload standards for judges:

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

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

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

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

**74) Are there performance targets defined at the level of the court (if no please skip to question 77)?**

Yes

No

**75) Who is responsible for setting the targets for the courts?:**

executive power (for example the ministry of Justice)?

legislative power

judicial power (for example a High Judicial Council, Higher Court)

other

If other, please specify:

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

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

**76) Please specify the main targets applied to the courts:**

**77) Who is responsible for evaluating the performance of the courts (see questions 69 to 76)? (multiple options possible)**

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

If other, please specify:

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

**78) Are quality standards determined for the whole judicial system (are there quality systems for the judiciary and/or judicial quality policies)?**

- Yes  
 No

If yes, please specify:

Question 78.

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

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

Question 79.

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

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

**79) Do you have specialised court staff that is entrusted with these quality standards?**

- Yes  
 No

**80) Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

- in civil law cases  
 in criminal law cases  
 in administrative law cases

**81) Do you monitor waiting time during court procedures?**

- Yes  
 No

If yes, please specify:

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

**82) Is there a system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan (plan of visits) agreed beforehand?**  
 -----

**This question does not concern the specific evaluation of performance indicators.**

Yes

No

Please specify the frequency of the evaluation:

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

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

**83) Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

If yes, please give further details:

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

#### **C.4**

**You can indicate below:**

- **any useful comments for interpreting the data mentioned in this chapter**
- **the characteristics of your court monitoring and evaluation systems**



## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General information

**84) Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a legal professional)?**

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):

**86) Number of cases regarding Article 6 of the European Convention of Human Rights on duration and non-execution. If data is not available, please indicate NA.**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	4	2	2	0
Civil proceedings - Article 6§1 (non-execution)	9	3	1	0
Criminal proceedings - Article 6§1 (duration)	4	0	3	3

#### Please indicate the sources:

The information was obtained through the HUDOC database

( <http://www.echr.coe.int/echr/en/hudoc/> )

using the following search parameters:

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

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

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

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

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

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

#### D.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

Question 84.

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

According to Article 247 (5) and (6) of the Russian Criminal Procedure Code, first instance court hearing in a criminal

case concerning a severe offence can be held in the absence of the accused only in exceptional cases when the accused is not in the territory of the Russian Federation and (or) evades coming to court. The presence of a lawyer in the court hearing is mandatory in such a situation.

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

Question 85.

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

## 4. 2. Timeframes of proceedings

### 4. 2. 1. General information

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

- civil cases?
- criminal cases?
- administrative cases?
- there is no specific procedure

If yes, please specify:

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

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

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

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

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

#### 88) Are there simplified procedures for:

- civil cases (small disputes)?
- criminal cases (small offences)?
- administrative cases?
- there is no simplified procedure

If yes, please specify:

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

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

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

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

**89) Do courts and lawyers have the possibility to conclude agreements on arrangements 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:

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

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

**4. 2. 2. Caseflow management and timeframes of judicial proceedings**

**90) Comment:**

**The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and timeframes of judicial proceedings. The CEPEJ agreed that the subsequent data would be processed and published only if answers from a significant number of member states – taking into account the data presented in the previous report – are given, enabling a useful comparison between the systems.**

**91) First instance courts: number of other than criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note 1: cases mentioned in categories 3 to 5 (enforcement, land registry, business register) should be presented separately in the table. Cases mentioned in category 6 (administrative law) should also be separately mentioned for the countries which have specialised administrative courts or separate administrative law procedures or are able to distinguish in another way between administrative law cases and civil law cases.**

**Note 2: check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should reflect the total number of other than criminal law cases.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)*	479 117	14 122 478	14 101 357	500 238
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	450 306	13 649 662	13 627 319	472 649
2. Civil (and commercial) non-	28 811	472 816	474 038	27 589

litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*				
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases**	NAP	NAP	NAP	NAP
5. Business register cases**	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**92) If courts deal with "civil (and commercial) non-litigious cases", please indicate the case categories included:**

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

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

**93) If "other cases", please indicate the case categories included:**

**94) First instance courts: number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: please check if the figures submitted are (horizontally and vertically) consistent. Horizontal consistent data means that: "(pending cases on 1 January 2010 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2010. Vertical consistency of data means that the sum of the categories 8 and 9 for criminal cases should reflect the total number of criminal cases.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	NA	NA	6 400 391	NA
8. Criminal cases (severe criminal offences)	103 354	1 064 538	1 073 513	94 373
9. Misdemeanour and / or minor offences cases	NA	NA	5 326 878	NA

**95) The classification of cases between severe criminal cases and misdemeanour and/or minor criminal cases may be difficult. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedures).**

**Please indicate, if feasible, what case categories are included under "severe criminal cases" and the cases included under "misdemeanour and /or minor criminal cases".**

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

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

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

**96) Comments on questions 91 to 95. You can indicate, for instance, the specific situation in your country, give explanations on NA or NAP answers or explain the calculation of the total number of other than criminal law cases or differences in horizontal consistency, etc.**

Question 91.

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

The figures were calculated on the basis of the 2010 statistical report prepared by the Judicial Department of the

Supreme Court of the Russian Federation:  
<http://www.cdep.ru/index.php?id=5&item=494>

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

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

Question 95.

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

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

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

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

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

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

**97) Second instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal" cases includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	19 210	686 990	678 870	27 330
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)*	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)*	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP
6. Administrative law cases (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**98) Second instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	26 996	705 241	701 456	30 781
8. Criminal cases (Severe criminal)	14 129	380 229	380 607	13 751

offences)				
9. Misdemeanour and/or minor offences cases	12 867	325 012	320 849	17 030

Comment :

Question 97.

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

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

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

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

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

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

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

Question 98.

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

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

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

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

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

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

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

**99) Highest instance courts: total number of "other than criminal law" cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**Note: the total of "other than criminal law cases" includes all of the following categories (categories 1 to 7).**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total of other than criminal law cases (1+2+3+4+5+6+7)	429	6 124	6 051	502
1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)	NA	NA	NA	NA
2. Civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, etc. (if feasible without administrative law cases; without enforcement cases, registration cases and other cases, see categories 3-7)	NA	NA	NA	NA
3. Enforcement cases	NA	NA	NA	NA
4. Land registry cases	NAP	NAP	NAP	NAP
5. Business register cases	NAP	NAP	NAP	NAP

6. Administrative law cases (litigious and non-litigious)	NA	NA	NA	NA
7. Other cases (e.g. insolvency registry cases)	NAP	NAP	NAP	NAP

**100) Highest instance courts: total number of criminal law cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Dec. '10
Total criminal cases (8+9)	NA	NA	61 696	NA
8. Criminal cases (severe criminal offences)	1 058	17 818	17 839	1 037
9. Misdemeanour cases (minor offences)	NA	NA	43 857	NA

Comment :

Question 99.

