



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2013

Country: Russian Federation**National correspondent**

First Name - Last Name: **DRONOVA Alexandra**
Job title: **Representative of the Russian Federation to the European Commission for the Efficiency of Justice - Director of the Department of International Law and Cooperation of the Ministry of Justice of the Russian Federation**
Organisation: **Ministry of Justice of the Russian Federation**
E-mail: **rusrepr@gov.ru**
Phone Number : **007 495 980 18 29**

First Name - Last Name: **KRIVOSHEEVA Aleksandra**
Job title:
Organisation: **Ministry of Justice of the Russian Federation**
E-mail: **Aleksandra.Krivosheeva@minjust.ru**
Phone Number : **. +7 (495) 980-18-29**

First Name - Last Name: **REPRÉSENTATION PÉMANENTE FÉDÉRATION DE RUSSIE Rp russie**
Job title:
Organisation:
E-mail: **russia.coe@orange.fr**
Phone Number :

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 2013)

143 347 000

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 or federal level | 319 561 207 698 |
| Regional / federal entity level (total for all regions / federal entities) | 200 466 832 055 |

3) Per capita GDP (in €)

10 877

4) Average gross annual salary (in €)

7 943

5) Exchange rate of national currency (non-Euro zone) to € on 1 January 2013

40,2286

A1. Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

Q 3: e-mail from the NC sent on 23/05/2014

For the calculation we used average annual number of inhabitants for 2012 and average annual exchange rate of national currency which is 39, 9444 € instead of using the data on the particular date (1 January 2013). According to the Federal State Statistics Service it is the correct way which reflects the situation accurately.

Q 3: Mail from the NC sent on 8/05/2014: Per capita GDP of the Russian Federation is calculated by dividing the GDP of the Russian Federation by average annual number of inhabitants for the respective year.

The data concerning the average number of inhabitants for 2012 are available on the web-site of the Federal State Statistics Service:

http://www.gks.ru/bgd/regl/b13_107/Main.htm

http://www.gks.ru/free_doc/new_site/population/demo/Popul2014.xls.

Today the number of inhabitants has been reviewed considering the results of the All-Russian population census 2010. The Federal State Statistics Service notes that average annual number of inhabitants and exchange rate of national currency are appropriate for above-mentioned calculations.

Q 2: Mail from the NC sent on 12/05/2014:

In many cases the reason why data for 2012 exercise differs in a considerable way from data provided in 2010 is the list of indicators used in the statistics which has been greatly expanded since 2010.

mail CN 08/5/14: Source for questions 1 to 4 : The Federal Statistics Service

The source for Q2 is

http://www.gks.ru/free_doc/new_site/finans/fin21.htm.

The source for Q4 is http://www.gks.ru/wps/wcm/connect/rosstat_main/rosstat/ru/statistics/wages/labour_costs/#.

1. 1. 2. Budgetary data concerning judicial system

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 | 3 336 134 801 |
| 1. Annual public budget allocated to (gross) salaries | <input checked="" type="checkbox"/> Yes | 1 922 361 631 |
| 2. Annual public budget allocated to computerisation (equipment, investments, maintenance) | <input checked="" type="checkbox"/> Yes | 150 894 210 |
| 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 | 72 992 964 |
| 4. Annual public budget allocated to court buildings (maintenance, operating costs) | <input checked="" type="checkbox"/> Yes | 197 056 629 |
| 5. Annual public budget allocated to investments in new (court) buildings | <input checked="" type="checkbox"/> Yes | 183 689 997 |
| 6. Annual public budget allocated to training and education | <input checked="" type="checkbox"/> Yes | 16 252 538 |
| 7. Other (please specify): | <input checked="" type="checkbox"/> Yes | 792 886 832 |

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:

e-mail from the NC sent on 23/05/2014:

The budget allocated to legal aid is not included into Q6.

Mail from the NC sent on 8/05/2014: The data in the section "Other" includes business trip expenses, bonuses, social benefits, compensation payments, permanent alimony of judges, land tax, property tax, amends in case of inability to practise a profession and in case of loss of breadwinner for unemployable members of a family, procurement of lodgings for judges, procurement and upkeep of transport, representational expenses, subsidies for sub-federal units of the Russian Federation and municipal entities for making (changing and filling up) a lists of juries candidates for general jurisdiction courts.

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 (concerning civil cases), 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.

8.1) Please briefly present the methodology of calculation of courts fees?

The amount of state duty for the cases considered in the courts of general jurisdiction and magistrate courts is established by Article 333.19 of the Tax Code of the Russian Federation.

The distinctions of state duty payment when appeal to the courts of general jurisdiction and magistrate courts are established by Article 333.20 of the Tax Code of the Russian Federation.

8.2) Please indicate, if possible, the amount of court fees to commence an action for 3000€ debt recovery?

According to Article 333.19 of the Tax Code of the Russian Federation when bringing a suit concerning estate issues subject to valuation state duty is estimated and payed based on the suit cost in roubles.

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

452 826 397

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. (Question modified)

If your system enables to be granted legal aid for cases which are non litigious or not brought to court, please specify:

| | Amount (in €) |
|---|---------------|
| Total annual approved public budget allocated to legal aid (12.1 + 12.2) | 69401711 |
| 12.1 Annual public budget allocated to legal aid for cases brought to court | NA |
| 12.1.1 in criminal law cases | NA |
| 12.1.2 in other than criminal law cases | NA |
| 12.2 Annual public budget allocated to legal aid for non litigious cases or cases not brought to court (legal consultation, ADR, etc) | NA |

Comment :

mail from the NC sent on 2/06/2014: "It is impossible to divide budgetary provisions allocated to criminal and other than criminal cases. According to the Federal Law on Free Legal Aid in the Russian Federation adopted on November 21, 2011 financing of actions concerning free legal aid is entrusted on the public authorities of the Russian Federation and their subordinate agencies, on the public authorities of sub-federal units of the Russian Federation and their subordinate agencies. The financing is conducted at the expense of budget allocation of the federal budget and budgets of sub-federal units of the Russian Federation. Financing of actions concerning free legal aid conducted at the expense of budget of other subjects is conducted by relevant subjects themselves.

Cost funding concerning establishment and operating of public law firms and (or) payment for labour of advocates providing citizens with free legal aid and reimbursement of expenses on such aid is the expense commitment of sub-federal units of the Russian Federation.

Local government authorities cost funding concerning establishment and operating of municipal law firms and establishment of additional guarantees for citizens' right to get free legal aid is the expense commitment of local budgets

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 1 161 610 701

Comment :

The budget assigned to the public prosecution service system isn't included to the court system budget.

