



USAID
FROM THE AMERICAN PEOPLE

RUSSIA RULE OF LAW ASSESSMENT

April 2008

**This report was produced for the United States
Agency for International Development by DPK Consulting**

This report was produced for the Office of Democracy and Governance, Bureau for Democracy, Conflict, and Humanitarian Assistance, United States Agency for International Development, under the terms of Task Order No. 5, Contract No. DFD-I-00-04-00173-00. The opinions expressed herein are those of the authors and do not necessarily reflect the views of the United States Agency for International Development.

CONTENTS

ACRONYMS	iv
EXECUTIVE SUMMARY	v
I. INTRODUCTION	1
II. THE CONTEXT FOR RULE OF LAW DEVELOPMENT IN RUSSIA	2
A. SIZE AND DIVERSITY OF THE RUSSIAN FEDERATION.....	2
B. ROOTS OF THE LEGAL SYSTEM.....	2
C. RECASTING THE LEGAL FRAMEWORK SINCE 1991.....	3
D. CURRENT TRENDS.....	4
III. ROLES AND INTERESTS OF MAJOR STAKEHOLDERS	6
A. THE GOVERNMENT.....	7
B. THE JUDICIARY.....	8
C. THE LEGAL PROFESSION.....	8
D. OTHER STAKEHOLDERS: CIVIL SOCIETY ORGANIZATIONS, UNIVERSITIES, BUSINESS COMMUNITY.....	9
IV. THE JUSTICE SYSTEM	11
A. THE NORMATIVE FRAMEWORK.....	11
B. THE JUDICIAL SYSTEM.....	11
C. THE LEGAL PROFESSION.....	14
D. LEGAL AGENCIES OF THE GOVERNMENT.....	15
E. LEGAL ASSISTANCE AND REPRESENTATION FOR THE DISADVANTAGED...	16
V. RULE OF LAW ESSENTIAL ELEMENTS	19
A. ORDER AND SECURITY.....	19
B. LEGITIMACY.....	19
C. CHECKS AND BALANCES.....	20
D. FAIRNESS.....	20

E. EFFECTIVE APPLICATION OF THE LAW.....	21
VI. CURRENT PROGRAMS OF INTERNATIONAL COOPERATION.....	22
A. USAID.....	22
1. DESCRIPTION OF EXISTING USAID RULE OF LAW PROGRAM.....	22
2. INTERACTION BETWEEN USAID AND OTHER US GOVERNMENT RULE OF LAW OF LAW PROGRAMS.....	26
3. EVALUATIVE REVIEW OF USAID RULE OF LAW PROGRAM.....	26
B. OTHER INTERNATIONAL PROGRAMS.....	30
VII. FUTURE STRATEGY FOR USAID.....	31
A. PRINCIPAL RULE OF LAW ISSUES.....	31
1. ACCESS TO JUSTICE.....	31
2. JUSTICE SYSTEM GOVERNANCE.....	32
B. THE POTENTIAL FOR USAID ENGAGEMENT.....	32
1. ACCESS TO JUSTICE.....	33
2. JUDICIAL SELF-GOVERNANCE.....	34
3. GENERAL CONSIDERATIONS.....	35
C. PROPOSED US-RUSSIAN FOUNDATION FOR ECONOMIC ADVANCEMENT AND THE RULE OF LAW.....	35
D. RECOMMENDATIONS.....	36

TABLES

II-1	NATIONAL BUDGET FOR KEY JUSTICE SECTOR AGENCIES, 2007.....	5
III-1	COMPARATIVE RANKINGS OF THE RUSSIAN FEDERATION AND OTHER G-8 COUNTRIES ON THE BUSINESS ENVIRONMENT, 2007.....	10
IV-1	COURT PERSONNEL, 2007.....	12
IV-2	DISTRIBUTION OF CASE INFLOWS, GENERAL JURISDICTION COURTS.....	13
IV-3	CASELOAD AND CLEARANCE RATES BY COURT, 2007.....	13

ANNEXES

1.	STATEMENT OF WORK.....	41
2.	BIBLIOGRAPHIC SUMMARIES.....	51
3.	BIBLIOGRAPHY.....	53
4.	PERSONS INTERVIEWED.....	57
5.	SUMMARY DESCRIPTION OF RUSSIAN LEGAL SYSTEM.....	61
6.	SUMMARY OF INTERNATIONAL COOPERATION IN THE JUSTICE SECTOR.....	67

ACRONYMS

ABA	American Bar Association
ABA/ROLI	American Bar Association Rule of Law Initiative
CEELI	Central and Eastern European Law Initiative
CEDAW	United Nations Convention on the Elimination of All Forms of Discrimination against Women
CLE	Continuing legal education
G-8	Group of Eight (Canada, France, Germany Italy, Japan, Russian Federation, United Kingdom, United States)
JRP	Judicial Reform and Partnership Program
NGO	Nongovernmental organization
RAROLC	Russian American Rule of Law Consortium
RF	Russian Federation
ROL	Rule of law
TI	Transparency International
US	United States
USAID	United States Agency for International Development
USC	United States Code
WB	World Bank
WEF	World Economic Forum

EXECUTIVE SUMMARY

An assessment of the rule of law in Russia must begin with recognition of the size and diversity of the Russian Federation and its place in the world. In geographic terms, Russia is by far the largest country in the world. It is a major industrialized nation with an educated population and a large and growing economy. It plays a major role in international affairs. While 80 percent of Russia's 142 million inhabitants are ethnic Russians, the population also includes more than 120 ethnic groups speaking more than 100 languages.

The Russian legal system has evolved through periods of European civil law influence, distinctive Soviet concepts of law, and the current challenges of building a democratic society. After 75 years of Communist Party domination, at the dawn of modern Russia in 2001 the courts and judicial personnel suffered from low prestige and were bereft of status, influence, and resources.

The 1993 Constitution established a structure for the Russian courts that remains in effect today. Over the past 15 years, the Russian judiciary has undergone enormous transformation. An initial phase of change during the 1990s witnessed the enactment of a large volume of laws of great importance to a modern legal state. Since 2000, the flow of important legislation has continued, accompanied by an unprecedented investment in the material improvement of the judiciary, including infrastructure, remuneration, and technical support.

Current trends include a broad economic revival, along with increased national self-confidence and a concentration of political power in the executive. The increased stability and economic progress of recent years have contributed to broad public support for President Putin's policies. Unchecked executive power inevitably impacts the judiciary and this is a concern in Russia. During the Putin administration the situation has been complicated and the resulting picture is a mixed one. Highly publicized criminal prosecutions have reached results gratifying to the executive, and the courts have seldom opposed the government on issues of high political importance. On the other hand, the courts have shown they have some degree of freedom through numerous decisions against the government.

The complex picture revealed by current trends includes new restrictions and requirements imposed on civil society organizations, the closing of offices of some organizations, and constraints on the participation by judges and other officials in foreign-funded activities. At the same time, court leaders proclaim the need for greater efforts by the courts to earn public respect. The government has made a major investment in increasing transparency and expanding access to justice.

The context for rule of law development will be largely determined by how major stakeholders respond to incentives for reform, potential obstacles, and institutional relationships:

- The Russian government's substantial investment in the justice system is an indication of the recognized importance of public order and respect for the law. It appears that a number of the government's interests will favor continued support for strengthened capacity, independence, and competence of the judiciary and increased access to justice for the population. These motivations include interests in public order and stability, public confidence in the integrity of the legal system, and a favorable investment climate, as well as a desire for broad international acceptance and prestige for Russia.

- The judiciary's interests largely coincide with those of the government. At the same time, a distinctive judicial perspective is emerging. There is genuine enthusiasm within the judiciary for measures that will increase independence, accountability, and transparency, and there remains strong interest in continued international cooperation.
- The legal profession includes several discrete groups. These include advocates, legal consultants, notaries, government officials, and law professors. To some extent, there are divergent views within the profession reflecting the diverse interests of these various groups. On the whole, lawyers have a special interest in a well functioning legal system. Their engagement will certainly be important, even though they will not be involved in a unified way.
- Other stakeholders include civil society organizations, law schools, and the business community. The NGO community is highly motivated to pursue a legal system that provides broad access to justice and protects the rights of all. Russian law schools play an important role in developing the rule of law through their pedagogical approaches, their law clinics that serve the poor, and their intellectual leadership in innovations such as the publication of judicial decisions. The entrepreneurial class has a distinct interest in a legal and institutional framework conducive to a favorable business environment and increased investment.

The Russian justice system is built on a normative framework that has undergone a fundamental restructuring over the past 15 years. At the base is the 1993 Constitution, which takes precedence over all other legal norms. Since the adoption of the Constitution, the national legislative body, the Federal Assembly, has approved a comprehensive set of organic laws for the courts and related institutions as well as codes of substantive and procedural laws.

The Russian court system is divided into three groups: courts of general jurisdiction which hear civil, criminal, and administrative cases; commercial courts; and a constitutional court. The 34,000 judges in more than 9,000 courts are managing a growing volume of litigation that exceeded 16,700,000 cases in 2007.

The courts exercise a considerable degree of self-governance. Russia's judges are selected from candidates screened by a qualifications collegia of judges, who also oversee the discipline of sitting judges. Court administration is the responsibility of the Judicial Department of the Supreme Court for the courts of general jurisdiction. The Council of Judges oversees the operations of the Judicial Department. Similar self-governance arrangements exist for the commercial courts and the Constitutional Court.

About three-fourths of the cases in the Russian courts involved small civil claims, minor criminal complaints, and administrative offenses brought to the justice of the peace courts. The justice of the peace courts were created under a 1998 law to relieve the burden on the district courts and to bring justice closer to the population. Justices of the peace are appointed by regional legislatures. While their salaries are paid from the federal budget, expenses are paid from regional and community resources. Justices of the peace have gained respect and trust within the communities they serve. Their number has grown to 6,500 and an increase to 8,500 is anticipated.