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

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

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

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

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

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

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

Question 100.

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

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

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

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

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

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

**101) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and processed by first instance courts. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Pending cases on 1 Jan. '10	Incoming cases	Resolved cases	Pending cases on 31 Jan. '10
Litigious divorce cases	45 079	530 168	531 009	44 238
Employment dismissal cases	3 941	29 560	30 301	3 200
Robbery cases	9 209	76 172	77 513	7 868
Intentional homicide	3 175	14 846	15 292	2 729

**102) Average length of proceedings, in days (from the date the application for judicial review is lodged). If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

-----  
[The average length of proceedings has to be calculated from the date the application for judicial review is

**lodged to the date the judgment is made, without taking into account the enforcement procedure. New: the question concerns first, second and third instance proceedings.]**

	% of decisions subject to appeal	% pending cases more than 3 years	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)
Litigious divorce cases	NA	NA	NA	NA	NA	NA
Employment dismissal cases	NA	NA	NA	NA	NA	NA
Robbery cases	NA	NA	NA	NA	NA	NA
Intentional homicide	NA	NA	NA	NA	NA	NA

**103) Where appropriate, please inform about the specific procedure as regards divorce cases (litigious and non-litigious):**

Question 101.

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

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

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

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

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

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

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

Question 103.

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

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

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

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

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

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

Question 102.

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

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

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

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

These figures are available in the 2010 statistical report prepared by the Judicial Department of the Supreme Court of the Russian Federation:

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



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

**105) Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- to conduct or supervise police investigation
- to conduct investigations
- 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 discontinue a case without requiring a judicial decision (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers

If "other significant powers", please specify:

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

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

Prosecutors perform criminal prosecution.

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

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

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

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

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

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

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

- Yes
- No

If yes, please specify:

## Civil cases.

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

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

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

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

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

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

## Commercial cases.

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

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

## Cases concerning administrative offences.

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

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

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

**107) Case proceedings managed by the public prosecutor: total number of 1st instance criminal cases. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Received by the public prosecutor	Cases discontinued by the public prosecutor (see 108 below)	Cases concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	NA	NA	NAP	960 427

**108) Total cases which were discontinued by the public prosecutor. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

	Number
Total cases which were discontinued by the public prosecutor (1+2+3)	NA
1. Discontinued by the public prosecutor because the offender could not be identified	NAP
2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	NA
3. Discontinued by the public prosecutor for reasons of opportunity	NAP

**109) Do the figures include traffic offence cases?**

Yes

No

## D.2

**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

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

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

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

**Please indicate the sources for answering the questions 91, 94, 97, 98, 99, 100, 101, 102, 107 and 108.**

Question 107.

Criminal penalty can be imposed only by a court.

Question 108.

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

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

Criminal cases cannot be discontinued for reasons of opportunity.

Question 109.

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

## 5. Career of judges and public prosecutors

### 5. 1. Recrutement and promotion

#### 5. 1. 1. Recrutement and promotion

##### 110) How are judges recruited?

- Mainly through a competitive exam (for instance, following a university degree in law)
- Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers)
- A combination of both (competitive exam and working experience)
- Other

If other, please specify:

##### 111) Authority(ies) in charge: are judges initially/at the beginning of their carrier recruited and nominated by:

**[This question strictly concerns the authority entrusted with the decision to recruit (not the authority formally responsible for the nomination if different from the former)].**

- An authority made up of judges only?
- An authority made up of non-judges only?
- An authority made up of judges and non-judges?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

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

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

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

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

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

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

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

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

##### 112) Is the same authority competent for the promotion of judges?

Yes No

If no, which authority is competent for the promotion of judges ?

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

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

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

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

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

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

**114) Is there a system of qualitative individual assessment of the judges' activity?**

 Yes No

**115) Is the status of prosecution services:**

 Indépendant? Under the authority of the Minister of justice ? Other?

Please specify:

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

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

**116) How are public prosecutors recruited?**

 Mainly through a competitive exam (for instance, following a university degree in law) Mainly through a recruitment procedure for legal professionals with long-time working experience in the legal field (for example lawyers) A combination of both (competitive exam and working experience) Other

If "other", please specify:

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

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

**117) Authority(ies) in charge: are public prosecutors initially/at the beginning of their carrier recruited by:**

**[This question concerns the authority entrusted with the responsibility to recruit only (not the authority formally responsible for the nomination if different from the former).]**

- An authority composed of public prosecutors only?  
 An authority composed of non-public prosecutors only?  
 An authority composed of public prosecutors and non-public prosecutors?

Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

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

**118) Is the same authority formally responsible for the promotion of public prosecutors?**

- Yes  
 No

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

**119) Which procedures and criteria are used for promoting public prosecutors? Please specify:**

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

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

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

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

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

**120) Is there a system of qualitative individual assessment of the public prosecutors' activity?**

- Yes  
 No

**121) Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes  
 No

If yes, are there exceptions? (e.g. dismissal as a disciplinary sanction)? Please specify:

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

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

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

Preterm dismissal is possible:

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

**122) If there is a probation period for judges (e.g. before being appointed "for life"), how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of probation period (in years)
	NAP

**123) Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes  
 No

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

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

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

Preterm dismissal is possible:

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

**124) If there is a probation period for public prosecutors, how long is this period? If the situation is not applicable in your country, please indicate NAP.**

	Duration of the probation period (in years)
	0.5

**125) If the mandate for judges is not for an undetermined period (see question 121), is it renewable? What is the length of the mandate (in years)?**

NAP

**126) If the mandate for public prosecutors is not for an undetermined period (see question 123), is it renewable? What is the length of the mandate (in years)?**

NAP

#### E.1

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

Question 122.

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

Question 124.