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 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 | No |
| Supreme Court | Yes | No | Yes | No |
| High Judicial Council | Yes | No | No | No |
| Courts | No | No | No | No |
| Inspection body | No | No | No | Yes |
| Other | Yes | No | Yes | No |

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

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),
- <http://www.cepej.coe.int/EvaluationGrid/WebForms/PrintEvaluation.aspx?idevaluation=...> 17/09/12

Print Evaluation Page 6 of 75

- 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

Mail from the NC sent on 21/04/2014 Q 9: The total amount consists of state duty on the cases reviewed by commercial courts, regular courts and magistrates (justices of peace).

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

mail CN 8/5/14: Source for question 6: The Supreme Court of the Russian Federation, The Supreme Commercial Court of the Russian Federation, The Judicial Department of the Supreme Court of the Russian Federation. Mail from the NC sent on 2/6/2014 : data for Q9 has been provided by the Federal Tax Service. "The data for Q12 and Q13 has been provided by the Ministry of Finance of the Russian Federation

1. 1. 3. Budgetary data concerning the whole justice system

15) The following data would be useful for information

15.1) (Former question 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

11121776504

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

| | |
|---|-----|
| Court (see question 6) | Yes |
| Legal aid (see question 12) | Yes |
| Public prosecution services (see question 13) | Yes |
| Prison system | Yes |
| Probation services | No |
| | |

| | |
|--|-----|
| Council of the judiciary | Yes |
| Constitutional court | Yes |
| Judicial management body | Yes |
| State advocacy | No |
| Enforcement services | Yes |
| Notariat | No |
| Forensic services | Yes |
| Judicial protection of juveniles | No |
| Functioning of the Ministry of Justice | Yes |
| Refugees and asylum seekers services | No |
| Other | No |

Comment :

[mail NC 9/7/2014 - remove probation services]

2. Access to justice

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:

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

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 for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

Please specify in the "comment" box below, when appropriate.

[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 :

20.1) Number of cases not brought to court (see 12.2 above) for which legal aid has been granted. If data is not available, please indicate NA. If the situation is not applicable in your country, please indicate NAP.

| Number of 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 cases 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 ? If you have such a system but no data available, please indicate NA. If you do not have such a system, please indicate NAP.

Please provide in the "comment" box below any information to explain the figures provided.

| | 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 :

[Mail from the NC sent on 2/06/2014 : Ajout de commentaire: "In criminal cases, legal aid lawyer can be assigned irrespective of the applicant's financial situation. 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" .]

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:

25) In other than criminal cases, is the decision to grant or refuse legal aid taken by: the court? an authority external to the court? a mixed 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

["The Federal Law on Free Legal Aid in the Russian Federation adopted on November 21, 2011 establishes the basic guarantees of the rights of citizens to free qualified legal assistance. The law does not apply to criminal proceedings. There are, in particular, the following types of assistance: oral and written consulting; preparation of applications, complaints, moves and other legal documents; representation in courts, state and municipal authorities, organizations.

Free legal aid can provided by a person with a law degree.

There are government and non-government free legal aid systems.

The law defines the cases when the government free legal aid can be provided: utilities consumer rights protection, establishing and challenging paternity (maternity), alimony, etc.

The participants of non-government free legal aid system are legal clinics at universities (student advisory and legal offices, etc.) and free legal aid centers". (mail of 2/06/2014)]

Please indicate the sources for answering 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:

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)? Internet address(es): Yes

Comment :

Within the framework of the State Automatical System of the Russian Federation "Justice" there is a web-portal of Judicial Department of the Supreme Court of the Russian Federation (<http://sudrf.ru/>) which contains the data concerning court bodies, legal publications, texts of codes, laws, the Russian Federation Presidential Decrees, Regulations of the Government of the Russian Federation and other laws and regulations and texts of judicial acts.

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

- Yes
 No
 Yes only in some specific situations

If yes only in some specific situations, 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 sexual violence/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, forced marriage, sexual mutilation) | 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 <http://www.cepej.coe.int/EvaluationGrid/WebForms/PrintEvaluation.aspx?idevaluation=...> 17/09/12

Print Evaluation Page 14 of 75

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.

31.1) Is it possible for minors to be a party to a judicial proceedings :

- Yes
 No

If yes, please specify which procedure can be concerned (civil, criminal, administrative/normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.) :

[mail NC 1/7/2014 : Minors can participate in a criminal trial as a victim, as a suspect (accused, in exceptional circumstances, as a civil defendant) as a witness.

Minor as a party of civil procedure can act independently as one of the parties (the plaintiff, the defendant or the applicant), or being represented by a legal representative or act as a witness or a third party.]

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 illustrate with available data concerning 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 decision by a judge".

- Yes
 No
 NAP (the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge 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 handling 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 |
|--|--|---|
| Court concerned | Yes | Yes |
| Higher court | Yes | Yes |
| Ministry of Justice | No | No |
| High Council of the Judiciary | Yes | Yes |
| Other external bodies (e.g. Ombudsman) | No | No |

Comment :

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.

<http://www.cepej.coe.int/EvaluationGrid/WebForms/PrintEvaluation.aspx?idevaluation=...> 17/09/12

Print Evaluation Page 17 of 75

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.

41.1) Please indicate the number of complaints that are upheld and the amount of compensation given to users in 2012 for complaints about the functioning of the judicial system

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) | 9381 |
| 42.2 First instance specialised Courts (legal entities) | NAP |
| 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) | 3024 |

43) Number (legal entities) of first instance specialised courts (or specific judicial order). If data is not available, please indicate NA.

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

| | Number |
|--|--------|
| Total (must be the same as the data given under question 42.2) | NAP |
| Commercial courts (excluded insolvency courts) | NAP |
| Insolvency courts | NAP |
| Labour courts | NAP |
| Family courts | NAP |
| Rent and tenancies courts | NAP |
| Enforcement of criminal sanctions courts | NAP |
| Fight against terrorism, organised crime and corruption | NAP |
| Internet related disputes | NAP |
| Administrative courts | NAP |
| Insurance and / or social welfare courts | NAP |
| Military courts | NAP |
| Other specialised 1st instance courts | NAP |

Comment :

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:

During 2014 it's planned to abrogate 4 district courts (the Kabardino-Balkarian Republic, the Arkhangelsk Region, the Rostov Region, the Yamalo-Nenets Autonomous District).
 ["For the reform concerning the merge of high courts see Section 12 "Foreseen reforms". (mail of 2/06/2014)]

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 |
|------------------------------------|--------|
| a debt collection for small claims | NA |
| a dismissal | NA |
| a robbery | NA |

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

NA

e-mail from the NC sent on 23/05/2014

The difference between 2010 and 2012 is a result of different approach.