The Russian legal profession includes about 60,000 advocates in 83 chambers (corresponding to the 83 constituent regions or "subjects" of the Russian Federation), 20,000 in-house counsel

to business, civil society, and government organizations (who represent a single “client,” their employing organization), and about 10,500 notaries, in addition to law professors and scholars engaged in legal research.

A number of government agencies also play important roles in the Russian legal system. These include the Ministry of Justice, which (among other things) oversees the performance of advocates and notaries and supervises court bailiffs, the corrections system, and the registration of NGOs. Other significant government agencies include the Civil Society Institutions and Human Rights Council, the Commissioner on Human Rights (ombudsman), *Procuratura* (prosecution service), and the Ministry of Internal Affairs (supervision of police).

A significant issue in the administration of justice is legal assistance and representation for the disadvantaged. The organized bar provides representation in criminal cases and a system exists for some compensation for defense counsel from state funds. In civil cases, provision is made for *pro bono* legal services in limited circumstances. In addition, legal aid is provided by the Ministry of Justice, law students (through clinics), and a variety of NGOs and local community systems. However, these activities are not coordinated and quality is uneven. Regional and urban/rural disparities exist. Measures taken to date are inadequate to meet the need.

USAID/Washington has identified five interrelated elements which are considered essential to the rule of law. How these essential elements apply in Russia, and possible implications for USAID programming, can be described as follows:

- **Order and Security.** A sense of order prevails in most of the country. Common crime is not tolerated. However, willingness to evade the law is widespread and corruption is generally recognized to be a serious national problem. USAID should consider how its program might help to instill greater respect for the law as a guardian of order and security.
- **Legitimacy.** There is no formal practice of public comment on proposed legislation or regulations. However, the application of laws and regulations is subject to judicial review and citizens have had considerable success in judicial challenges to acts of government agencies. That is, the law has evolved so as to give the public a stronger voice in challenging the post-enactment application of laws and regulations than in participating in their formulation.
- **Checks and Balances.** The concentration of power in the executive is a fact from which the judiciary cannot be expected to escape entirely. Nevertheless, the government also has a declared policy of promoting a competent and independent judiciary. This evident tension suggests that mutual interests could be served by US-Russian cooperation focused on two themes: greater service and accountability to the people and strengthened capacity to sustain safeguards of judicial independence.
- **Fairness.** Public opinion reflects the perception that political influence and corruption are affecting the performance of the courts, even though judicial performance appears to be better than the perception. There also appears to be significant unmet need for legal services for the poor and disadvantaged. The factors of unmet demand for legal services, the popularity of the justice of the peace courts in the face of public skepticism about the fairness of judicial processes, and the importance of an engaged civil society combine to suggest that access to quality justice at the community level can contribute

greatly to the rule of law. USAID assistance that focuses on this theme could thus contribute to the fairness, and the perception of fairness, of the Russian justice system.

- **Effective Application of the Law.** The courts appear to manage their caseloads and avoid significant backlogs. In a broader sense, effective application of the law will require a continuation of competent judicial self governance. The existing system is contributing significantly to judicial independence, accountability, and effectiveness. Impressive progress has been made in developing the system over a brief time, and the professional exchanges and dialogue with judges from the United States have contributed to that progress. Continued interchanges between Russian and US judiciaries can help to preserve and strengthen the capacity of the courts to govern themselves and apply the rule of law with appropriate independence.

In addition to Russian efforts and investments, the justice system has benefited from extensive international cooperation. In addition to USAID and other US programs, there are several noteworthy bilateral projects and a major undertaking with the World Bank.

USAID program activities relate primarily to judicial administration, ethics and transparency, and human rights. A prominent feature of the program has been professional exchanges and dialogue between judges and other professionals from Russia and the United States. There are four channels for USAID cooperation:

- **The Judicial Reform and Partnership Program (JRP)** seeks to help strengthen judicial independence, improve judicial ethics, and strengthen judicial branch self-governance. Specific achievements through pilot courts include developing and testing of case management instructions involving methods of random case assignment, public access and community service, computerized case management, and archiving. Formal adoption of these instructions for use in all district courts is believed to be imminent. In addition, JRP helped establish a code of ethical standards for judges and rules of conduct for court personnel, together with mechanisms for providing advice and discipline. The program has also facilitated a continuation and deepening of collaboration between US and Russian judicial personnel.
- **The American Bar Association Rule of Law Initiative (ABA/ROLI)** has been working in Russia since 1992 to strengthen the legal profession and related institutions. Its work outside the criminal justice field is financed by USAID. Over the years, this work has involved the founding of clinical legal education programs; helping the organized bar to implement ethics codes, malpractice insurance, and continuing legal education; improving the legal status of women; and supporting approaches to legal assistance for the needy and NGOs. The portfolio of ABA/ROLI activities seems to be highly diverse; activities are not necessarily complementary; and significant events seem to occur at widely spaced intervals.
- **The Russian American Rule of Law Consortium (RAROLC)** involves 10 partnerships between US states and Russian regions to discuss themes of mutual interest. USAID is the principal source of funding for this program (through a grant administered by ABA/ROLI). The longevity and consistency of these modestly funded partnerships, the enthusiasm they generate, and their ability to sustain coherent themes and to affect the practices of local institutions testify that they are having a beneficial impact.

- **Civil Society Legal Support** is the fourth element of the USAID rule of law program. USAID supports a number of civil society organizations and consortia through small grants. Principal themes include meeting the burdensome registration and other requirements imposed on nongovernmental entities, and protecting the human rights of disadvantaged groups and individuals.

Other US Government rule-of-law programs in Russia include the Open World Leadership Program and the Criminal Justice Program. The former, managed by the Library of Congress, sponsors professional visits to the United States by Russian judges and other leaders. The latter, managed by the Department of State's Bureau for International Narcotics and Law Enforcement, finances the assignment of two Department of Justice resident rule of law advisors in Moscow and also supports the ABA/ROLI criminal law reform program. There is good collaboration between these programs and USAID.

Other programs of international cooperation include a Council of Europe initiative on the domestic application of European human rights law, a European Commission effort on access to justice, and a Netherlands project to strengthen the organized bar and help develop an effective legal aid system. None of these bilateral programs is very large.

By contrast, the World Bank's Judicial Reform Support Project is budgeted at \$172.4 million (with \$122.4 million of that total provided by Russia). A principal objective of the World Bank project is to operationalize the Russian automated court management system throughout the country. This activity will build on the important work by USAID's Judicial Reform and Partnership program in helping to develop case management instructions. The World Bank is also developing a grant program to support access to justice.

In today's circumstances, it seems clear that the most critical issues for advancing the rule of law in Russia involve the consolidation of a political culture in which individuals have a reasonable expectation that their rights will be respected and that the justice system will be an objective and efficient arbiter in determining the application of those rights.

Two interrelated challenges stand out. One is the need for the justice system to be broadly accessible and relevant to the people. The other is to maintain the credibility of the justice system, especially as an independent judiciary capable of self-governance. Public access to justice and legal services requires credible and competent justice institutions. Likewise, the leaders of the justice system will have a greater incentive to strengthen their capacities to provide high-quality and independent judicial services when public demand and expectations are evident.

At this stage in the development of Russia's justice system, and with a USAID program facing diminished budgets, a strategic concentration of effort seems especially appropriate. A concentration on the two principal challenges described above would have distinct advantages. First, this orientation could rely on approaches that have been successful in the implementation of USAID programs. Second, it recognizes the practical need to work cooperatively with the Russian governmental and judicial authorities on issues that are Russian priorities and are also consistent with USAID objectives. The essential nature of the work to be done under such a concentrated program – engagement with disparate Russian stakeholders on relationships and results – would seem best suited for Russian nationals rather than expatriates. On the other hand, a clear identification of the program with the United States, and with USAID in particular, would be important to its credibility.

USAID support for expanded access to justice could concentrate on the justice of the peace courts and on legal awareness, assistance, and representation. The objective would be to empower ordinary citizens while also fostering an orientation toward public service by justice system operators and legal services providers. The specific components will need to be developed through dialogue with Russian stakeholders, and might work at two levels: building best practices in two or three promising regions, together with sustained dialogue at the national level to encourage sharing of information, replication of successful initiatives, and consideration of needs for national action.

The United States has a wealth of experience with community courts dealing with small claims, family relations, drugs, juvenile justice, and municipal ordinance violations. There is a large body of US experience with alternative dispute resolution, interaction between courts and social services agencies, and legal services for the poor. This experience could be a source of valuable information for Russia. Likewise, how Russia manages the challenge of extending access to justice should be of interest to US counterparts.

Citizen empowerment through expanded access to justice is an important but long-term goal. Even as that goal is pursued, there is immediate value in continuing to engage the leaders of the Russian judiciary in cooperative activities relating to judicial self-governance. It would seem highly desirable to allocate resources for exchanges to maintain the relationships of solidarity based on mutual professional interests of the Russian and US judiciary leaders. These could focus on issues of judicial self-governance as an essential element of judicial independence, the separation of powers, and responding to needs for judicial services.

An opportunity for long-term financing of bilateral cooperation may be present in the proposed US-Russian Foundation for Economic Advancement and Rule of Law. It would seem advantageous to explore whether the foundation could support a mechanism that would facilitate Russian as well as US financing for continued activities relating to the rule of law.

The conclusions of this assessment can be summarized in five recommendations:

1. The USAID rule of law program in Russia should concentrate on two themes to increase the legitimacy, fairness and effective application of the rule of law: first, expanding access to justice and legal services for those affected by the justice system; and second, increasing the governance capacity of the justice system, and particularly judicial self-governance.
2. The USAID rule of law program in Russia should be developed through a process of dialogue with Russian stakeholders, both in the public sector and in civil society.
3. The USAID rule of law program should support local implementation.
4. USAID needs to decide what existing activities should be curtailed and the optimum pace for implementing that curtailment in order to consolidate and preserve gains and permit an orderly winding up of the activities that will not be continued.
5. Even as USAID aligns its rule of law program in Russia to respond to current priority needs, it needs to resolve the remaining issues concerning a long-term structure for continuing bilateral rule of law cooperation.