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

## 5. 2. Training

### 5. 2. 1. Training

#### 127) Training of judges

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

#### 128) Frequency of the in-service training of judges:

General in-service training	Regular (e.g. every 3 months)
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. court president)	Annual
In-service training for the use of computer facilities in courts	Occasional (e.g. at times)

#### 129) Training of public prosecutors

Initial training	Compulsory
General in-service training	Compulsory
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	Compulsory
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Compulsory
In-service training for the use of computer facilities in office	Compulsory

#### 130) Frequency of the in-service training of public prosecutors

General in-service training	Regular (e.g. every 3 months)
In-service training for	



specialised functions (e.g. public prosecutor specialised on organised crime)	Regular (e.g. every 3 months)
In-service training for management functions of the court (e.g. Head of prosecution office, manager)	Regular (e.g. every 3 months)
In-service training for the use of computer facilities in office	Occasional (e.g. at times)

**131) Do you have public training institutions for judges and / or prosecutors? If yes, please indicate in the "comment" box below the budget of such institution(s).**

**If your judicial training institutions do not correspond to these criteria, please specify it.**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	No	No	Yes
One institution for prosecutors	No	No	Yes
One single institution for both judges and prosecutors	No	No	No

Comment :

The budget of the Russian Academy of Justice in 2010 was 414 708 100 Russian Roubles (10 242 842 Euros). This sum is included in the budget of the Supreme Court of the Russian Federation.

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

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

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

## E.2

**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

Questions 127 and 128.

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

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

Questions 129 and 130.

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

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

### 5. 3. Practice of the profession

#### 5. 3. 1. Practice of the profession

**132) Salaries of judges and public prosecutors.**

	Gross annual salary in €, on 31 December 2010	Net annual salary in €, on 31 December 2010
First instance professional judge at the beginning of his/her career	15 988	13 098
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	47 265	38 720
Public prosecutor at the beginning of his/her career	9 594	8 347
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Public prosecutor General)	15 628	13 596

Comment :

Judges.

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

Average annual salary of a first instance professional judge at the beginning of his/her career:

- 815 551 / 709 533 Russian Roubles (commercial courts),
- 1 053 600 / 916 632 Russian Roubles (courts of general jurisdiction, not taking into account the justices of the piece).

Average annual salary of a judge of a supreme court:

- 1 324 931 / 1 152 688 Russian Roubles (the Supreme Commercial Court of the Russian Federation),
- 1 487 552 / 1 348 750 Russian Roubles (the Supreme Court of the Russian Federation).

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

Prosecutors.

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

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

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

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

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

Average gross annual salary

2008 / 2010 / difference Average net annual salary

2008 / 2010 / difference

Public prosecutor at the beginning of his/her career 7201 / 9 594 /

33.2% increase 6265 / 8 347 /

33.2% increase

Public prosecutor of the Supreme Court or the Highest Appellate Instance 12 240 / 15 628 /

27.7% increase 10 648 / 13 596 /

27.7% increase

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

As regards judges, it should be noted that the figures for the year 2008 concerned only the salaries of the judges of the courts of general jurisdiction, while the figures for the year 2010 also cover the salaries of the judges of the commercial courts.

Moreover, different types of taxes were taken into account.

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

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

Average gross annual salary

2008 / 2010 / difference Average net annual salary

2008 / 2010 / difference

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

5.5 % increase 12 414 / 13 098 /

5.5 % increase

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

21.9 % increase 31 749 / 38 720 /

21.9 % increase

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 133) Do judges and public prosecutors have the following additional benefits?

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	Yes	Yes
Housing	Yes	Yes
Other financial benefit	Yes	Yes

**134) If other financial benefit, please specify:**

Judges.

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

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

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

Prosecutors.

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

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

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

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

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

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

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

**136) If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If "other function", please specify.**

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

**137) Can public prosecutors combine their work with any of the following other functions ?**

	With remuneration	Without remuneration
Teaching	Yes	Yes
Research and publication	Yes	Yes
Arbitrator	No	No
Consultant	No	No
Cultural function	Yes	Yes
Political function	No	No
Other function	No	No

**138) Please specify existing rules (e.g. authorisation to perform the whole or a part of these activities). If**

**"other function", please specify:**

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

**139) Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time)?**

- Yes  
 No

If yes, please specify the conditions and possibly the amounts:

No quantitative objects are set for judges in the Russian Federation.

**5. 4. Disciplinary procedures****5. 4. 1. Disciplinary procedures****140) Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- Citizens  
 Relevant Court or hierarchical superior  
 High Court / Supreme Court  
 High Judicial Council  
 Disciplinary court or body  
 Ombudsman  
 Parliament  
 Executive power  
 Other?  
 This is not possible

If "executive power" and/or "other", please specify:

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

**141) Who has been authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- Citizens  
 Head of the organisational unit or hierarchical superior public prosecutor  
 Prosecutor General /State public prosecutor  
 Public prosecutorial Council (and Judicial Council)  
 Disciplinary court or body  
 Ombudsman  
 Professional body  
 Executive power  
 Other?  
 This is not possible

If "executive power" and/or "other", please specify:

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

**142) Which authority has disciplinary power on judges? (multiple options possible):**

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power
- Other?

If "executive power" and/or "other", please specify:

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

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

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

**143) Which authority has the disciplinary power on public prosecutors? (multiple options possible):**

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power
- Other?

If "executive power" and/or "other", please specify:

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

**144) Number of disciplinary proceedings initiated against judges and public prosecutors. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Judges	Public prosecutors
Total number (1+2+3+4)	NA	NA
1. Breach of professional ethics	NA	NA
2. Professional inadequacy	NA	NA
3. Criminal offence	NAP	NAP
4. Other	NA	NA

Comment :

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

**145) Number of sanctions pronounced against judges and public prosecutors. If data is not available,**

**please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Judges	Public prosecutors
Total number (total 1 to 9)	NA	NA
1. Reprimand	NAP	NA
2. Suspension	NAP	NAP
3. Removal of cases	NAP	NAP
4. Fine	NAP	NAP
5. Temporary reduction of salary	NAP	NAP
6. Position downgrade	NAP	NAP
7. Transfer to another geographical (court) location	NAP	NAP
8. Resignation	NA	NA
9. Other	NA	NA

Comment :

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

- warning,
- preterm termination of judge powers.