"The comment provided for Report 2012 reflects similar situation in Russia: "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 magistrates (justices of the peace). (mail of 2/06/2014)

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.

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".]

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

NA

[Q42 mail sent by the NC on 2/06/2014 "As concerns the category "First instance courts of general jurisdiction", the number includes:

supreme courts of republics, territorial and regional courts, federal cities courts, autonomous region court and

autonomous districts courts - 83;

district (naval) military courts - 12;

district (city) courts - 2193;

garrison military courts - 105;

magistrate courts of the sub-federal units of the Russian Federation (justices of peace) – 6988 (actual number).

With regard to the category "First instance specialised courts ", Article 26 of the Federal Constitutional Law "On the Judicial System of the Russian Federation" provides the possibility of establishing specialised federal courts to hear civil and administrative cases under the jurisdiction of the courts of general jurisdiction, as well as economic disputes and other cases under the jurisdiction of commercial courts established by inserting amendments to this federal constitutional law.

There are no specialised courts in the system of courts of general jurisdiction of the Russian Federation.

In 2013 the Intellectual Property Rights Court was established. It is the first specialized commercial court of the Russian Federation. The Court hears within its jurisdiction as the first instance court and cassation instance court cases concerning intellectual property rights protection disputes.

As regards the category "All the courts", according to Part 2 of Article 33 of the Federal Constitutional Law "On the Courts of General Jurisdiction in the Russian Federation" in order to bring justice closer to the whereabouts or place of residence of persons involved in the case, living in remote areas, composed of the district court a permanent bench located outside of a permanent stay of the court may be established.

A permanent bench of the district court is a separate division of the court which exercises its powers and authority.

Today the activities aimed at optimization of the judicial workload are carried out in the Russian Federation. During the implementation of these measures the number of district courts with a smaller workload reduced by affiliating to courts with greater workload or establishing of new district courts.

The data concerning geographic locations of magistrates (justices of peace) in the Russian Federation is not available".]

["The data for Q42, Q45 has been provided by the Judicial Department of the Supreme Court of the Russian Federation and The Supreme Commercial Court of the Russian Federation" (mail of 2/06/2014)]

3. 1. 2. Judges, court staff

46) Number of professional judges sitting in courts (if possible on 31 December 2012) (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 | NAP |
|--|-------|-------|---------|-----|
| Total number of professional judges (1 + 2 + 3) | 33232 | 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 | 145 | NA | NA | |

Comment :

Mail from the NC sent on 12/05/2014:

The data has been provided by the Supreme Court of the Russian Federation, the Supreme Commercial Court of the Russian Federation, the Judicial Department of the Supreme Court of the Russian Federation.

The scale does not include the number of "magistrates" since there is a lack of data concerning the number of males and female. However, as of December 25, 2012 the actual number of magistrates in the sub-federal units of the Russian Federation is 6933.

When nominating a judge it is not determined whether it is the first or the second instance judge.

In this regard the data concerning the number of second instance judges in the courts of general jurisdiction system is not available.

Mail from the NC sent on 23/05/2014:

Magistrates (or justices of peace) in the Russian Federation are judges of general jurisdiction of the sub-federal entities of the Russian Federation and are included in the unified judicial system of the Russian Federation.

The jurisdiction of magistrates includes particular criminal cases, cases concerning property disputes, value of claim of which does not exceed 500 minimum wage amount, cases concerning separations of joint property between conjoints, cases concerning employment relations except those concerning employment reinstatement and resolving of collective employment disputes and also other types of cases defined by the Federal Law "On Magistrates in the Russian Federation".

Magistrates are appointed (elected) by legislative (representative) body of the public authority of sub-federal entity of the Russian Federation or elected by the population of respective judicial district the way established by the law of sub-federal entity of the Russian Federation.

Mail CN 9/7/2014 : The data has been provided by the Supreme Court of the Russian Federation, the Supreme Commercial Court of the Russian Federation, the Judicial Department of the Supreme Court of the Russian Federation.

We exclude the information on males and females as there is a lack of the relevant data concerning magistrates.

29 306 professional judges (including magistrates) according to the Judicial Department of the Supreme Court of the Russian Federation;

3 818 professional judges according to the Supreme Commercial Court of the Russian Federation;

108 professional judges according to the Supreme Court of the Russian Federation.

When nominating a judge it is not determined whether it is the first or the second instance judge.

In this regard the data concerning the number of second instance judges in the courts of general jurisdiction system is not available.

The number of supreme court professional judges includes 55 judges of The Supreme Commercial Court of the Russian Federation and 90 judges of the Supreme Court of the Russian Federation.

Magistrates (or justices of peace) in the Russian Federation are judges of general jurisdiction of the sub-federal entities of the Russian Federation and are included in the unified judicial system of the Russian Federation.

The jurisdiction of magistrates includes particular criminal cases, cases concerning property disputes, value of claim of which does not exceed 500 minimum wage amount, cases concerning separations of joint property between conjoints, cases concerning employment relations except those concerning employment reinstatement and resolving of collective employment disputes and also other types of cases defined by the Federal Law "On Magistrates in the Russian Federation".

Magistrates are appointed (elected) by legislative (representative) body of the public authority of sub-federal entity of the Russian Federation or elected by the population of respective judicial district the way established by the law of sub-federal entity of the Russian Federation.

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 | NAP |
|---|-------|-------|---------|-----|
| Total number of court presidents (1 + 2 + 3) | 2351 | 1533 | 818 | |
| 1. Number of first instance court presidents | 2322 | 1512 | 810 | |
| 2. Number of second instance (court of appeal) court presidents | 27 | 19 | 8 | |
| 3. Number of supreme court presidents | 2 | 2 | 0 | |

48) Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December 2012).

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 2012) (e.g. lay judges and "juges consulaires", but not arbitrators and persons sitting in a jury):

If such non-professional judges exists in your country, please specify it in the "comment" box below:

Gross figure Yes 538

Comment :

Mail from the NC sent on 12/05/2014:

According to the Federal Law on "Commercial Court Assessor of the Commercial Courts of Sub-Federal Units of the Russian Federation" commercial court assessors of commercial courts of sub-federal units of the Russian Federation are citizens of the Russian Federation authorized to administer justice when commercial courts of sub-federal units of the Russian Federation hear cases arising from civil matters at the first instance.