I. Introduction

In December 1993, 2 years after the collapse of the Soviet Union, the Russian Federation adopted a new constitution by popular referendum. This new national charter proclaimed Russia a “democratic federal rule of law state.”¹ The challenge of converting the Constitution’s promise into practical reality continues to the present day.

The United States has been a leader in international support for Russian efforts to build a democratic society based on the rule of law. In particular, USAID rule-of-law programs initiated in 1992 under the Freedom Support Act² have contributed in important ways to the establishment of a new Russian legislative and institutional framework for the administration of justice. In recent years the content of the USAID program of cooperation has gradually shifted to concentrate on the implementation of a growing body of new laws and, in particular, on strengthening the capacity of key institutions in the Russian justice sector.

It is important to bear in mind that Russia participates in international cooperation as a major industrialized country with a territory almost twice the size of the United States, an educated population of more than 140 million, and a trillion-dollar economy. It plays a major role in international affairs as a permanent member of the United Nations Security Council, a participant in the G-8, a leading energy producer, and a nuclear-weapons state. Russia’s proud national tradition includes universally recognized and highly appreciated contributions to literature, the arts, and science. That tradition also includes a legal system that has evolved through periods of European civil law influence, distinctive Soviet concepts of law, and the current challenges of building a democratic society. Russians are sensitive to recommendations and advice from outsiders that may appear dismissive of Russian culture, history, and institutions. USAID cooperation with Russian institutions to advance the rule of law has been effective in large measure because it has emphasized judicial and other professional exchanges to share knowledge and experience on agreed themes of mutual interest. The specific content of this cooperation is arrived at through continuing dialogue in a spirit of partnership.

In recent years the environment in which the USAID program operates in Russia has been changing. Increased assertiveness in Russian government policy, a concentration of governmental authority and diminished pluralism, and the accumulation of a number of issues in relations with the United States have complicated bilateral rule-of-law cooperation. At the same time, needs are changing as Russian justice institutions gain increased capacity and Russia greatly increases its financial commitment to the justice sector. Also, as Russia is increasing its own financial commitment, the USAID budget is in decline and the future of the bilateral program of rule of law cooperation in Russia is uncertain.

Independent of the changing situation in Russia and in Russia-US relations, USAID is developing a new, worldwide rule-of-law strategic framework to guide country analysis and USAID programs. The agency has invited field missions throughout the world to consider rule-of-law assessments based on this strategic framework as a way to help them make informed programming decisions. USAID/Russia responded to that invitation by requesting an assessment focused on how best to preserve and build on the achievements of past rule of law cooperation, sustain the mutually beneficial relationships that have developed, and fashion

¹ Constitution of the Russian Federation, Article 1, <http://www.constitution.ru/en/10003000-01.htm>.

² Public Law 102-511, Oct. 24, 1992, as amended, 22 USC 2295.

suitable approaches for the coming years. The statement of work for the assessment is included as Annex 1.

The team for the Russia rule of law assessment was formed in January 2008. The members are James Michel (team leader), Douglas Myers, and Olga Schwartz, representing DPK Consulting, joined by Keith Crawford of USAID's Democracy and Governance Office in Washington and Andrew Kiseliyov, Project and Program Development Advisor in the USAID Mission in Moscow. The team began its work in January 2008 with a literature review and interviews of knowledgeable individuals in the United States. It conducted an intensive program of interviews and research in Russia in February and completed the present report in April 2008. Biographical summaries of assessment team members are at Annex 2. A bibliography of principal sources of their research is at Annex 3. At Annex 4 is a list of persons interviewed in the course of the assessment.

II. The Context for Rule of Law Development in Russia

A. Size and Diversity of the Russian Federation

The extraordinary dimensions of the Russian nation are awesome. Its geographic area of 6.59 million square miles makes Russia by far the largest country in the world. While large areas are sparsely populated, major cities – more than a dozen with populations exceeding one million – are found at widely spaced intervals throughout its 11 time zones.

The same immense proportions are encountered among Russia's people and languages. The Russian Federation contains 83 "subjects" or constituent political units. A number of these have substantial non-Russian ethnic populations with their own languages and cultures. Eighty percent of the 142 million inhabitants are ethnic Russians. However, the population also includes more than 120 ethnic groups speaking more than 100 languages. Most of these groups are quite small, but several (e.g., Tatars, Ukrainians, Chuvash, Bashkir, Chechens, and Armenians) number more than a million. Even in political units with predominantly ethnic Russian populations, numerous discrete ethnic groups can be found.³

The Russian language and a dominant Russian culture are prevalent throughout the Federation, and represent a strong unifying influence. But Russia's physical immensity and broad ethnic diversity remain significant factors in its political and social life. The Russian justice system reflects the immensity and diversity of the nation in which it functions.

B. Roots of the Legal System

The collapse of the Soviet Union in 1991 ushered in an era of far-reaching change for Russia's people and institutions. Indeed, the disappearance of the ideological and political control exercised by the Communist Party may ultimately prove as significant in the history of Russia as the Russian Revolution itself.

Nowhere can this be seen more strikingly than among Russia's legal institutions, particularly the courts. For 75 years the Communist Party compelled the courts to serve as organs of

³ See "Russia: Ethnic Groups and Languages," in *Encyclopedia Britannica*, <http://www.britannica.com/eb/article-38596/Russia>.

Communist doctrine and control. This subservience was reflected in the social and economic status of judges and court employees. Aside from the political echelons of the Communist Party itself, atop the hierarchy of the professions sat academics, industrial managers, and scientists. Judges were not included in the higher ranks of this social order. The low prestige for those who administered justice during the Soviet period was not without historical precedent. Although the development of the civil law in 19th century Russia was not radically dissimilar from the experience of other European countries, the law and the courts were always subject to the heavy-handed interventions of a czarist autocracy that was probably the most arbitrary and unchecked of its time.

Communism itself was an outgrowth, albeit an extreme manifestation, of 19th century positivism, which insisted on the philosophical and historical necessity of progress and justice.⁴ Under Communist rule in Russia, the party was the agent of history and the embodiment of justice. In that context, the courts and related institutions were regarded as instruments of the party without themselves having independent value.

Therefore, in reflecting on the changes of recent years, it should be emphatically recalled that at the dawn of modern Russia in 1991 the courts were bereft of status and influence, without resources, staffed by personnel whose relations for many years had been bureaucratic and passively subordinate, and charged with achieving “justice” that related less to fair rules and fair procedures than to a now discredited political ideology.

C. Recasting of the Legal Framework since 1991

The organization of the courts contemplated by the 1991 Concept of Judicial Reform in the Russian Federation⁵ was a structure with three separate sets of courts: the Constitutional Court, the courts of general jurisdiction, and the commercial (*arbitrazh*) courts. This tripartite structure was ratified by the 1993 Constitution and remains in effect today. The establishment of the justice of the peace courts in 1999, as “subject courts” but under the supervision of the courts of general jurisdiction, is probably the most important structural alteration and will be the subject of separate attention in this report. But while the structure adopted in 1991 remains essentially intact, the legal and material environment in which all courts operate in Russia has been dramatically altered. Two phases may be noted.

The first phase of change approximately coincided with the years of the Presidency of Boris Yeltsin (1991-1999). It was marked by the adoption of the 1993 Constitution and occurred against the background of political turmoil, a war in Chechnya, and disruptive economic reforms which culminated in the monetary and financial crisis of 1998. Yet, throughout those years laws of great importance to a modern legal state were enacted, gradually became familiar, and took hold: Parts I and II of the Civil Code (1994 and 1996), the Criminal Code (1996), and the Constitutional Laws on the Constitutional Court (1994), the Commercial (*Arbitrazh*) Courts (1995), and the Judicial System (1996) are prominent examples.

⁴ See generally, Chamberlain, Lesley, *Motherland: A Philosophical History of Russia*, The Rookery Press, New York, 2007.

⁵ The Concept was an influential plan for post-Soviet judicial reform prepared by a group of respected experts and approved by the legislature. See Chapter III, “The Judicial System,” in Burnham, William, Peter B. Maggs, and Gennady M. Danilenko, *Law and Legal System of the Russian Federation*, Third Edition, Juris Publishing, New York, 2004, page 49.

From the vantage of 2008, the most noteworthy aspect of the first phase of change is how distant it now appears and how durable the foundation laid has proven to be. These effects were long obscured by the difficult material conditions which permeated and, indeed, dominated the life of the judiciary at the time. The decrepitude of the judiciary's physical circumstances and the economic impoverishment of judges relative to their international colleagues created an atmosphere of backwardness and near hopelessness which led many informed observers to fear that the far-reaching legislative changes would remain mere paper exhortations.

The second phase of change approximately coincided with the years of the Presidency of Vladimir Putin (2000-2008). This period included a continuing flow of important laws, such as Parts III and IV of the Civil Code (2002 and 2008) and codes of criminal procedure (2001), civil procedure (2002), and commercial procedure (2002). Modernization of laws and procedures has been accompanied by an unprecedented and unexpected investment of funds in the material improvement of the judiciary – not only courthouses and technical infrastructure, but also remuneration and administrative support. These changes occurred against the background of a rapidly reviving economy, a widespread if uneven improvement in the material conditions of most citizens, and an increasingly vigorous and self-confident national spirit and policy. The current budgets of the judiciary and other justice sector entities are set out below in Table II-1.