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

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

### E.3

**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

The Federal Constitutional Law "On the disciplinary judicial representation" (9 November 2009, no. 4-FKZ) has been in force since 10 March 2010. The law introduced a specialized judicial body consisting of three judges of the Supreme Court of the Russian Federation and three judges of the Supreme Commercial Court of the Russian Federation. It is empowered to review decisions of the bodies of the judicial community on preterm termination of judge powers for committing disciplinary offences.

**Please indicate the sources for answering questions 144 and 145**

The information on the number of incoming complaints and the number of disciplinary sanctions imposed on judges during the first six months of the year 2010 is available at the website of the Supreme Qualification Panel of Judges of the Russian Federation:

[http://www.vkks.ru/ss\\_detale.php?newid=7402](http://www.vkks.ru/ss_detale.php?newid=7402)

## 6. Lawyers

### 6. 1. Status of the profession and training

#### 6. 1. 1. Status of the profession and training

**146) Total number of lawyers practising in your country.**

65 602

**147) Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?**

Yes

No

**148) Number of legal advisors who cannot represent their clients in court:**

NA

**149) Do lawyers have a monopoly on legal representation in (multiple options are possible):**

- Civil cases?  
 Criminal cases - Defendant?  
 Criminal cases - Victim?  
 Administrative cases?  
 There is no monopoly

If there is no monopoly, please specify the organisations or persons that may represent a client before a court (for example a NGO, a family member, a trade union, etc) and for which types of cases:

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

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

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

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

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

**150) Is the lawyer profession organised through? (multiple options possible)**

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

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

Yes



No

If not, please indicate if there are other specific requirements as regards diplomas or university degrees :

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

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

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

**152) Is there a mandatory general system for lawyers requiring in-service professional training?**

Yes

No

**153) Is the specialisation in some legal fields tied with specific training, levels of qualification, specific diploma or specific authorisations?**

Yes

No

If yes, please specify:

**F.1**

**Please indicate the sources for answering questions 146 and 148:**

**Comments for interpreting the data mentioned in this chapter:**

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

Question 146.

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

Question 150.

According to Articles 29 and 35 of the Federal Law "On the legal practice and advocacy in the Russian Federation" (31 May 2002, no. 63-FZ), the Federal Chamber of Lawyers of the Russian Federation and chambers of lawyers of the federal entities shall be established for organizational purposes.

## 6. 2. Practising the profession

### 6. 2. 1. Practising the profession

**154) Can court users establish easily what the lawyers' fees will be (i.e. do users have easy access to prior information on the foreseeable amount of fees, is the information transparent and accountable)?**

Yes

No

**155) Are lawyers' fees freely negotiated?**

Yes

No

**156) Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

Yes laws provide rules

- Yes standards of the bar association provide rules  
 No, neither laws nor bar association standards provide rules

## F.2

### Useful comments for interpreting the data mentioned in this chapter:

Regulations on fees of lawyers:

- Article 16 of the Code of Professional Ethics for Lawyers (adopted by the first all-Russian congress of lawyers on 31 January 2003),
- Article 25 of the Federal Law "On the legal practice and advocacy in the Russian Federation" (31 May 2002, no. 63-FZ), which also refers to regulations defining the amount of reimbursement for legal aid lawyers.

Comparability note: nothing has changed since the previous evaluation cycle in this sphere, but the answers to questions 154 and 156 in that cycle were incorrect.

## 6. 3. Quality standards and disciplinary proceedings

### 6. 3. 1. Quality standards and disciplinary proceedings

#### 157) Have quality standards been determined for lawyers?

- Yes  
 No

If yes, what are the quality criteria used?

Quality standards are defined in Article 7 of the Federal Law "On the legal practice and advocacy in the Russian Federation" (31 May 2002, no. 63-FZ) and Articles 8 and 9 of the Code of Professional Ethics for Lawyers (adopted by the first all-Russian congress of lawyers on 31 January 2003).

Lawyers shall perform their professional duties in good faith, act reasonably and skilfully. They shall defend the rights, freedoms and interests of their clients timely and actively, by any means not prohibited by law. Lawyers shall not act contrary to the interests and wills of their clients or for their own benefit. They shall not get involved into more cases than they know they can deal with.

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

- the bar association?  
 the Parliament?  
 other?

If "other", please specify:

#### 159) Is it possible to file a complaint about :

- the performance of lawyers?  
 the amount of fees?

Please specify:

A complaint about the poor performance of a lawyer can be filed with the corresponding chamber of lawyers for disciplinary proceedings to be initiated.

#### 160) Which authority is responsible for disciplinary procedures?

- the judge  
 the Ministry of justice  
 a professional authority  
 other

If other, please specify:

Comparability note: nothing has changed since the previous evaluation cycle, but judges are not responsible for disciplinary proceedings in respect of lawyers.

According to Article 19 (5) of the Code of Professional Ethics for Lawyers (adopted by the first all-Russian congress of lawyers on 31 January 2003), disciplinary proceedings in respect of lawyers can be conducted only by qualification commissions or councils of the corresponding chambers of lawyers of the federal entity level.

**161) Disciplinary proceedings initiated against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP. If "other", please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

	Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	1. Breach of professional ethics	2. Professional inadequacy	3. Criminal offence	4. Other
Number	4 988	135	82	NAP	NA

Comment :

The information was provided by the Federal Chamber of Lawyers of the Russian Federation.

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

**162) Sanctions pronounced against lawyers. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

	Total number of sanctions (1 + 2 + 3 + 4 + 5)	1.Reprimand	2. Suspension	3. Removal	4. Fine	5. Other (e.g. disbarment)
Number	2 881	NA	NAP	NAP	NAP	NA

Comment :

The information was provided by the Federal Chamber of Lawyers of the Russian Federation.

Article 18 (6) of the Code of Professional Ethics for Lawyers (adopted by the first all-Russian congress of lawyers on 31 January 2003) provides for the following disciplinary sanctions:

- remark,
- warning,
- cancellation of the professional lawyer status (disbarment).