Commercial court assessors may be citizens who have reached age requirement of 25 years old, but not older than 70 years old, having faultless reputation, higher education and work experience in the economic, financial, legal, managerial or business field for at least five years.

When hearing a case a commercial court assessor enjoy the rights and owe duties of a judge.

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

Yes

No

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

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).

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 2012) (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 (among which women) 7 4 854

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 Yes (among which women) 4 7 382

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) Yes (among which women) 2 7 472

4. Technical staff NA

5. Other non-judge staff NA

Comment :

Mail from the NC sent on 12/05/2014:

These data do not include data concerning non-judge staff of magistrates of the sub-federal units of the Russian Federation as it is not available.

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.

Mail from the NC sent on 12/05/2014: Courts delegate to private service providers technical support of IT systems used by courts, scanning of the documents for electronic files formation, staff training, cleaning, archiving. The relations subject to the Federal Law "On Contracting in the Sphere of Purchasing of Goods, Works and Services for Meeting State and Municipal Requirements" on the basis of equal access to providing services for meeting state requirements for private citizens.

C1 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 46, 47, 48, 49 and 52

3. 1. 3. Public prosecutors and staff

55) Number of public prosecutors (if possible on 31 December 2012) (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 | NAP |
|---|--------|--------|---------|-----|
| Total number of prosecutors (1 + 2 + 3) | 32 645 | 18 212 | 14 433 | |
| 1. Number of prosecutors at first instance level | NA | NA | NA | |
| 2. Number of prosecutors at second instance (court of appeal) level | NA | NA | NA | |
| 3. Number of prosecutors at supreme court level | NA | NA | NA | |

Comment :

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 | NAP |
|--|-------|-------|---------|-----|
| Total number of heads of prosecution offices (1 + 2 + 3) | 10609 | 7929 | 2680 | |
| 1. Number of heads of prosecution offices at first instance level | 7607 | 6165 | 1442 | |
| 2. Number of heads of prosecution offices at second instance (court of appeal) level | 2808 | 1616 | 1192 | |
| 3. Number of heads of prosecution offices at supreme court level | 194 | 148 | 46 | |

Comment :

e-mail from the NC sent on 15/05/2014:

1. The number of heads of prosecution offices at first instance level includes public prosecutors of the city and district and equated public prosecutors, the first deputy public prosecutors and deputy public prosecutors of the city and district and equated public prosecutors;

2. The number of heads of prosecution offices at second instance (court of appeal) level includes public prosecutors of sub-federal entities of the Russian Federation and equated public prosecutors of specialized public prosecutor's office, the first deputy public prosecutors and deputy public prosecutors of sub-federal entities of the Russian Federation and equated public prosecutors of specialized public prosecutor's office, heads of departments and divisions as departments, senior assistants of public prosecutor, deputy heads of departments and divisions as departments, special mission assistants of public prosecutor;

3. The number of heads of prosecution offices at supreme court level includes the Prosecutor General of the Russian Federation, the first deputy head and deputy heads of the Prosecutor General of the Russian Federation, heads of main departments, departments and divisions as departments and their deputy heads.

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

- Yes
- No
- NA

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

59.1) Do all prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

- Yes

60) Number of staff (non-public prosecutors) attached to the public prosecution service (if possible on 31 December 2012) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

Number NA 11840
 Among which women NA

C2 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.

3. 1. 4. Management of the court budget

61) Who is entrusted with responsibilities related to the budget within the court?

If "other", please specify it in the "comment" box below.

| | budget | allocation | management of the budget | 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.

3. 1. 5. Use of Technologies in courts

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 caselaw | 100% of courts |
| Electronic files | 100% 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 | -10% 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 ?

Si "autres moyens de communication électronique", veuillez le préciser dans la boîte de commentaires ci-dessous.

| | |
|---|----------------|
| 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 | |

| | |
|---|----------------|
| | 100% of courts |
| Electronic submission of claims | -10% of courts |
| Videoconferencing | -50% of courts |
| Other electronic communication facilities | -50% of courts |

Comment :

65) The use of videoconferencing in the courts (details on question 63).

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 or victims? | Yes |
| 65.2 Can such court hearing be held in the police station and/or in the prison? | Yes |
| 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? | Yes |
| 65.4 Is videoconferencing used in other than criminal cases? | Yes |

Comment :

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.

C3 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

[Mail NC 09/07/2014 : Case files in electronic form (electronic files) are used only in the commercial courts]

3. 2. Monitoring 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.vsrp.ru). The Judicial Department of the Supreme Court of the Russian Federation (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) is responsible for gathering statistics about the commercial courts.

66.1) Does this institution publish statistics on the functioning of each court on the internet:

- Yes
 No, only in an intranet website
 No

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, only in an intranet website

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

If yes, 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, Higher Court)
 President of the court
 other

If other, please specify:

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)
 President of the court
 other

If other, please specify:

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:

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.

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:

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:

mail CN 23/5/14: evaluation of the data received from the local level; statistics record keeping; work of cross function team"

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

e-mail from the NC sent on 23/05/2014:

evaluation of the data received from the local level; statistics record keeping; work of cross-function team.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

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 lawyer)?

NA

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

- Yes
 No

Number of successful challenges (in a year):

NA

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) | 1 | 0 | 0 | 0 |
| Civil proceedings - Article 6§1 (non-execution) | 2 | 3 | 8 | 1 |
| Criminal proceedings - Article 6§1 (duration) | 2 | 0 | 6 | 2 |

Please indicate the sources:

ECHR Hudoc data base

D.1 You can indicate below any useful comments for interpreting the data mentioned in this chapter

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.

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.

88.1) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

- Yes
- No

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:

NA

[4. 2. 2. Case flow 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 and criminal law cases.

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 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. Vertical consistency of data means that the sum of the individual case categories 1 to 7 should r

| | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7)* | 928957 | 18661559 | 18632909 | 957607 |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)* | 665622 | 6467576 | 6420913 | 712285 |
| 2. General 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)* | 26000 | 4295000 | 4294000 | 27000 |
| 3. Non litigious enforcement cases | NA | 447000 | 447000 | NA |
| 4. Non litigious land registry cases** | 10000 | 112000 | 103000 | 19000 |
| 5. Non litigious business registry cases** | NA | NA | NA | NA |
| 6. Administrative law cases | 214176 | 6295452 | 6324462 | 185166 |
| 7. Other cases (e.g. insolvency registry cases) | 13159 | 1044531 | 1043534 | 14156 |

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

e-mail from the NC sent on 15/05/2014: The law of civil procedure of the Russian Federation stipulates non-litigious order of hearing for cases of special proceeding and writ proceeding;

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

Mail from the NC sent on 12/05/2014: According to the data given by the Supreme Commercial Court of the Russian Federation section "Other cases" includes special proceedings cases concerning determination of facts of legal significance, recourse against private arbitration decision and issuing of writs of execution for the enforcement of private arbitration decision, cross-border recognition and enforcement of judgments.