The Russian judiciary has undergone an enormous transformation since the adoption of the 1993 Constitution. Indeed, there is no 15-year period in the history of the United States that is comparable. The nearest comparisons are the establishment and rise of the federal court system from 1789-1804, the period of codification and strengthening of state laws from about 1838-53, and the creation of the modern federal court system and the promulgation of the Restatements and first Uniform Laws from 1925-40. It is worthwhile to mention these analogous moments in the history of law in the United States because they convincingly demonstrate the transcendent effect of the legislative and structural changes which took place in the Russian courts between 1993 and 2008.

D. Current Trends

In terms of governmental powers and relationships, Russia's economic revival and increasingly evident national self-confidence have manifested themselves in the steady strengthening of executive powers under the administration of President Putin. The most glaring example was the replacement, at the president's insistence, of the popular election of regional governors by a system of presidential appointments and approval by regional legislatures. The renewed prominence of the defense and security organs has highlighted the advent of centralized executive power, as has the subjection of major national industrial complexes to governmental control directed by the executive branch, usually the presidential administration.

President Putin, of course, points to the increased stability and economic progress of recent years as evidence of the success of his policies.⁶ Western commentators have advanced persuasive arguments that more democratic approaches might have produced better and more

⁶ See President Putin's dramatic contrast of conditions in the late 1990s with the present state of Russia in his speech at an expanded meeting of the State Council on Russia's Development Strategy through 2020, February 8, 2008. <http://www.kremlin.ru/eng>.

sustainable results.⁷ Nevertheless, conditions have improved for most Russians and President Putin's policies enjoy broad public support.

**TABLE II-1
NATIONAL BUDGET FOR KEY JUSTICE SECTOR AGENCIES, 2007 (thousands rubles)**

FUNCTION	PERSONAL SERVICES	MAINTENANCE, OPERATIONS	CAPITAL INVESTMENT	APPLIED RESEARCH	INTERNATIONAL RELATIONS	OTHER*	TOTAL
Constitutional Court	427,937.0	167,075.2				32,091.2	627,103.4
Arbitrazh Courts	10,117,962.8	379,700.0	1,470,380.4	8,500.0		839,915.9	12,816,459.1
Courts of General Jurisdiction	61,115,903.3	358,442.6	3,534,830.0	3,500.0		6,729,587.6	71,742,263.5
Judicial Department	2,253,273.2		130,876.9			283,953.9	2,668,104.0
Prosecution	29,088,598.0	7,246,000.6	1,380,144.0	62,246.6	267.0	4,914,103.9	42,691,360.1
Legal aid	1,628,240.8						1,628,240.8
Ombudsman	137,040.7					6,350.0	143,390.7
Police, law enforcement	156,524,859.3	26,883,304.0	23,769,897.0	806,684.6	22,390.9	80,700,434.7	288,707,570.5
Ministry of Justice	1,581,737.2	1,471,529.1	66,000.0	5,500.0		282,535.7	3,407,302.0
Detention, corrections	60,341,627.7	18,072,700.4	3,865,226.0	2,787.5		20,671,612.5	102,953,954.1
Bailiffs Service	21,641,255.0		506,740.0			41,740.0	22,189,735.0
Security Service	13,686,833.6		413,960.0			1,121,760.0	15,222,553.6
Drug Control Service	9,028,732.3	2,778,591.9	333,223.0	106,700.0		611,141.7	12,858,388.9
Customs	32,559,333.7	12,319,555.3	9,601,410.0	135,186.6	744,796.1	1,238,275.8	56,598,557.5
Tax Service	95,022,277.2	757.6	2,842,382.7	33,000.0	208,526.1	958,234.2	99,065,177.8
Totals	495,155,611.5	69,677,656.7	47,915,070.0	1,164,105.3	975,980.1	118,431,737.1	733,320,161.0

* "Other" column includes procurement of firearms and ammunition for police, drug control forces and prison guards, special training, maintenance of educational establishments, hospitals and places of rest, social and public health programs etc.
Source: Federal Law No. 283-FZ of December 19, 2006 "On 2007 Federal Budget".

History teaches that unchecked executive power inevitably impacts and may even imperil the judiciary. During the Putin Administration highly publicized criminal prosecutions have indeed reached results gratifying to the executive and which probably reflect its influence on key judicial proceedings. But while executive power has certainly grown apace, it cannot be said that there have been concerted efforts to bring the judiciary to heel. The courts have seldom directly opposed the government on issues of high political importance. But on the other hand they have continued to function with some degree of freedom to interpret and apply the law. This has included numerous decisions against the government and its agencies on legal issues when the merits of the case so required.

Observers have noted tendencies toward "counter-reform" in Russia.⁸ Recent laws have restricted the formation of civil society organizations and have imposed onerous administrative

⁷ See, e.g., McFaul, Michael and Kathryn Stoner-Weiss, "The Myth of the Authoritarian Model," *Foreign Affairs*, Volume 87, Number One, January/February 2008, page 68; "Briefing – Russia's Economy: Smoke and Mirrors," *The Economist*, March 1st-7th, 2008, <http://www.economist.com>.

⁸ See Solomon, Peter H., "Threats of Judicial Counterreform in Putin's Russia," paper prepared for the International Conference on Commercial Law Reform in Russia and Eurasia at the Kennan Institute,

and tax requirements. Offices of certain organizations have been closed. The judiciary has occasionally been faced with proposed legislation that would limit its independence and make it more directly responsive to executive appointment and influence. All of the most objectionable of such proposals have failed enactment. Still, it has been argued that the very mooted of these proposals is a forceful reminder that judicial power is subject to ready curtailment by executive action.

Of immediate interest to international donors is a 2007 law restricting the participation by judges and other government officials in travel and events financed entirely by foreign entities. The Russian government concern underlying this restriction is understandable.⁹ The preoccupation of donors is with the uncertainty over how this new law will be applied and whether it will act as a constraint on international cooperation. The response of the Russian judiciary has been to accept the law at face value and to find constructive ways to conform to its provisions.

Against this background, USAID has maintained good relations with the Russian government sufficient to carry out a program of meaningful cooperation with the Russian judiciary. While the Russian courts are by no means immunized against unfavorable political developments, they have chosen to remain engaged with USAID and other international donors in continuing efforts to improve the courts' administrative efficiency and their capacity to render justice.

Still, court leadership, judges, and the legal community all proclaim the need for the Russian courts to do more to earn the public respect essential for courts to maintain an effective position in society. "Transparency" and "access" are heard again and again from Russian colleagues as the vital means to gain necessary public support. These words are not mere shibboleths. They mean that the public's interaction with the courts is critical to public respect and support. That interaction takes place most emphatically when millions of citizens each year bring cases in the courts, including almost 13 million in the popular justice of the peace courts alone. Public perceptions of transparency and access then become determinants of public respect. That is a paramount current trend of the Russian judiciary and of this report.

III. Roles and Interests of Major Stakeholders

The further evolution of the context for rule of law development in Russia discussed in the preceding section will be largely determined by a wide range of actors. The incentives for reform, the potential obstacles, and institutional relationships will all be important factors. Beyond the distinct interests of particular groups, the prospects for success in advancing the rule of law in Russia will be enhanced if there is constructive interaction among the important constituencies described below. In any society, interchange among those who prescribe the rules, those who apply them, and those who are affected by them will tend to improve the quality of the rules and institutions and increase their legitimacy and effectiveness.

Washington, DC, April 8-9, 2005,
http://www.reec.uiuc.edu/events/Conference/ACConf/lawconf_paper/solomon.pdf.

⁹ It should be recalled that the United States Constitution provides (Article I, Section 9) that "no person holding any office of profit or trust under [the United States] shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any King, Prince, or foreign State." The Congress has given only limited consent to the acceptance by US Government employees, of certain gifts and decorations (including foreign travel) from foreign governments, subject to regulations. See 5 USC 7342.

A. The Government

Russia's tradition of centralized government, the strong role of the President under the Constitution, and the increased concentration of political power in the executive make the position of the Russian government – and of the Russian President – a crucial issue. Despite concerns about current trends, there are some positive factors at work. First, under President Putin's leadership the budget of the judiciary has experienced a 5-fold increase over the past 5 years, bringing the total judicial budget to more than \$3 billion (see Table II-1). This total includes special federal targeted programs to increase judicial independence and accountability and court modernization. For 2002–2006 the federal targeted program was about \$2 billion and a comparable amount is programmed for 2007–2011. The increased budget also includes amounts for housing allowances and rehabilitation of infrastructure in the Chechen Republic.

The government's willingness to invest substantial financial resources in the justice system is a manifestation of the importance it attaches to the system's ability to maintain order and respect for the law. Even as concerns grow that the executive power might undermine the rule of law, the government has vigorously promoted objectives such as judicial independence, ethical behavior by judges, court modernization, and professionalization of justices of the peace.¹⁰

While the articulation of policies by President Putin sometimes appears to equate the rule of law with public order,¹¹ recent statements by President-elect Dmitry Medvedev suggest a more conventional notion of the relationship between freedom and the law.¹² Surely, it would be naïve to assume that the imminent leadership change in the Kremlin will signal an abrupt policy shift, especially in light of the continuing central role of Mr. Putin as Prime Minister and leader of the dominant United Russia political party. But it would also be naïve to assume that government attitudes are frozen and impervious to change.

On balance, it appears that a number of the government's interests will favor continued support for strengthened capacity, independence, and competence of the courts, with increased access to justice for the Russian population. These interests include the desire for public order and stability, public confidence in the courts, overcoming the skepticism often described by Mr. Medvedev as "legal nihilism,"¹³ and a favorable climate for investment and economic activity. All

¹⁰ See, e.g., Remarks by President Vladimir Putin at the VI National Congress of Judges, November 30, 2004. <http://www.kremlin.ru/eng>.

¹¹ The most often-cited example is the Open Letter to Voters of February 2000, published on the eve of his first election as President. The letter speaks of a "dictatorship of the law" and equates freedom with a strong state. <http://www.kremlin.ru/eng>.