### F.3

**You can indicate below any useful comments for interpreting the data mentioned in this chapter**

## 7. Alternative Dispute Resolution

### 7. 1. Alternative Dispute Resolution

#### 7. 1. 1. Alternative Dispute Resolution

**163) Does the legal system provide for mediation procedures? If no skip to question 168**

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**[Judicial mediation: in this type of mediation, there is always the intervention of a judge or a public prosecutor who facilitates, advises on, decides on or/and approves the procedure. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor can propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement).]**

- Yes  
 No

**164) Please specify, by type of cases, the organisation of judicial mediation:**

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	Yes	Yes	No	Yes	No
Family law cases (ex. Divorce)	Yes	Yes	No	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	Yes	Yes	Yes	No
Criminal cases	No	No	No	No	No

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

- Yes  
 No

If yes, please specify:

**166) Number of accredited or registered mediators who practice judicial mediation:**

NA

**167) Number of judicial mediation procedures.**

-----

**Please indicate the source in the "comment" box below:**

Total number of cases (total 1+2+3+4+5)	NA
1. civil cases	NA
2. family cases	NA
3. administrative cases	NAP
4. employment dismissals cases	NA
5. criminal cases	NAP

Comment :

**168) Does the legal system provide for the following ADR.**

**If "other", please specify it in the "comment" box below:**

Mediation other than judicial mediation?	Yes
Arbitration?	Yes
Conciliation?	

	Yes
Other alternative dispute resolution?	No

**Comment :**

Articles 401-404 of the Russian Labor Code provide for compulsory conciliatory proceedings and optional mediation or labor arbitration as means of resolving collective labor disputes.

The Federal Law "On the alternative procedure for dispute resolution with the participation of a facilitator (mediation procedure)" (27 July 2010, no. 193-FZ) provides for (other than judicial) mediation in disputes arising from civil, labor, family and commercial law relations.

The Federal Law "On arbitration tribunals in the Russian Federation" (24 July 2002, no. 102-FZ) allows for the creation of permanent or ad-hoc arbitration tribunals for the resolution of disputes arising from civil law relations (with few exceptions like insolvency cases).

The Federal Law "On international commercial arbitration" (7 July 1993, no. 5338-1) allows for the creation of permanent or ad-hoc arbitration tribunals in the territory of the Russian Federation for the resolution of disputes involving organizations located abroad, international organizations and organizations with foreign investments.

**G.1**

**- 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**

Question 164.

Comparability note: as the corresponding law on mediation (see below) was adopted only in 2010, the answers in the column "private mediator" were "no" for the year 2008. As regards the other columns of the table, nothing has changed since the previous evaluation cycle, but they were not filled in correctly for that cycle.

The Federal Law "On the alternative procedure for dispute resolution with the participation of a facilitator (mediation procedure)" (27 July 2010, no. 193-FZ) has been in force since 1 January 2011. It has introduced private (other than judicial) mediation in disputes arising from civil, labor, family and commercial law relations.

According to Article 150 (1-5) of the Russian Civil Procedure Code, while preparing a civil case (including cases concerning family and labor law) for a court hearing, the judge shall take measures to facilitate the conclusion of a friendly settlement between the parties and explain them their right to apply to an arbitration court or mediator. Article 173 of the Code defines the rules for friendly settlement of disputes.

According to Article 22 (2) of the Russian Family Code, courts can employ conciliatory measures or postpone the hearing of the case for up to three months to allow the spouses to reconcile with each other.

According to Article 407 of the Russian Labor Code, certain federal and regional State bodies (like the Federal Labor and Employment Service) are entrusted to facilitate the resolution of collective labor disputes in the framework of conciliation proceedings (not within the court proceedings).

According to Article 135 (1-2) of the Russian Commercial Procedure Code, while preparing a commercial case for a court hearing, the judge shall take measures to facilitate the conclusion of a friendly settlement between the parties and explain to them their right to apply to an arbitration court or mediator. Chapter 15 of the Code defines the rules for conciliation procedure and friendly settlement of disputes.

There are no mediation proceedings foreseen in cases concerning administrative offences.

There are no mediation proceedings foreseen in criminal cases, though the defendant and the victim can reconcile with each other, and this circumstance can be a ground to terminate the criminal proceedings under Article 25 of the Russian Criminal Procedure Code.

**Please indicate the source for answering question 166:**

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**169) Do you have enforcement agents in your judicial system?**

- Yes  
 No

**170) Number of enforcement agents**

23 986

**171) Are enforcement agents (multiple options are possible):**

- judges?  
 bailiffs practising as private professionals under the authority (control) of public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

The status and the powers of bailiffs are defined in the Federal Law "On bailiffs" (21 July 1997, no. 118-FZ).

According to Article 1 of the Law, bailiffs shall:

- ensure order in courts,
- enforce judicial acts and acts of other public bodies,
- perform criminal inquiry in certain cases.

According to Article 4 (1) of the Law, bailiffs are divided into two categories: those responsible for ensuring order in courts and those responsible for enforcement proceedings.

**172) Is there a specific initial training or examination to become an enforcement agent?**

- Yes  
 No

**173) Is the profession of enforcement agents organised by?**

- a national body?  
 a regional body?  
 a local body?  
 NAP (the profession is not organised)

**174) Are enforcement fees easily established and transparent for the court users?**

- Yes  
 No

**175) Are enforcement fees freely negotiated?**

- Yes  
 No

**176) Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

**Please indicate the source for answering question 170:**

Question 170.

The figure reflects the number of bailiffs responsible for enforcement proceedings actually employed as of the end of 2010.

The relevant information can be found in form no. 9-2 (section 1, column 2, row 16) of the statistical report of the Federal Bailiff Service for the year 2010: [http://www.fssprus.ru/files/fssp/db/files/vso2010\\_12.zip](http://www.fssprus.ru/files/fssp/db/files/vso2010_12.zip)

Question 172.

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

Candidate bailiffs are not required to pass any specific initial training or examination to enter the profession, though such training is necessary for further promotion.

Question 173.

The Federal Bailiff Service and its regional and local offices.

Question 174-176.

The answer to these questions is NAP.

In the Russian Federation, bailiffs do not receive any enforcement fees from court users, they receive monthly salaries as employees of a public institution.

As regards additional costs and expenses incurred in connection with enforcement proceedings (such as the search for the debtor or transportation and storage of his/her belongings), according to Articles 116 and 117 of the Federal Law "On enforcement proceedings" (2 October 2007, no. 229-FZ), they shall be recovered from the debtor on the basis of a calculation presented by a bailiff.

According to Article 112 of the same Law, an enforcement duty can be imposed on a debtor in case of his/her refusal to voluntarily perform the necessary enforcement actions within the specified term.

**8. 1. 2. Efficiency of enforcement services**

**177) Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

**178) Which authority is responsible for supervising and monitoring enforcement agents?**

a professional body?

the judge?

the Ministry of justice?

the public prosecutor?

other?