As far as cases subjected to courts of general jurisdiction are concerned there is no data available.

94) 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 2012 + incoming cases) – resolved cases" should give the correct number of pending cases on 31 December 2012. 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. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of criminal cases (8+9) | 86000 | 948000 | 942000 | 92000 |
| 8. Severe criminal cases | NAP | NAP | NAP | NAP |
| 9. Misdemeanour and / or minor criminal cases | NAP | NAP | NAP | NAP |

95) To differentiate between misdemeanour / minor offenses and serious offenses and ensure the consistency of the responses between different systems, the CEPEJ invites to classify as misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty. Conversely, should be classified as severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment). If you cannot make such a distinction, please indicate the categories of cases reported in the category "serious offenses" and cases reported in the category "minor offenses":

e-mail from the NC sent on 15/05/2014: In the Russian legislation there are no exact equivalents for definitions of "severe criminal cases", "misdemeanor and minor criminal cases";

According to Article 15 of the Criminal Code of the Russian Federation, acts covered by the Criminal Code of the Russian Federation depending on the nature and degree of social danger, are divided into a misdemeanor, a crime of medium gravity, grave crime, particularly grave crime; Misdemeanor is an intentional and negligent act for commitment of which the maximum punishment, covered by the Code, shall not exceed three years of imprisonment; Crime of medium gravity is an intentional act for commitment of which the maximum punishment, covered by the Code, shall not exceed five years of imprisonment, and a negligent act for which the maximum punishment covered by the Code, - more than three years of imprisonment; Grave crime is an intentional act for commitment of which the maximum punishment covered by the Code, shall not exceed ten years of imprisonment.

Particularly grave crime is an act for the commitment of which the punishment covered by the Code is a period exceeding ten years or a more severe punishment;

96) Comments on questions 90 to 95 (specific situation in your country e.g. NA-answers and the calculation of the total number of other than criminal law cases, differences in horizontal consistency etc.)

Q 91: e-mail from the NC sent on 23/05/2014

The data also includes federal level: the Supreme Court of the Russian Federation and the Supreme Commercial Court of the Russian Federation.

Q 94: e-mail from the NC sent on 12/05/2014

The data has been provided by the Judicial Department of the Supreme Court of the Russian Federation. In the Russian legislation there are no exact equivalents for definitions of "severe criminal cases", "misdemeanor and minor criminal cases".

e-mail from the NC sent on 23/05/2014

The differences of data between the 2010 and the 2012 cycles are the result of different approach and not of a reform of the Criminal Procedure Code.

97) Second instance courts: total number of cases

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.

| | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7) | 70 034 | 1 358 090 | 1 257 205 | 170 919 |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6)* | 15 083 | 585 837 | 572 875 | 28 045 |
| 2. General 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 | 6 000 | 6 000 | NA |
| 3. Non litigious enforcement cases | 500 | 18 000 | 17 000 | 1 500 |
| 4. Non litigious land registry cases | NA | 11 000 | 11 000 | NA |
| 5. Non litigious business registry cases | NA | NA | NA | NA |
| 6. Administrative law cases | 20 010 | 337 426 | 295 408 | 62 028 |
| 7. Other cases (e.g. insolvency registry cases) | 34 441 | 399 827 | 360 322 | 73 946 |

98) 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. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of criminal cases (8+9) | 16206 | 413287 | 391281 | 38212 |
| 8. Severe criminal cases | NAP | NAP | NAP | NAP |
| 9. Misdemeanour and/or minor criminal cases | NAP | NAP | NAP | NAP |

Comment :

mail sent by the NC on 12/05/2014 : "The data has been given by the Supreme Court of the Russian Federation and the Judicial Department of the Supreme Court of the Russian Federation".

e-mail from the NC sent on 23/05/2014

The differences of data between the 2010 and the 2012 exercises are a matter of different approach not of a reform of the Criminal Procedure Code.

99) Highest instance courts: total number of cases**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.

| | Pending cases on 1 Jan. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|--|-----------------------------|----------------|----------------|------------------------------|
| Total of other than criminal law cases (1+2+3+4+5+6+7) | 8912 | 604430 | 558320 | 55022 |
| 1. Civil (and commercial) litigious cases (if feasible without administrative law cases, see category 6) | 5866 | 478583 | 465540 | 18909 |
| 2. General 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 | 6000 | 6000 | NA |
| 3. Non litigious enforcement cases | 200 | 14000 | 13000 | 1200 |
| 4. Non litigious land registry cases** | NA | 11000 | 11000 | NA |
| 5. Non litigious business registry cases | NA | NA | NA | NA |
| 6. Administrative law cases | 846 | 28847 | 27780 | 1913 |
| 7. Other cases (e.g. insolvency registry cases) | 2000 | 66000 | 35000 | 33000 |

99.1) At the level of the Higher court, is there a procedure of manifest inadmissibility?

Yes. If yes, please indicate the number of cases closed by this procedure?

No

Number

100) 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. '12 | Incoming cases | Resolved cases | Pending cases on 31 Dec. '12 |
|---|-----------------------------|----------------|----------------|------------------------------|
| Total of criminal cases (8+9) | 12 001 | 350 008 | 334009 | 28000 |
| 8. Severe criminal cases | NAP | NAP | NAP | NAP |
| 9. Misdemeanour and/or minor criminal cases | NAP | NAP | NAP | NAP |

Comment :

101) Number of litigious divorce cases, employment dismissal cases, insolvency, 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 January 2012 | Incoming cases | Resolved cases | Pending cases on 31 December 2012 |
|----------------------------|---------------------------------|----------------|----------------|-----------------------------------|
| Litigious divorce cases | 45 000 | 557 000 | 558 000 | 44 000 |
| Employment dismissal cases | 3 000 | 22 000 | 22 000 | 3 000 |
| Insolvency | 32100 | 30418 | 30159 | 32359 |
| Robbery cases | 7 000 | 58 000 | 58 000 | 7 000 |
| Intentional homicide | 2 000 | 12 000 | 12 000 | 2 000 |

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.]

| | % 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 | 0,6 | NA | 29 | 19 | 54 | NA |
| Employment dismissal cases | 50,4 | NA | 41 | 19 | 54 | NA |
| Insolvency | 8,5 | NA | 1277 | 60 | 30 | 1365 |
| Robbery cases | 33,3 | NA | 41 | 14 | 16 | NA |

| | | | | | | |
|----------------------|------|----|----|----|----|----|
| Intentional homicide | 66,2 | NA | 74 | 14 | 16 | NA |
|----------------------|------|----|----|----|----|----|

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

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 five case categories? Please give a description of the calculation method.