¹² In a speech at the V. Krasnoyarsk Economic Forum on February 15, 2008, for example, Mr. Medvedev spoke of freedom of citizens from arbitrary action, harmony between freedom and law, and a judicial system "genuinely independent...that is professional and offers fair and equal access to justice for all." http://www.medvedev2008.ru/english_2008_02_15.htm. See also the account of an interview in which Mr. Medvedev described his plan to "imbed the rule of law in Russian society"; Barber, Lionel, Neil Buckley, and Catherine Belton, "Laying Down the Law: Medvedev Vows War on Russia's Legal Nihilism," *Financial Times*, March 24, 2008, http://www.ft.com/cms/s/0/4b93ecde-f9c3-11dc-9b7c-000077b07658,dwp_uuid=7ee6a12e-7d74-11dc-9f47-0000779fd2ac.html.

¹³ *Ibid.* See also Mr. Medvedev's speech on January 29, 2008, at a special congress of the Association of Russian Lawyers, <http://www.russiaprofile.org/page.php?pageid=CDI+Russia+Profile+List&articleid=a1201803802>.

of these domestic policy considerations are tied to a desire by the government to gain broad international acceptance and prestige, while at the same time resisting “anti-Russian” influences.

B. The Judiciary

To a great extent, the interests of the Russian judiciary coincide with those of the government. By and large, the judiciary is a conservative institution. Many judges currently in office were recruited from the ranks of prosecutors, police, and security services. The remarkable 99 percent conviction rate in non-jury trials (which constitute the vast majority of criminal trials), despite the criminal procedure code’s mandate of judicial neutrality, is an indication of the persistent tendency by Russian judges to see their role as consistent with that of the state.¹⁴ Active dissent by individual judges is discouraged by the power of senior members of the judiciary in what remains a hierarchical system of internal governance.

At the same time, as increased salaries, improved working conditions, and greater respectability have made the judiciary a more attractive career choice, and as Russian judges continue to observe judicial practice in other countries and exchange views with professional colleagues, a distinctive judicial perspective is emerging. There is genuine enthusiasm within the judiciary for measures that will increase independence, accountability, and transparency. Despite new limits on participating in foreign-financed activities, there remains a strong interest in continued international cooperation.

C. The Legal Profession

The legal profession in Russia includes a number of discrete groups. Among practicing lawyers, only those who pass an examination can become advocates. Once qualified by completing their legal education and passing the examination, they can become members of federal and regional chambers of advocates and will be subject to requirements for continuing legal education and standards of professional ethics.

Only advocates can represent clients in criminal proceedings (except in justice of the peace courts and by specific court order in other courts). However, in civil cases, anyone can represent an individual and employees (including temporary employees) of private and public organizations can represent their employers. This structure leaves room for the practice of law by many non-advocates. Indeed, advocates who become employees – of private businesses, government agencies, or civil society organizations – cease to be considered members of the advocacy profession while so serving. Notaries and judges are other groups of lawyers who have their own associations. Thus, law is practiced by advocates and also by others who are not subject to the same requirements and ethical standards.

It appears that the organized bar (the federal and regional chambers of advocates) would like to limit the ability of non-advocates to represent clients in legal proceedings. However, their

¹⁴ See Chapter XI, “Criminal Procedure,” in Burnham, *et al*, note 5, *supra*. The conviction rate for non-jury trials is discussed at pages 524-525 and for jury trials at page 533. The conviction rate for jury trials exceeds 90 percent and the prosecution often appeals acquittals in jury trials to the Supreme Court. See O’Malley, Kristi, “Not Guilty Until the Supreme Court Finds you Guilty: A Reflection on Jury Trials in Russia,” *Demokratizatsiya* 14, Winter 2006, Thaman, Stephen C., “Nullification of the Russian Jury: Lessons for Jury-Inspired Reform in Eurasia and Beyond,” 40 *Cornell International Law Journal* 355, 2007.

position seems to give emphasis to keeping others out rather than seeking to bring other groups of lawyers into the discipline of the organized bar. Thus, under the existing system, the interests of those who are lawyers and those who are not advocates may well diverge. Advocates identify with the organized bar, while lawyers employed as in-house counsel or by the government or NGOs tend to identify with their employers.

There have been efforts to bring the legal profession together on issues of common concern. For example, over the past 15 years the Independent Council of Legal Expertise, an NGO, has supported a broadly participatory dialogue on improving the justice system. At a more specific level, a working group on draft legislation to regulate legal services for the poor has included representatives from the organized bar, NGOs, the government, and university law clinics. (The USAID-financed American Bar Association program has supported this effort.) However, the working group has made little progress. Meanwhile, many universities and NGOs operate legal clinics and the organized bar and the Russian government have separately established legal services offices. In addition, the Association of Russian Lawyers, a voluntary organization, has initiated an ambitious undertaking to establish legal services offices in communities throughout the country with the support of the Union of Industrialists and Entrepreneurs.¹⁵

Russian lawyers have obvious reasons to support the development of the rule of law. Increased concern about human rights, greater willingness by citizens to confront the state over benefits, taxes, and other issues, and an increasingly complex economic and regulatory environment are among the causes of a growing volume of litigation and other legal work. Of course, some who benefit from the status quo will resist change. But, on the whole, lawyers have a special interest in clear rules arrived at through fair procedures and applied in a competent and transparent way by accountable institutions. Their engagement will be important, even though it seems clear that they will not be involved in a unified way.¹⁶

D. Other Stakeholders: Civil Society Organizations, Universities, Business Community

An impressive array of civil society organizations is playing a valuable role in shaping Russia's jurisprudence. Some of these organizations engage directly in litigation, representing the poor, the disabled, refugees, and other underrepresented groups. Some organizations are focused on particular human rights issues, such as police abuse and domestic violence. Some work primarily in the Russian courts. Others pursue remedies in the European Court for Human Rights in cases where Russian courts have failed to provide redress. Other organizations are involved in research, policy advocacy, and public information activities concerning public interest legal issues and the administration of justice. A specific noteworthy service (and one

¹⁵ Many Russian legal clinics are identified at <http://www.lawclinic.ru/russianclinic.phtml>. With respect to the efforts of the Association of Russian Lawyers, see the report in *Kommersant*, December 13, 2006, http://www.kommersant.com/p729810/r_500/Free_consulting_election_. Some lawyers have expressed concern about the Association's apparent ties to the country's political leadership. President Medvedev's January 2008 address to the Association, cited at note 13, above, was delivered in his capacity as chair of the board of trustees.

¹⁶ Russia follows the European practice of a divided legal profession as opposed to the unitary structure found in the United States and some other countries. See Chapter IV, "The Legal Profession," in Burnham, et al, note 5, *supra*, page 131. See also "Overview of the Structure and Organization of the Legal Profession in the United States and Europe" in Bolocan, Maya Goldstein, Editor, *Professional Legal Ethics: A Comparative Perspective*, American Bar Association, July 2002, http://www.abanet.org/rol/publications/professional_legal_ethics_con_papers.pdf.

supported by USAID) is the provision of advice to nonprofit groups seeking to navigate the complex and often opaque requirements of registration law and procedures for NGOs.¹⁷

Some NGOs will not cooperate with the government. They communicate primarily through litigation. Other organizations are open to dialogue; they look for common ground and seek to persuade decisionmakers. A number of them receive financial support from international donors and foundations. In the course of this assessment, the team met a number of committed individuals in the NGO community who believe in what they are doing and who will continue to be crucial agents of change in developing the rule of law in Russia. These individuals and organizations are obviously highly motivated to pursue a justice system that provides broad access to justice and protects the rights of all.

More than 100 accredited law schools in Russia (and about 200 that are not accredited) play an important role in developing the rule of law. Their curricula and pedagogical approaches have a profound impact on the quality and orientation of the growing community of legal professionals. In addition, a number of them operate legal clinics which contribute to legal services for the poor and disadvantaged (see note 15, above). Finally, several universities have shown intellectual leadership in the evolution of innovations to strengthen the rule of law. The leadership of the State University of St. Petersburg in facilitating the publication of judicial decisions in the interest of greater transparency is a frequently cited example.

A third category of stakeholders is the business community. A vigorous Russian entrepreneurial class has a distinct interest in a legal and institutional framework conducive to a competitive business environment and increased investment. Progress in the rule of law would be significant for Russia's performance under several international measures of the business environment.

**TABLE III-1
COMPARATIVE RANKINGS OF THE RUSSIAN FEDERATION AND OTHER
G-8 COUNTRIES ON THE BUSINESS ENVIRONMENT, 2007**

COUNTRY	WB GOVERNANCE MATTERS-ROL (PERCENTILE OF 212 RANKED)	TI CORRUPTION PERCEPTIONS (OF 179 RANKED)	WB DOING BUSINESS (OF 187 RANKED)	WEF GLOBAL COMPETITIVENESS (OF 131 RANKED)	HERITAGE INDEX OF ECON FREEDOM (OF 162 RANKED)
Canada	96.2	9	7	13	10
France	89.5	19	31	18	45
Germany	94.3	16	20	5	19
Italy	60.0	41	53	46	60
Japan	90.0	17	12	8	18
Russian Federation	19.0	143	106	58	120
United States	93.3	20	3	1	4
United Kingdom	91.9	12	6	9	6

Sources: Governance Matters 2007, World Bank, http://info.worldbank.org/governance/wqi2007/mc_chart.asp; Corruption Perceptions Index 2007, Transparency International, <http://www.transparency.org>; Doing Business 2008, World Bank, <http://www.doingbusiness.org>; 2007/2008 Global Competitiveness Index, World Economic Forum, http://www.weforum.org/pdf/Global_Competitiveness_Reports/Reports/qcr_2007/qcr2007_rankings.pdf; 2008 Index of Economic Freedom, Heritage Foundation, <http://www.heritage.org/Index>.