If other, please specify:

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

According to Article 7 of the Federal Law "On bailiffs" (21 July 1997, no. 118-FZ), the Ministry of Justice of the Russian Federation shall perform coordination of and control over the activity of the Federal Bailiff Service.

According to Articles 8 - 10 of the Law, the heads of the Federal Bailiff Service and its regional and local offices also perform control over the activity of subordinate bailiffs.

According to Article 19 (4) of the Law, prosecution service shall supervise the activity of bailiffs.

According to Article 19 (1) of the Law, complaints against bailiff's actions can be lodged with higher-ranking officials or courts.

**179) Have quality standards been determined for enforcement agents?**

- Yes  
 No

If yes, what are the quality criteria used?

Performance indicators and targets for the activity of bailiffs are defined in various orders of the Federal Bailiff Service and include, among other things, proportions of completed enforcement proceedings, amounts of debts, fines and taxes actually collected.

**180) If yes, who is responsible for establishing these quality standards?**

- a professional body  
 the judge  
 the Ministry of Justice  
 other

If "other", please specify:  
The Federal Bailiff Service.

**181) Is there a specific mechanism for executing court decisions rendered against public authorities, including for supervising such execution?**

- Yes  
 No

if yes, please specify

The procedure for recovering compensations or debts from public budgets of federal and regional levels and budgets of local authorities is set in Chapter 24.1 of the Budgetary Code of the Russian Federation.

**182) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

Electronic system for collecting statistics.  
Online database of debtors at <http://www.fssprus.ru/>

**183) What are the main complaints made by 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?

If other, please specify:

As reported by the Federal Bailiff Service.

**184) 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:

See comment to question 37 about the Federal law "On the compensation for the violation of the right to trial within reasonable time and the right to execution of judicial acts within reasonable time" (30 April 2010, no. 68-FZ).

**185) Is there a system measuring the timeframes of the enforcement procedures:**

- for civil cases?
- for administrative cases?

**186) As regards a decision on debts collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits:**

NA

**187) Number of disciplinary proceedings initiated against enforcement agents. If other, please specify it in the "comment" box below.**

**[If disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.]**

Total number of disciplinary proceedings (1+2+3+4)	<input checked="" type="checkbox"/> number:	15 125
1. for breach of professional ethics	<input checked="" type="checkbox"/> number:	27
2. for professional inadequacy	<input checked="" type="checkbox"/> number:	773
3. for criminal offence		NAP
4. Other	<input checked="" type="checkbox"/> number:	14 325

Comment :

As reported by the Federal Bailiff Service.

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

**188) Number of sanctions pronounced against enforcement agents.**

**If "other", please specify it in the "comment" box below. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons in the "comment" box below.**

Total number of sanctions (1+2+3+4+5)	<input checked="" type="checkbox"/> number:	8 458
1. Reprimand	<input checked="" type="checkbox"/> number:	8 026
2. Suspension	<input checked="" type="checkbox"/> number:	5
3. Dismissal	<input checked="" type="checkbox"/> number:	65
4. Fine		NAP
5. Other	<input checked="" type="checkbox"/> number:	362

Comment :

As reported by the Federal Bailiff Service:

- 1 - 1984 reprimands + 6042 remarks,
- 2 - 5 removals from office,
- 3 - 65 dismissals from civil service,
- 4 - NAP,
- 5 - 362 warnings about not full correspondence to office.

According to Article 57 of the Federal Law "On public civil service of the Russian Federation" (27 July 2004, no. 79-FZ), the following disciplinary sanctions can be imposed on bailiffs:

- remark,
- reprimand,
- warning about not full correspondence to office,
- removal from office,
- dismissal from civil service.

### H.1

**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**

Question 185.

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

There are no automated electronic systems for measuring the timeframes of enforcement proceedings in civil and administrative cases, if this is what is meant in this question.

**Please indicate the source for answering the questions 186, 187 and 188:**

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Execution of decisions in criminal matters

**189) Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)**

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority

Please specify his/her functions and duties (initiative or monitoring functions). If "other authority", please specify:

The list of authorities responsible for the enforcement of criminal penalties can be found in Article 16 of the Russian Criminal Penitentiary Code.

The Russian Federal Penitentiary Service is responsible for the prison and probation system in the Russian Federation, which includes:

- penitentiary inspections,
- arrest facilities,
- detention facilities,
- colonies, correctional institutions and prisons.

There are authorities that do not belong to the penitentiary system of the Russian Federation and can enforce certain types of criminal penalties, namely:

- 1) fines are recovered by the officers of the Russian Federal Bailiff Service;
- 2) certain types of penalties imposed on military servicemen are enforced by disciplinary military units and military unit commanding officers,
- 3) deprivation of special or military rank, honorary title, class rank or government decorations is enforced by the courts that have delivered corresponding judgments.

**190) Are the effective recovery rates of fines decided by a criminal court evaluated by studies?**

- Yes

No

**191) If yes, what is the recovery rate?**

- 80-100%
- 50-79%
- less than 50%
- it cannot be estimated

Please indicate the source for answering this question:

Annual statistics on the sums of imposed and recovered fines in criminal cases is kept by the Russian Federal Bailiff Service, which is responsible for the enforcement of this type of criminal penalty.

The relevant information can be found in form no. 1-3 (column 6) of its statistical report for the year 2010: [http://www.fssprus.ru/files/fssp/db/files/vso2010\\_12.zip](http://www.fssprus.ru/files/fssp/db/files/vso2010_12.zip)

This kind of statistics is also kept by the Judicial Department of the Supreme Court of the Russian Federation on the basis of the information collected from the courts of general jurisdiction (including the Supreme Court of the Russian Federation and the justices of the peace).

The relevant information can be found in section 2 (rows 1 and 2) of form no. 4 of its statistical report for the year 2010: <http://www.cdep.ru/index.php?id=5&item=494>

The available statistics allows to estimate the correlation between the total sums of fines that have been pending and that have been actually recovered during the reference year. However, as several years can pass between the imposition of a fine and its full recovery, it is impossible to estimate the absolute recovery rate.