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.

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 request investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (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.

106.1) Does the public prosecutor also have a role in insolvency cases?

- Yes
 No

If yes, please specify:

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 | 921995 | 758 | 321479 | 863335 |

107.1) Among cases charged by the public prosecutor before the courts, how many were brought to court

under a guilty plea procedure or similar ?

| | Before the court case: | During the court case: |
|--|------------------------|------------------------|
| If possible, please distinguish the number of guilty plea procedure: | | |

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) | 758 |
| 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 | NAP |
| 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**

Q99:e-mail from the NC sent on 12/05/2014

The data has been provided by The Supreme Court of the Russian Federation, The Supreme Commercial Court of the Russian Federation, The Judicial Department of the Supreme Court of the Russian Federation.

According to the Federal Constitutional Law "On the Courts of the General Jurisdiction in the Russian Federation" the highest judicial body for resolving civil, criminal, administrative and other matters falling within the jurisdiction of courts of general jurisdiction is the Supreme Court of the Russian Federation (Article 9). Superior court bodies towards district courts operating over a territory of the respective sub-federal unit of the Russian Federation subject of the Russian Federation are regional courts and courts equal to them (Article 24).

Thus, the data provided shows the number of other than criminal cases heard by regional courts and courts equal to them according to statistics of the Judicial Department of the Supreme Court of the Russian Federation.

e-mail from the NC sent on 23/05/2014

The data also includes federal level: The Supreme Court of the Russian Federation and the Supreme Commercial Court of the Russian Federation.

Q97:e-mail from the NC sent on 12/05/2014

The data has been provided by The Supreme Court of the Russian Federation, The Supreme Commercial Court of the Russian Federation, The Judicial Department of the Supreme Court of the Russian Federation.

Due to the peculiarities of the commercial courts system of the Russian Federation we cannot separate the data in accordance with the table section. Therefore the data given by the Supreme Commercial Court of the Russian Federation has been put to the section "Other". The data concerns appeal and cassation commercial courts of the Russian Federation.

e-mail from the NC sent on 23/05/2014

The data also includes federal level: the Supreme Court of the Russian Federation and the Supreme Commercial Court of the Russian Federation.

Q108: e-mail from the NC sent on 23/05/2014: According to the current legislation a prosecutor may only dismiss criminal cases of inquiry bodies received with a bill of indictment and also criminal cases of investigation officer received with the decision on application of measures of medical nature. The grounds of the dismissal cannot be pointed out of the statistics.

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

<http://www.cdep.ru/>

5. Career of judges and public prosecutors

5. 1. Recruitment and promotion

5. 1. 1. Recruitment 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:

110.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- Yes
- No

If "yes", 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 ?

112.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
 No

If "yes", please specify:

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.

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

- Yes
 No

If yes, please indicate the frequency

115) Is the status of prosecution services:

- Independent?
 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)).

117.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

Yes

No

If "yes", please specify:

NA

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.

119.1) Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

Yes

No

If "yes", please specify:

NA

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)?

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below

| | |
|--|----|
| | |
| Yes. If yes, please indicate the compulsory retirement age | 70 |
| No | |

Comment :

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).

121.1) Can a judge be transferred to another court without his consent:

- For disciplinary reasons
 For organisational reasons
 For other reasons. Please specify modalities and safeguards

Please specify modalities and safeguards

No

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 the probation period (in years) |
|-----|---|
| Yes | |
| No | |
| NAP | NAP |

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

If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify in the "comment" box below:

| | |
|--|----|
| | |
| Yes. If yes, please indicate the compulsory retirement age | 70 |
| No | |

Comment :

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

| | Duration of the probation period (in years) |
|-----|---|
| Yes | 0,5 |
| No | |
| NAP | |

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

NAP

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

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

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 | Optional |
| In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) | Optional |
| In-service training for management functions of the court (e.g. court president) | Optional |
| In-service training for the use of computer facilities in courts | Optional |

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

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

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 | Annual / Regular (e.g. every 3 months) |
| In-service training for specialised functions (e.g. public prosecutor specialised on organised crime) | Annual / Regular (e.g. every 3 months) |
| In-service training for management functions of the court (e.g. Head of prosecution office, manager) | Annual / 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 the budget of such institution(s) in the "comment" box below.

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

| | Initial training only | Continuous training only | Initial and continuous training | 2012 budget of the institution, in € |
|--|-----------------------|--------------------------|---------------------------------|--------------------------------------|
| One institution for judges | No | No | Yes | Yes |
| One institution for prosecutors | No | No | Yes | NA |
| One single institution for both judges and prosecutors | No | No | No | No |

Comment :

mail CN 15/5/14: budget of the training institution for judges: 2 882 514 euros

e-mail from the NC sent on 15/05/2014

The data has been given by the Russian Academy of Justice. There is also Academy of the Prosecutor's General of the Russian Federation Office. As to the budget of the latter, data are not available.

131.1) If there is no initial training for judges and/or prosecutors in such institutions, please indicate briefly how these judges and/or prosecutors are recruited and trained ?

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

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 2012 | Net annual salary, in €, on 31 December 2012 |
|---|--|--|
| First instance professional judge at the beginning of his/her career | 14 843 | 12 914 |
| 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) | NA | NA |
| Public prosecutor at the beginning of his/her career | NA | NA |
| 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) | NA | NA |

Comment :

133) Do judges and public prosecutors have 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.

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:

According to Article 19 of the Federal Law "On the Status of Judges in the Russian Federation" within the established wage fund bonuses and financial assistance may be paid to judges.

e-mail from the NC sent on 23/05/2014

The amendment to the Federal Law "On the Status of Judges in the Russian Federation" concerning the issue was adopted in 2012. According to it within the limit of judges salary fund bonuses and financial aid may be paid to judges (http://base.garant.ru/70289758/#block_1).