Among other things, this means less corruption and more juridical security – confidence that the rules are clear and will be fairly applied, that property rights will be respected, and that commercial disputes will be resolved on their merits, promptly and at reasonable cost. Development of the rule of law in a manner that advances those interests can be expected to

¹⁷ See Human Rights Watch, *Choking on Bureaucracy: State Curbs on Independent Civil Society Activism*, February 2008, <http://hrw.org/reports/2008/russia0208>.

attract broad support from the business community. As indicated in Table III-1, above, Russia has far to go to match the performance of the other industrialized countries of the G-8.

IV. The Justice System

A. The Normative Framework

The Russian Constitution of 1993 takes precedence over all other legal norms. It stipulates the three branches of government, basic economic, political and social rights, and the relationship between the Federation and its subjects. Statutes adopted by the legislature and other legal acts adopted by governmental agencies must be in conformity with the Constitution.

As provided by the Constitution, federal statutes are made by the national legislative body – the Federal Assembly of the Russian Federation. The national legislature comprises the Federation Council (upper house with 178 seats and four-year terms) and the State Duma (lower house with 450 seats and four-year terms). The federal executive power is headed by the Prime-Minister. The President is head of the State. Judicial power is vested in the courts.

Over the last 15 years, Russia's legal system has undergone a fundamental restructuring. The legal framework is comprised of the 1993 Constitution; organic laws such as Federal Constitutional Laws on the Constitutional Court (1994), the *Arbitrazh* Courts (1995), the Government (1996) and the Justice System (1996), as well as Federal Laws on the Status of Judges (1992), Shareholding Companies (1995), Non-commercial organizations (1996), Justices of the Peace (1998), and Advocates' Practice (2002). Major substantive codes include the Civil Code (Part I-1994; Part II-1996; Part III-2001; Part IV-2008), Criminal Code (1996), Criminal Enforcement Code (1997), Labor Code (2001), and Dwelling Code (2004). Major procedural codes include Criminal (2001), Civil (2002), and Commercial (2002) procedures. There are also codes combining substantive and procedural parts such as the Code of Administrative Offences (2001) and the Tax Code (Part I-1998; Part II-2000). Legally binding rules and regulations by national executive agencies and enactments by local representative bodies within their respective jurisdictions also constitute sources of Russian law.

B. The Judicial System

The judiciary in Russia is divided into three groups: the courts of general jurisdiction with the Supreme Court at the top, the *arbitrazh* (commercial) courts with the High *Arbitrazh* Court on top, and the Constitutional Court as a single body with no courts under it. The subjects of the Russian Federation also have the right to establish their own constitutional (charter) courts and 15 such courts have been established.

A commercial dispute, a dispute to which the parties are commercial organizations or individual entrepreneurs, or a dispute between such entities or entrepreneurs and a government agency, falls within the jurisdiction of the *arbitrazh* courts. Under the High *Arbitrazh* Court there are 81 regional, twenty appellate and ten circuit (intermediate appellate-level) *arbitrazh* courts, with about 4,000 judges handling more than one million disputes annually.

The vast majority of litigation in Russia is heard by the courts of general jurisdiction. Some 6,500 justices of the peace hear about 6 million civil cases, 5 million administrative cases and 500,000 criminal cases annually. The 23,000 judges in the 2,500 federal courts of general jurisdiction hear each year more than 2 million civil cases, 200,000 administrative cases, and

more than 300,000 criminal cases, as well as about 1.5 million appeals and reviews of lower court rulings. The volume of cases has increased significantly in recent years.

**TABLE IV-1
COURT PERSONNEL, 2007**

Court level & number of courts	Number of judges authorized	Number of judicial vacancies	Number of support personnel
Constitutional Court (1)	19	None	
Constitutional (Charter) Courts of the Subjects (15)	78	13	
Supreme Court (1)	125	3	952
Courts of General Jurisdiction incl. Federal Subject-level courts (87) Federal district courts (2,500)	23,172	2100	61,161
Judicial Department			6,299 incl. central apparatus 467
Supreme Arbitrazh Court (1)	90	None	387
Arbitrazh Courts, incl. Federal Circuit Arbitrazh courts (10) Federal Arbitrazh Courts of Appeal (20) Federal Subject-level arbitrazh courts (81)	3,993	320	10,296
Justice of the Peace Courts	6,542		3,000
Totals	34,019	2,436	82,095

Sources: Federal Law No. 283-FZ of December 19, 2006 "On 2007 Federal Budget"; Federal Law No. 218-FZ of December 29, 1999, amended as of February 14, 2008 "On General Number of Justices of the Peace and Judicial Districts"; Constitutional Court website www.ksrf.ru, High Qualification Collegia of Judges website www.vkks.ru

Under legislation enacted in December 1998, small claims, certain family disputes, and minor criminal and administrative offenses previously under the jurisdiction of the federal district courts are now handled by justices of the peace courts. These courts were established to relieve the caseload of the district courts and to bring justice closer to the population.

Justice of the peace courts are courts of the subjects of the Russian Federation. The salaries of justices of the peace are paid from the federal budget, but expenses are paid from regional and community budgets. Justices of the peace have gained respect and trust within the communities in which they serve. Their caseloads continue to increase each year – from 7 million in 2004 to 10 million in 2006 to a remarkable 12.5 million in 2007. Every year laws are adopted in order to increase the number of justices of the peace and an increase in their present number to about 8,500 is anticipated.

**TABLE IV-2
DISTRIBUTION OF CASE INFLOWS, GENERAL JURISDICTION COURTS**

Type of Case	Justices of the Peace	Federal District Courts	Federal Subject-Level Courts	Supreme Court	Total for Russia 2007	Total for Russia, 2006
First Instance						
Criminal	482,719	687,950	4,162	4	1,174,835	1,224,431
Civil	6,796,064	2,208,539	7,222	301	9,012,126	7,564,739
Administrative	5,260,326	254,223	0	0	5,514,549	4,991,227
Appeal Instance						
Criminal	0	38,929	0	0	38,929	33,868
Civil	0	130,625	0	0	130,625	133,999
Administrative	0	0	0	0	0	0
Cassation						
Criminal	0	0	291,322	4,454	295,776	290,328
Civil	0	0	321,639	2,298	323,937	305,680
Administrative	0	142,323	14,169	0	156,492	126,065
Supervision						
Criminal	0	0	35,023	1,741	36,764	27,809
Civil	0	0	18,694	182	18,876	20,270
Administrative	0	0	0	0	0	0
TOTAL	12,539,109	3,462,589	692,231	8,980	16,702,909	14,718,416

Source: Court statistics, Judicial Department website www.cdep.ru.

The Russian courts have an excellent rate of case disposition (ratio of case outflows to case inflows). However, the backlog of pending cases causes the clearance rate (ratio of case outflows to total caseload) to average about 92 percent for the general jurisdiction courts and about 72 percent for the *arbitrazh* courts. The 97.5 percent clearance rate maintained by the justice of the peace courts in the face of a rapidly growing caseload is notable.

**TABLE IV-3
CASELOAD AND CLEARANCE RATES BY COURT, 2007**

General Jurisdiction Courts

Category of Court	Pending 31/12/06	Case Inflows	Total Caseload	Case Outflows	Pending 31/12/07	Clearance Rate (%)
Supreme Court	1,404	8,980	10,384	9,231	1,153	88,9
Federal Subject-level Courts	14,637	692,231	706,868	648,278	58,590	91,7
Federal District Courts	373,754	3,462,589	3,836,343	3,439,701	396,642	89,6
Justice of the Peace Courts	328,022	12,539,109	12,867,131	12,547,698	319,433	97,5
Total/Average	717,817	16,702,909	17,420,726	16,644,908	775,818	91,9

Arbitrazh Courts

Category of Court	Pending 31/12/06	Case Inflows	Total Caseload	Case Outflows	Pending 31/12/07	Clearance Rate (%)
Supreme Arbitrazh Court	6,235	21,418	27,653	17,455	10,198	63.1
Federal Circuit Arbitrazh Courts	17,732	107,733	125,465	93,284	32,181	74.3
Federal Arbitrazh Courts of Appeal	34,602	147,245	181,847	129,012	52,835	70.9
Federal Subject-level Arbitrazh Courts	241,421	873,796	1,115,217	905,211	209,306	81.1
Total/Average	299,990	1,150,192	1,450,182	1,144,962	304,520	72.3

Source: Court statistics, Judicial Department website www.cdep.ru, High Arbitrazh Court website www.arbitr.ru

Constitutional Court, Supreme Court, and Supreme *Arbitrazh* Court judges are nominated by the President and appointed by the Federation Council. Other federal judges are appointed by the President on the basis of recommendations from the heads of the Supreme Court and

Supreme *Arbitrazh* Court, which reflect the screening decisions of a judicial qualifications commission of judges selected by their peers. After a three-year probation period, judges below the most senior level serve in good behavior until age 70. Justices of the peace are appointed by local legislatures for terms not to exceed five years.

There are statutorily established judges' associations in Russia. *Councils of Judges* at different levels address issues of professional importance and act to protect and promote institutional interests of the judiciary. *The Qualification Collegia of Judges* screen candidates for judicial appointment, confer ranks, discipline judges for professional ethics violations, and give their consent to prosecution of judges accused of criminal misconduct.

The federal law on the judicial system provides for the Judicial Department at the Supreme Court. This Department, established in 1998, has replaced the Ministry of Justice as the organization responsible for court administration. Since the Department's establishment, the Russian judiciary has exercised self-governance and no longer relies on the executive. (The Judicial Department supports the courts of general jurisdiction; internal administrative departments have also been created in the *arbitrazh* courts and the Constitutional Court.)