**H.2**

**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. Notaries

#### 9. 1. 1. Notaries

**192) Do you have notaries in your country? If no go to question 197**

- Yes  
 No

**193) Are notaries:**

-----

**If other, please specify it in the "comment" box below.**

private professionals (without control from public authorities)?		NAP
private professionals under the authority (control) of public authorities?	<input checked="" type="checkbox"/> number	7 357
public agents?	<input checked="" type="checkbox"/> number	55
other?		NAP

Comment :

The figures are as of 1 January 2009 and were obtained from the concept of the draft Federal Law "On notaries and notarial activity in the Russian Federation". The number of notaries employed in public notary offices has been decreasing in the recent years.

According to Article 1 of "The fundamentals of the Russian Federation legislation on notaries" (11 February 1993, no. 4462-1), there are notaries employed in public notary offices and private practitioner notaries in the Russian Federation.

Notarial functions are also vested in consular officers of the Russian Federation.

A limited number of notarial functions can be vested in the head of a local administration when there is no notary in the respective settlement.

**194) Do notaries have duties (multiple options possible):**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to certify the authenticity of legal deeds and certificates?  
 other?

If "other", please specify:

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

According to Articles 35 and 36 of "The fundamentals of the Russian Federation legislation on notaries" (11 February 1993, no. 4462-1), notaries, among other things, can:

- certify transactions and attest facts,
- certify authenticity of copies of legal documents, as well as extracts from them and translations thereof,
- certify the authenticity of signatures on documents,
- accept captain's protest notes and prepare acts on captain's protests,
- receive money and securities from a debtor in deposit for subsequent transfer to a creditor,
- accept documents for storage,
- issue certificates confirming right to a share in common property of spouses,
- issue certificates confirming right to inherited property,
- take measures to protect inherited property.

**195) Is there an authority entrusted with supervising and monitoring the the notaries' activity?**

- Yes  
 No

**196) Which authority is responsible for supervising and monitoring notaries:**

- a professional body?
- the judge?
- the Ministry of justice?
- the public prosecutor?
- other?

If other, please specify:

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

According to Article 34 of "The fundamentals of the Russian Federation legislation on notaries" (11 February 1993, no. 4462-1), notaries employed in public notary offices are supervised by the Ministry of Justice of the Russian Federation and its regional offices, while private practitioner notaries are supervised by notary chambers.

According to chapter 6 of the Fundamentals, private practitioner notaries are organized through notary chambers of the federal entities and the Federal Notary Chamber.

According to Article 1 of the Fundamentals, the registry of all practicing notaries is kept by the Ministry of Justice of the Russian Federation and its territorial offices.

According to Article 33 of the Fundamentals, complaints against notary's actions can be lodged with courts.

**I.1**

**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. Court interpreters

#### 10. 1. 1. Court interpreters

**197) Is the title of court interpreters protected?**

- Yes  
 No

**198) Is the function of court interpreters regulated by legal norms?**

- Yes  
 No

**199) Number of accredited or registered court interpreters:**

NAP

**200) Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

- Yes  
 No

If yes, please specify (e.g. having passed a specific exam):

**201) Are the courts responsible for selecting court interpreters? If no, please indicate in the "comment" box below which authority selects court interpreters.**

- Yes  for recruitment and/or appointment for a specific term of office  
 Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings  
 -  No

Comment :

### J.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

Question 197.

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

There is no such profession as court interpreter in the Russian Federation. This is only a procedural status.

Individuals are not required to pass specific examinations, obtain licenses or certificates, register with courts or any other organizations to be able to act as court interpreters.

Question 198.

Criminal proceedings.

According to Article 59 of the Russian Criminal Procedure Code, any individual with good command of the necessary language can be invited to act as a interpreter. Article 69 of the Code allows to challenge court interpreters on the ground of their incompetence.

Proceedings in cases concerning administrative offences.

According to Article 25.10 of the Russian Code of Administrative Offences, any individual of legal age with good command of the necessary language can be invited to act as an interpreter. Interpretation shall be precise and complete. Article 25.12 of the Code does not set any specific grounds for challenging interpreters.

Civil proceedings.

The Russian Civil Procedure Code does not set any specific requirements to persons that can be invited as interpreters (Article 162 of the Code) and does not set any specific grounds for challenging them (Article 18 of the Code).

Commercial proceedings.

According to Article 57 of the Russian Commercial Procedure Code, any individual with good command of the

necessary language can be invited to act as an interpreter. Interpretation shall be precise, complete and timely. Article 23 of the Code does not set any specific grounds for challenging interpreters.

Liability of court interpreters.

According to Article 307 of the Russian Criminal Code, knowingly false interpretation in the course of criminal, civil and commercial proceedings constitutes a crime.

According to Article 17.9 of the Russian Code of Administrative Offences, knowingly false interpretation in the course of proceedings in cases concerning administrative offences and during enforcement proceedings constitutes an administrative offence.

**Please indicate the sources for answering question 199:**

## 11. Judicial experts

### 11. 1. Judicial experts

#### 11. 1. 1. Judicial experts

**202) In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):**

- "expert witnesses", who are requested by the parties to bring their expertise to support their argumentation
- "technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal
- "law experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision)

**203) Is the title of judicial experts protected?**

- Yes
- No

**204) Is the function of judicial experts regulated by legal norms?**

- Yes
- No

**205) Number of accredited or registered judicial experts (technical experts)**

NA

**206) Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

- Yes
- No

If yes, please specify, in particular the given time to provide a technical report to the judge:

Quality requirements to forensic expert activity are set in Articles 4, 8 and 16 of the Federal Law "On the public forensic expert activity in the Russian Federation" (31 May 2001, no. 73-FZ). According to Article 41 of the same Law, they apply to the activity of any person performing forensic expert examination (not only to the activity of public forensic experts).

Certain requirements are also defined in the relevant procedural codes.

Time limits for forensic expert examinations are set by judges.

**207) Are the courts responsible for selecting judicial experts?**

-----  
**If no, please indicate in the "comment" box below which authority selects judicial experts?**

- Yes  for recruitment and/or appointment for a specific term of office
- Yes  for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings
- No .

Comment :

Judges appoint individual experts and specialists or choose expert institutions with regard to the opinions of the parties.

### K.1

**You can indicate below any useful comments for interpreting the data mentioned in this chapter:**

Question 202.

Basically, any individual possessing necessary special knowledge can be invited to participate in the court proceedings in the capacity of expert or specialist.



Experts perform expert examinations and prepare expert reports.

Specialists assist in performing procedural actions and provide written or oral consultations.