5. 4. Disciplinary procedures

5. 4. 1. Disciplinary procedures

140) Who has been 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:

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:

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 | NA | NA |
| 4. Other | NA | NA |

Comment :

145) Number of sanctions pronounced in 2012 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 | NA | NA |
| 2. Suspension | NA | NA |
| 3. Removal of cases | NA | NA |
| 4. Fine | NA | NA |
| 5. Temporary reduction of salary | NA | NA |
| 6. Position downgrade | NA | NA |
| 7. Transfer to another geographical (court) location | NA | NA |
| 8. Resignation | NA | NA |
| 9. Other | NA | NA |

Comment :

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

Please indicate the sources for answering questions 144 and 145

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.

68292

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.

[mail 9/7/2014 NC : Chapter 5 of the Civil Procedure Code of the Russian Federation: the citizens have the right to conduct their affairs in court personally or through representatives. Representatives ad litem must be legal persons having duly executed legal power to read a case. Judges, interrogation officers, prosecutors cannot be representatives ad litem unless they sit in the case as representatives of relevant bodies or legal representative.]

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 :

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:

Please indicate the sources for answering questions 146 and 148:

Question 146. The data is provided by the Department of Legal Aid and Cooperation with the Court System of the Ministry of Justice of the Russian Federation. [mail 9/7/2014 The source for Q148 is the Federal Law "On Legal Practice and Advocacy in the Russian Federation".]

F1 Comments for interpreting the data mentioned in this chapter:

Advocates of a sub-federal entity of the Russian Federation unite in a sub-federal entity bars on the basis of mandatory membership. Federal Chamber of Lawyers of the Russian Federation also unites advocates on the basis of mandatory membership. There are following forms of legal practice in the Russian Federation: a legal office, a bar, a law office, a legal advice.

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**F2 Useful comments for interpreting the data mentioned in this chapter:**

Regulations on lawyers' fees:

- 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 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.

Q 154: mail sent by the NC on 15/05/2014: "The answer is "No" on the grounds of Article 8 and Article 25 of the Federal Law "On the legal practice and advocacy in the Russian Federation".

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 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:

An appeal can be entered by a client liable to disciplinary proceedings.

160) Which authority is responsible for disciplinary procedures?

- the judge
 the Ministry of justice
 a professional authority
 other

If other, please specify:

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.]

| | Number |
|--|--------|
| Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4) | 4 708 |
| 1. Breach of professional ethics | NA |
| 2. Professional inadequacy | NA |
| 3. Criminal offence | NA |
| 4. Other | NA |

Comment :

162) Sanctions pronounced against lawyers.

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.

| | Number |
|---|--------|
| Total number of sanctions (1 + 2 + 3 + 4 + 5) | NA |
| 1.Reprimand | NA |
| 2. Suspension | NA |
| 3. Removal | NA |
| 4. Fine | NA |
| 5. Other (e.g. disbarment) | NA |

Comment :

F3 You can indicate below any useful comments for interpreting the data mentioned in this chapter:

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation and other forms of ADR

163) Does the judicial system provide for judicial mediation procedures? If no skip to question 168

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

163.1) In some fields, does the judicial system provide for mandatory mediation procedures?

If there are mandatory mediation procedures, please specify which fields are concerned in the "comment" box below.

- Before going to court
 Ordered by a judge in the course of a judicial proceeding

If there are mandatory mediation procedures, please specify which fields are concerned:

e-mail from the NC sent on 15/05/2014

The data has been given by the Institute of Legislation and Comparative Law under the rule of the Government of the Russian Federation.

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 | Yes | Yes | Yes |
| Family law cases (ex. divorce) | Yes | Yes | Yes | Yes | Yes |
| Administrative cases | No | No | No | No | No |
| Employment dismissals | Yes | Yes | Yes | Yes | Yes |
| Criminal cases | No | No | No | No | No |

165) Is there a possibility to receive legal aid for judicial 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 :

G.1 You can indicate below:

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

e-mail from the NC sent on 15/05/2014 Q 164: The data has been given by the Institute of Legislation and Comparative Law under the rule of the Government of the Russian Federation.

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

24 244

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:

The orders of the Federal Bailiff Service of the Russian Federation concerning the structure and staff schedule of the local agencies of of the Federal Bailiff Service of the Russian Federation.

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:

The Federal Bailiff Service of the Russian Federation

Mail from the NC sent on 21/04/2014: Under the Statute of the Federal Bailiff Service of the Russian Federation the Federal Bailiff Service of the Russian Federation subordinates to the Ministry of Justice of the Russian Federation.

Under the Statute of the Ministry of Justice of the Russian Federation the Ministry of Justice of the Russian Federation integrates the practice activities of the subordinate federal services, arranges the improvement of such activities. Therefore the Ministry of Justice of the Russian Federation and the Federal Bailiff Service of the Russian Federation were indicated as authorities responsible for supervising and monitoring enforcement agents.

179) Have quality standards been determined for enforcement agents?

- Yes
 No

If yes, what are the quality criteria used?

- percentage of enforcement proceedings completed by actual execution;
- percentage of collection by writ of execution;
- percentage of enforcement proceedings, writ of execution of which are returned due to the inability to be fulfilled;
- percentage of the balance of enforcement proceedings;
- percentage of the fulfilled judicial acts;
- percentage of collection by writ of execution issued by the courts;
- percentage of the fulfilment of the plan target concerning the collection of execution fee;
- percentage of the fulfilment of the plan target concerning tax payments;
- percentage of the fulfilment of the plan target concerning the collection of designated authorities money penalty.

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 of the Russian Federation

Mail from the NC sent on 21/04/2014:

In this case quality standards were considered as performance indicators of the Federal Bailiff Service of the Russian Federation approved by the Ministry of Justice orders.

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 conditions and procedure of the fulfilment of judicial acts concerning the transfer of the relevant budget funds of the budgetary system of the Russian federation to natives and organizations are imposed by the budget legislation of the Russian Federation.

182) Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

- Yes
 No

If yes, please specify

Bailiffs' department heads control the up to date, complete and accurate fulfilment of the writ of execution demands by bailiffs.

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:

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

- Yes
 No

If yes, please specify:

The Federal law "On 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 length of 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 initiated disciplinary proceedings (1+2+3+4) | <input type="checkbox"/> number: | 21427 |
| 1. for breach of professional ethics | | NA |
| 2. for professional inadequacy | | NA |
| 3. for criminal offence | | NA |
| 4. Other | <input type="checkbox"/> number: | 8 864 |

Comment :

For improper execution of duties.