Cases are tried by one of several methods: a case can be tried by a presiding judge or by a panel of three judges. In criminal cases a jury trial (with twelve jurors) is available in the most serious crimes – those with penalties of more than four years imprisonment, where jurisdiction originates in the *oblast* (subject level) courts. In 2007, court statistics show there were 593 jury trials in Russia. This number constitutes about 14 percent of the criminal cases brought in the subject-level courts, but represents a much smaller percentage of the total number of all criminal trials. As shown in Table IV-2, the justice of the peace and district courts, which do not use juries, together disposed of more than a million criminal cases involving less severe offenses in 2007.¹⁸

Direct appeal to a higher court is permitted for “cassational review.” However, appeals from justices of the peace decisions are heard *de novo* by district courts. In addition to direct appeal, the law permits review by a higher courts even when the time limits prescribed for cassational review have expired. This right can be exercised not only by a person convicted and serving the sentence, but by anyone who wants to proceed on behalf of such person.

C. The Legal Profession

Lawyers in private practice in Russia work mostly within Chambers of Advocates – self-managed, cooperative-type organizations. There are about 60,000 advocates in 83 chambers. The highest body of advocates' self-management is the Federal Chamber of Advocates.

Regional chambers of advocates operate in areas corresponding to the territorial divisions of the country – the federal cities, regions, republics and autonomous entities. In its territory, any chamber consists of law firms, called “advocates' bureaus”, and legal aid offices, called “legal consultations,” which render legal assistance to citizens. Advocates counsel people, draft legal documents, represent parties in civil litigation, and provide defense in criminal proceedings, including defense rendered free for the client and paid by the State.

¹⁸ See note 14, *supra*. Burnham estimates that “Jury trials in 2003 accounted for 8.2% of all trials,” citing data published by the Judicial Department at http://www.cdep.ru/material.asp?material_id-3.

There are now more and more American-type law firms in Russia functioning separately from the chambers of advocates, and especially involved in representing private businesses. In addition, many lawyers are employed by business enterprises, government ministries and agencies, and other organizations as in-house counsel (*juriskonsult*). These lawyers have all powers of an advocate, but they represent a single “client” – their employing organization – during negotiations or in court. There are about 20,000 *juriskonsults* in Russia, and as the market economy evolves this body is growing rapidly.

Many people with law degrees work as notaries. There are about 10,500 notaries attached to 82 notarial chambers (like chambers of advocates) in Russia. Notaries perform essential services concerning the legal acceptability of documents recording official corporate acts, the administration of estates, and real estate transactions.

Of course, many in the legal profession teach or do academic research. Many institutions of higher education in law exist and new ones continue to come into existence, either attached to universities or as separate entities called “juridical institutes.” There are also separate research centers in law, the most prominent of which is the Institute of State and Law under the Academy of Sciences of Russia (Moscow).

D. Legal Agencies of the Government

The **Ministry of Justice** exercises important coordinating functions in the legal field, but is not a law enforcement agency. The Ministry’s present work is varied. It is involved in codification of the laws. It supervises the performance of advocates and the activities of notarial and official registry offices, forensic centers and laboratories. The Ministry promotes the development of legal science. An important new mission of the Ministry is the supervision of court bailiffs, an institution similar to the US Marshals Service. The bailiffs are responsible for the enforcement of court decisions. In addition, the correctional system has been transferred to the jurisdiction of the Ministry of Justice. The Ministry’s Federal Registration Service is notable in two respects: it oversees the registration of NGOs and their compliance with reporting and other requirements; it also operates ten pilot offices to provide legal services in civil matters to citizens of modest means.

Until 1998, the Ministry of Justice provided administrative support for the courts with the formally stated purpose of improving the administration of justice and making judicial administration more efficient. In this respect, its functions were similar to those of the Administrative Office of the US Courts. The Judicial Department under the Supreme Court has now replaced the Ministry of Justice with respect to the administration of the courts of general jurisdiction.

In occasional competition with the Ministry of Justice is a body that functions as advisor to the President on legal policy, the **State Legal Directorate of the Russian Federation President (GGPU)**. This organization prepares draft legislation and reviews drafts prepared by other organizations in order to make recommendations to the President.

The **Civil Society Institutions and Human Rights Council** is an advisory body to the President of the Russian Federation, assisting the head of state in guaranteeing and protecting civil and human rights. Its principal tasks are to keep the President informed about the state of affairs in this sphere, promote development of the institutions of civil society, draft and review legislative and regulatory proposals on issues falling within the purview of the Council, and

facilitate interactions with human rights organizations.¹⁹ The 30 members of the Council are appointed by the President from among representatives of civil society organizations, the sciences, and the mass media.

The **Commissioner on Human Rights** serves as the ombudsman for human rights in Russia.²⁰ The Commissioner is appointed to a five-year term by the State Duma from among candidates nominated by the President, the Federation Council, and deputies and associations of deputies of the State Duma. The same person cannot be appointed as Commissioner for more than two successive terms. The Commissioner investigates complaints about the decisions, actions, and inactions of state bodies, local self-government, and governmental officials and employees.

The **Prokuratura** oversees the legality in the activities of all governmental bodies, with special emphasis on the law enforcement agencies. As the prosecutorial department of the government, the Prokuratura investigates crimes and prosecutes criminal charges. All prosecution offices in the country – local, city, and regional – are subordinate to the Procurator General.

The **Ministry of Internal Affairs** provides oversight of all police agencies (called “*militia*” in Russia). This ministry also performs some administrative functions (e.g. residence registration, issuance of gun permits, certain visa issues). It used to manage pre-trial detention facilities and correctional institutions before that function was transferred to the Ministry of Justice.

The **Federal Security Service** is responsible for counterintelligence work. It also investigates (jointly with other agencies or separately) organized crime, drug trafficking, and terrorist acts. The **Federal Service of Protection** provides security for top government officials; the **Federal Drug Control Service** enforces the drug laws; and the **Federal Tax Service** enforces tax laws.

E. Legal Assistance and Representation for the Disadvantaged

Under current legislation the accused has a right to have a defense counsel, including one provided free of charge.²¹ Participation of defense counsel in the preliminary investigation and trial is mandatory, if:

- the suspect or accused has not waived defense counsel pursuant to the procedures established by the Code;
- the suspect or accused is a minor;
- the suspect or accused is incapable himself of exercising his right to defense due to physical or mental defects;
- the suspect or accused is not fluent in the language in which the proceedings are conducted;
- the person has being charged with a crime for which he may be sentenced to imprisonment for a term exceeding fifteen years, life imprisonment, or death penalty;
- the case is subject to a jury trial;

¹⁹ Decree of the President of the Russian Federation No. 1417 “On the Civil Society Institutions and Human Rights Council under the President of the Russian Federation” dated November 6, 2004.

²⁰ Federal Constitutional Law “On the Commissioner for Human Rights,” dated February 26, 1997.

²¹ Article 47(4) of the CCP RF.

- the accused has made a motion to have the criminal case heard in accordance with the special procedures for rendering a judgment when the defendant stipulates as to the charges against him.²²

The inquirer, the investigator, the procurator, and the court all have the right to exempt a suspect or an accused person, in full or in part, from payment for legal assistance, provided there are appropriate grounds for doing so. In that event, the advocate's work is compensated from the government budget.²³ The official amount authorized to be paid in most cases is not less than 250 rubles (about \$11) and not more than 1,100 rubles (about \$46) per day, with additional amounts payable for work at nighttime, during the weekend, or on holidays.²⁴ Even these small amounts are not always paid. As of 1 January 2004, the State owed advocates 101,457,845 rubles.²⁵

There is no amount allocated for case preparation, such as studying the evidence or interviewing the client or witnesses. Appointed advocates often ask for additional payments from the accused for work done to prepare the case. Some international experts have observed that advocates appearing for trial are frequently not prepared.²⁶

With respect to civil cases, the 2002 Civil Procedure Code introduced an innovation allowing the court to appoint "an advocate as the representative if the defendant whose whereabouts is not known or has no representative, as well as in other cases provided for in the federal laws." The law "On Advocate's Practice and *Advokatura*" could be considered such a federal law, providing for the list of civil cases in which free legal assistance should be rendered.

Advocates are required to render free legal services in certain civil cases to certain individuals under the poverty line. Among them are indigent veterans of World War II (non-business matters only), applicants for pensions and welfare benefits, suits for alimony and child support, claims for compensation for wrongful death of a breadwinner or injury or other threat to health connected with work (but only at the trial court level), and victims of political oppression in connection with attempts to gain rehabilitation.²⁷

Fulfilling this duty of free representation has a depressing effect on an advocate's income. Some advocates seek to avoid it altogether. To remedy the problem some subject-level chambers of advocates operate funds from which advocates who do such work are paid and to which advocates wishing to avoid this work must pay. However this system "taxes" only advocates (either through professional services or payment into the *pro bono* fund). Non-

²² Article 51(1) of the CCP RF.

²³ Article 50(5) of the CCP RF.

²⁴ Order No. 199/27n of the RF Ministry of Justice on Procedures for Payment of Appointed Counsel in Criminal Cases (15 October 2007) and Decree No. 625 of the Government of the Russian Federation dated 28 September 2007 "On Amendments to the Decree No. 400 on the Amounts of Payment of Appointed Counsel in Criminal Cases".

²⁵ This figure was announced at the annual meeting of the Federal Chamber of Advocates. See Kalinin, Vladimir, "Besplatnye zaschitniki trebuyut deneg", *Nezavisimaya gazeta*, 23 December.2004.

²⁶ See Chapter XI, "Criminal Procedure," in Burnham, *et al*, note 5, *supra*. page 467.

²⁷ Article 26(1) of the Federal Law "On Advocate's Practice and *Advokatura*".

advocate lawyers who engage in business law practice – those best able to absorb the financial burden of *pro bono* work or to pay into the fund – are not charged.²⁸ In any event, there is no legal obligation to establish such funds.