Both experts and specialists bear responsibility for knowingly false testimony or report (consultation) under either Article 307 of the Russian Criminal Code or Article 17.9 of the Russian Code of Administrative Offences.

The statuses of experts and specialists are defined in the relevant procedural codes.

Unlike the other procedural codes, the Russian Criminal Procedure Code allows for both experts and specialists to be challenged on the ground of their incompetence.

Unlike the other procedural codes, the Russian Commercial Procedure Code had not contained any provisions regarding specialists until 2011 (these provisions were added by Federal Law of 8 December 2011 no. 422-FZ).

As regards legal advice, the Russian procedural legislation does not expressly prohibit experts or specialists from advising on issues of law, but such opportunity is used rarely.

Question 203.

According to Article 41 of the Federal Law "On the public forensic expert activity in the Russian Federation" (31 May 2001, no. 73-FZ), forensic expert examinations can be performed by:

- public forensic experts,
- other persons possessing necessary special knowledge (private experts, members of non-governmental expert organizations, employees of non-expert organizations).

Only the title of public forensic expert is protected. Articles 11 and 12 of the Law define the statuses of public forensic expert institutions and public forensic experts. Article 13 of the Law sets the requirements to public forensic experts.

Public forensic expert institutions function under the Ministry of Justice, Ministry of the Interior, Ministry of Defense, Ministry of Health Care and Social Development, Federal Security Service, Federal Drug Control Service and some other public bodies of the Russian Federation.

Question 204.

The Federal Law "On the public forensic expert activity in the Russian Federation" (31 May 2001, no. 73-FZ).

The Russian Criminal Procedure Code (the most relevant Articles: 57, 58, 70, 71, 80, 168 and 195).

The Russian Code of Administrative Offences (the most relevant Articles: 25.8, 25.9 and 26.4).

The Russian Civil Procedure Code (the most relevant Articles: 18, 79, 80, 84, 85, 171 and 188).

The Russian Commercial Procedure Code (the most relevant Articles: 23, 55, 55.1, 82, 83, 86 and 87.1).

**Please indicate the sources for answering question 205:**

## 12. Foreseen reforms

### 12. 1. Foreseen reforms

#### 12. 1. 1. Reforms

**208) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged. If possible, please observe the following categories:**

**1. (Comprehensive) reform plans**

**2. Budget**

**3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)**

**4. High Judicial Council**

**5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education, etc.**

**6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities**

**7. Enforcement of court decisions**

**8. Mediation and other ADR**

**9. Fight against crime and prison system**

**10. Other**

3) Courts.

The term of the Federal Target Program "Development of the Russian Judicial System" for 2007-2011 (approved by the Ruling of the Government of the Russian Federation of 21 September 2006, no. 583) was extended until 2012. The program aims, among other things, at enhancing transparency, openness and accessibility of justice and improving efficiency and quality of court activity.

3) Courts.

Appellate stage of proceedings is to be introduced in the courts of general jurisdiction, by 1 January 2012 in civil cases and by 1 January 2013 in criminal cases. The scope of cassational and supervisory review will be changed accordingly.

The legal basis for this major reform is as follows:

- the Federal Constitutional Law "On the courts of general jurisdiction in the Russian Federation" (7 February 2011, no. 1-FKZ),
- the Federal Law "On the amendment of the Civil Procedure Code of the Russian Federation" (9 December 2010, no. 353-FZ),
- the Federal Law "On the amendment of the Criminal Procedure Code of the Russian Federation" (29 December 2010, no. 433-FZ).

Currently, court decisions in criminal and civil cases, which have not entered into force, can be reviewed by way of either appellate or cassational procedure. Only the decisions of the justices of the peace are subject to review by way of appellate procedure (see Article 320 of the Russian Civil Procedure Code and Article 354(2) of the Russian Criminal Procedure Code). Decisions delivered by higher courts of general jurisdiction are subject to review by way of cassational procedure.

Unlike the cassational procedure, appellate procedure allows for full re-examination of the case under the same rules that are set for the courts of first instance (see Article 327 of the Russian Civil Procedure Code and Article 365 of the Russian Criminal Procedure Code). The court of appellate instance can adopt a new decision or uphold, amend or quash the decision being reviewed (see Article 328 of the Russian Civil Procedure Code and Article 367 of the Russian Criminal Procedure Code). Unlike the court of cassational instance, the court of appellate instance does not have an option to quash the reviewed decision and remit the case to the inferior court for a new examination, which obviously takes a lot more time.

The reform will introduce appellate instance review for all the decisions in criminal and civil matters which have been delivered by the courts of general jurisdiction of first instance and have not entered into force. Cassational review will apply only to the decisions that have entered into force. Supervisory proceedings will become even more exceptional.

3) Courts.

A court dealing with intellectual rights is to be instituted in the system of commercial courts before 1 February 2013.

The legal basis for its creation is the Federal Constitutional Law "On the amendment of the Federal Constitutional Laws "On the court system of the Russian Federation" and "On the commercial courts in the Russian Federation" in connection with the institution of the Court for intellectual rights within the system of commercial courts" (6 December 2011, no. 4-FKZ).

The Court for intellectual rights will be a specialized commercial court dealing with disputes relating to the protection of intellectual rights, both in the first and second instance.

5) Notaries.

Draft Federal Law "On notaries and notarial activity in the Russian Federation" is under debate. Among other things, it provides for the removal of public notary offices and the unification of profession, sets stricter requirements to

candidate notaries and stricter control over the practice of profession, introduces new functions and aims to improve accessibility of notaries for citizens and organizations in hard-to-reach and low populated areas.

7) Bailiffs.

Under debate are, among other things, the issues of granting the "law enforcement body" status to the Federal Bailiff Service and introducing stricter requirements to candidate bailiffs.

9) Penitentiary system.

"The concept of development of the penitentiary system of the Russian Federation until 2020" has been approved by the Ruling of the Government of the Russian Federation of 14 October 2010, no. 1772-r. It aims, among other things, to enhance and optimize the penitentiary system to meet the European standards, make the conditions of serving sentence and detention more humane, improve the efficiency of the work on social and psychological re-adaptation of convicts.

10) Legal aid.

The Federal Law "On legal aid in the Russian Federation", no. 324-FZ, has been adopted on 21 November 2011. It enters into force on 15 January 2012 and aims to promote the development and optimize the structure of public and non-governmental legal aid systems.