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 initiated 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 type="checkbox"/> number: | 14055 |
| 1. Reprimand | <input type="checkbox"/> number: | 2994 |
| 2. Suspension | <input type="checkbox"/> number: | 0 |
| 3. Dismissal | <input type="checkbox"/> number: | 99 |
| 4. Fine | <input type="checkbox"/> number: | 0 |
| 5. Other | <input type="checkbox"/> number: | 10962 |

Comment :

The reasons of difference between the number of disciplinary proceedings and the number of sanctions: lack of the formal element of a definition of disciplinary offence, expiry of the period of bringing to disciplinary responsibility established by the legislation of the Russian Federation.

Mail from the NC sent on 21/04/2014: The category "Other" includes 10 364 punitive admonitions, 595 warnings about professional impropriety, 3 civil service dismissals.

According to the section 57 of the Federal Law d/d 27/07/2004 № 79-FZ "On the Public Service of the Russian Federation" all the disciplinary proceedings are imposed on account of failure to perform or improper performance of the official duties by a civil agent due to his fault.

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 have been implemented over the last two years**

Please indicate the sources for answering questions 186, 187 and 188:

In-house statistical reporting "Data on agency checks and prosecution of federal public civil servants of local agencies of the Federal Bailiff Service of the Russian Federation" within the first half of 2013.

8. 2. Execution of decisions in criminal matters

8. 2. 1. Functioning

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 Federal Bailiff Service of the Russian Federation

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%

cannot be estimated

Please indicate the source for answering this question:

During 2013 the matter of efficiency upgrading of penalty collection imposed as punishment for a crime had been much-debated by all the three branches of governments. That's why the matter can be fairly discussed in 2014.

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. Statute

9. 1. 1. Functionning

192) Do you have notaries in your country? If no please skip 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)? | <input type="checkbox"/> number | |
| private professionals under the authority (control) of public authorities? | <input checked="" type="checkbox"/> number | 7 712 |
| public agents? | <input type="checkbox"/> number | |
| other? | <input checked="" type="checkbox"/> number | 28 |

Comment :

e-mail from the NC sent on 15/05/2014

Section "Other" concerns state notaries submitted to the Ministry of Justice of the Russian Federation

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:

e-mail from the NC sent on 15/05/2014

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.

According to Articles 35 and 36 of "The Fundamental Principles of Legislation for Notary Activities in the Russian Federation" (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.

9. 1. 2. Supervision

195) Is there an authority entrusted with supervising and monitoring 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:

e-mail from the NC sent on 15/05/2014

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**

Please indicate the sources for answering question 193:

10. Court interpreters

10. 1. Court interpreters

10. 1. 1. Functioning

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.

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)

1501

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:
Time limits for forensic expert examinations are set by judges.

207) Are the courts responsible for selecting judicial experts?

If no, please specify in the "comments" 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 :

The head of the State Forensic Agency.

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

Mail from the NC sent on 21/04/2014:

Please, note the data represented in the Chapter 11 "Judicial Experts" concerns only state judicial experts and is provided by the Russian Federal Center for Forensic attached to the Ministry of Justice of the Russian Federation.

Please indicate the sources for answering question 205:

12. Foreseen reforms

12. 1. Foreseen reforms

12. 1. 1. Foreseen 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 at this stage. 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)

3.1 Access to justice and legal aid

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

6.1 Personal status

7. Enforcement of court decisions

8. Mediation and other ADR

9. Fight against crim

1. (Comprehensive) reform plans.

Comprehensive reform plan of the Russian court system is established by the Federal special-purpose programme "The Development of the Russian Court System for 2013-2020". The major goals of the programme are: providing the transparency of and accessibility to justice; setting up the essential conditions for its implementation; providing the independence of the judicial branch; constructing the efficient execution proceeding system, upgrading the openness and accessibility of compulsory execution system; upgrading forensic activities.

3.1. Access to justice and legal aid.

The natives right to access to the court system of the Russian Federation activities data is guaranteed by the Federal Law "On Providing the Access to the Courts' Activities in the Russian Federation Data".

In order to guarantee the exercise of the right to access to justice on records concerning disputing of laws and regulations, acts and decisions of government and local authorities the engrossed draft Federal law "The Code of Administrative Justice of the Russian Federation" is adopted.

There is also draft law considering natives right to bring a joint suit and public associations right to apply to court to defend general rights, liberties and lawful interests of the members of the public association in case it is established by its charter.

There are some amendments in criminal procedure and civil legislation aimed at improvement the disputing procedure of judicial acts both consummated and non-consummated.

In order to guarantee the natives right to the administration of justice within a reasonable time the Federal Law "On Refund for the Violation of the Right to the Administration of Justice within a Reasonable Time or Execution of Judicial Act within a Reasonable Time".

As far as legal act is concerned the Federal Law "On Free Legal Aid in the Russian Federation" was adopted in 2011.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

In order to improve the court system and to strengthen its consistency draft law on the amendment to the Constitution of the Russian Federation "On the Supreme Court of the Russian Federation" suggests establishing the Supreme Court of the Russian Federation as the only highest judicial agency on civil cases, economic dispute resolution, on criminal, administrative and other cases under the jurisdiction of all the courts and also exercise judicial supervision over the activities of these courts and interpret on court practice issues.

Herewith the Supreme Arbitration Court of the Russian Federation is abrogated, its jurisdiction issues are deputed to the Supreme Court of the Russian Federation".

8. Mediation and other ADR.

The mediation is regulated by the Federal Law "On Alternative Procedure of Dispute Resolution with the Participation of Mediator (Mediation procedure)"/

There is also draft Federal Law considered subsequent possibilities concerning mediation and other conciliation procedures for trial participants: to resolve the dispute with the assistance of court mediator, the institution of the court reconciliation is established, the principles of conciliation procedures are appointed, the conditions for court active role in dispute resolution are established including those arising on the administrative and other public legal relations.

9. Fight against crime.

In order to improve statute of children in the Russian Federation the National Strategy of Activities for Benefit of Children 2012-2017 is accepted. The Strategy is aimed, among other things, at improvement of the court system with participation of minors and establishment of friendly to child justice.

Moreover draft federal Law "On Amendments to Certain Legal Acts of the Russian Federation due to the Accession of the Russian Federation to the Convention on the Civil Aspects of International Child Abduction" is aimed at establishing efficient legal mechanics of cooperation between the Russian Federation and other states on the matters of returning of the children illegally moved or refrained abroad.