The Federal Registration Service, an agency under the Ministry of Justice, recently initiated an experimental program intended to help address the needs of the poor and vulnerable groups. The program involves the establishment of public legal services offices in ten pilot regions – Karelia, Chechen Republic, Volgograd, Irkutsk, Magadan, Moscow, Samara, Sverdlovsk, Tomsk and Ulyanovsk regions. These state legal bureaus are providing free legal advice to the most poor and vulnerable groups and representing them in court or before state authorities on civil matters.²⁹ According to the Federal Registration Service, the results of this experiment are positive and it has been continued beyond its initial projected termination in 2007. Many questions have been raised about this experiment, including questions concerning the consistency of these offices with European norms for the independence of those who represent clients in proceedings against the State.

Currently, free legal aid is provided by private lawyers, the Ministry of Justice, law students (through legal clinics) and a variety of NGOs. However, these activities are not coordinated and quality is uneven. The conclusion is unavoidable that measures taken to date to assure legal services for the poor and disadvantaged are inadequate to meet the need. A number of communities have established alternative dispute resolution services, ombudsmen and non-state sources of legal information and advice. For example, the Faculty of Law at St. Petersburg University has worked with a network of civil society organizations to establish a legal clinic. Each participating organization offers free legal consultations in its area of specialization (e.g., domestic violence, labor disputes, or family conflicts). Regional and urban/rural disparities often determine the kinds of services available and sought. Access to the diverse range of legal support services available in St. Petersburg is rare. Such services are also difficult to access because of the lack of public information about their availability. Some human rights NGOs are providing free legal services in cases involving severe violations of human rights. For example, the network of organizations of the Moscow Helsinki Group, supported by USAID and other donors, has provided about 50,000 legal consultations since 2002. These services, targeted on human rights violations, are available mainly in larger cities.

International donors have provided some support in this field. For example, a World Bank legal reform project (1996-2005) supported legal clinics in eight law schools in different regions. After the project ended, only the St. Petersburg and Mari-El legal clinics stayed more or less healthy. USAID supported a number of legal clinics through the American Bar Association, mainly in the 1990s. Their primary services involved advice and drafting of documents rather than representation in court. The Ministry of Foreign Affairs of the Netherlands recently started a project aimed at improving access to legal assistance for Russian citizens (2007-2010). This project is intended to assist the Russian Bar in the elaboration and implementation of adequate regulations, in strengthening the Bar's position in civil society, and in furthering the development of a just and effective legal aid system in the Russian Federation. The European Commission is launching a project that envisages drafting new legislation and establishing a new system of out-of-court settlement of disputes. The USAID-financed American Bar Association program has also supported improvement of the legal aid system.

²⁸ See Chapter IV, "The Legal Profession," in Burnham *et al*, note 5, *supra*, page 148.

²⁹ Decree No. 534 of the Government of the Russian Federation On Conducting the Experiment in Establishing State Legal Aid System (22 August 2005).

Additional information about the Russian legal system is set out in Annex 5.

V. Rule of Law Essential Elements

The USAID Strategic Framework identifies five elements which “must be present for the rule of law to prevail.”³⁰ These elements – order and security, legitimacy, checks and balances, fairness, and effective application – are interrelated; each of them affects the others. For example, widespread disregard for the law that undermines order and security can reflect a popular perception that the law is unfair and imposed, lacking in legitimacy. A lack of legitimacy, in turn, may result from a lack of accountability of decisionmakers, reflecting inadequate checks and balances. All these factors can contribute to a lack of fairness (unequal application of the law, unfair procedures, failure to protect rights, inadequate access to justice) and limited effectiveness.

An assessment of each of the essential elements of the rule of law involves judgments based on necessarily imperfect knowledge, observations and impressions. International standards and practice are relevant, but the judgments ultimately must be based on the particular circumstances of the country concerned. Those judgments cannot determine the precise content of USAID programs in that country. But programming decisions need to take the five elements into account in order to be appropriate for the prevailing conditions of rule of law and democratic development. The judgments of the assessment team in the case of Russia lead us to the following conclusions.

A. Order and Security

Public order has always been a priority for Russian governments, and disorder a concern of government and citizen alike. A sense of order certainly prevails in most of the country. Civil unrest and instability are found only in the multi-ethnic regions of the North Caucasus. Common crime is not tolerated and criminal cases make up only a small part of the work of the courts. On the other hand, the “legal nihilism” about which President-elect Medvedev has expressed concern suggests a willingness on the part of many to evade the law, and corruption is generally recognized to be a serious national problem. This discordance appears to reflect skepticism about the legitimacy of some laws and doubts about the integrity of the processes by which they are applied. There would appear to be no reason to interrupt cooperation to improve the justice sector because of order and security concerns. However, USAID should consider how its program might help to instill greater respect for the law as a guardian of order and security.

B. Legitimacy

The 1993 Constitution was approved by popular referendum. However, laws originate primarily in the executive branch and are approved by the ruling party’s dominant legislative majority with little debate or significant public participation. Likewise, there is no formal practice of public comment on legislative proposals emanating from the judiciary in the exercise of the constitutional power of legislative initiative granted to the Supreme Court, the Supreme *Arbitrazh* Court, and the Constitutional Court.

³⁰ *Draft Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework*, USAID, November 2007, page 7.

Government ministries have broad powers to issue regulations having the force of law. Again, they routinely issue regulations without conducting hearings or otherwise inviting public comment. On the other hand, the rules that they adopt and the decisions they make in applying those rules are subject to judicial review. Citizens have had considerable success in judicial challenges to acts of government agencies.³¹ The ability of citizens to challenge the legitimacy of governmental actions taken under the asserted authority of laws and regulations that have been adopted somewhat balances the absence of meaningful citizen participation in the formulation of legal norms.

Given Russia's history of centralized government, it does not seem surprising that the law would evolve to give the public a stronger voice in challenging the post-enactment application of the laws and regulations than in participating in their formulation. It might be that more participatory lawmaking and rulemaking processes would encourage greater respect for the law. However, particular outcomes are impossible to predict.

C. Checks and Balances

The concentration of power in the executive, noted above, is a principal feature of political life in today's Russia. The legislative branch and the regional governments have clearly experienced a diminution in their influence. The judiciary cannot be expected to escape entirely the consequences of this trend. Nevertheless, the government that is amassing power also has a declared policy of promoting a competent and independent judiciary, characterized by qualities of integrity, accountability, and transparency. While not confronting the government directly, the courts are responding with programs to increase transparency (such as the publication of decisions), strengthen accountability (such as a more vigorous disciplinary system), and foster integrity (such as codes of ethical conduct for judges and court employees).

The evident tension between a concentration of political power and a desire for a credible justice system suggests how US-Russian cooperation in the justice sector can meet mutual interests. A credible justice system must be effective in providing service to the people. And people can make use of a credible justice system to protect their rights and achieve greater voice on policy issues that affect their lives. Greater accountability to the people can make a justice system a more effective instrument of democratic development. And capacity to sustain safeguards of judicial independence, such as administrative and financial autonomy, can give the justice system greater credibility. These factors suggest that concentration on broad popular access to justice and judicial self-governance could help to preserve an independent judiciary and advance the rule of law. Those themes are worth considering in the shaping of USAID's rule of law cooperation in Russia.

D. Fairness

Public opinion in Russia reflects the view that the courts are subject to political influence in sensitive cases and that there is some corruption in cases where significant economic interests

³¹ First Deputy Chief Justice of the Supreme Court Vladimir Radchenko estimated a 66 percent success rate for 2001. See Radchenko, Vladimir, "Sudebnaya reforma prodolzhaetsa" in *Otechestvennye zapiski*, No 2, 2003, <http://magazines.russ.ru/oz/2003/2/rad.html>. Burnham estimates an even higher success rate – exceeding 80 percent – in the general jurisdiction courts in 2002 and 2003. See Chapter XIII, "Administrative Law," in Burnham *et al*, note 5, *supra*. The success rate for citizens in litigating disputes with the government is discussed at page 625.

are at stake. The actual performance of the courts appears to be better than it is widely perceived to be. The leadership of the judiciary has lamented the poor treatment of the courts in the mass media.

There appears to be a significant unmet need for legal services and representation for the poor and disadvantaged populations. Especially outside the major cities, access to justice is not readily available to the citizen of modest means. Various public and private organizations are seeking to expand access to legal information and services, although coordination and expansion of these efforts remain elusive. For its part, the government has created and is sharing maintenance costs with regional governments for thousands of justice of the peace courts. In principle, there should be a justice of the peace for every 20,000 inhabitants; more than 6,500 of these courts have been established in the eight years they have been in operation and an additional 2,000 are planned. In these courts, the procedures are less formal and less costly and they appear to enjoy greater public confidence than other courts. In almost all localities the volume of cases presented to the justice of the peace exceeds the caseload of the district court. There have even been suggestions of a need to narrow the jurisdiction of the justice of the peace courts in order to achieve a better workload balance.

The evidence of unmet demand for legal services, the popularity of the justice peace courts, the longstanding public skepticism about the overall fairness of government (including judicial) processes, and the importance of an engaged civil society for the sustainable success of justice reform all suggest that access to quality justice at the community level can contribute greatly to the development of democracy and the rule of law in Russia. An empowered populace, aware of its rights and with access to the means to enforce them, is a natural outcome of the present expansion of legal services and new courts. As discussed in Section VII below, this is an area where consideration might be given to how focused USAID assistance could contribute to the fairness of the justice system.

E. Effective Application of the Law

The courts appear to manage their caseloads efficiently and avoid significant backlogs. In criminal cases, the rarity of acquittals carries consistency to a fault. USAID support for case management, especially in the development of uniform case management instructions for the district courts, has made a major contribution. The new World Bank program (\$172 million, including \$122 million from the Russian government) will now take the lead in automating the improved management systems throughout the country. There would not appear to be need for USAID's relatively small program to emphasize this area of activity. However, USAID might consider building on its experience with case management in the district courts to help develop appropriate case management systems for the justice of the peace courts.

In addition, effective application of the law will depend upon a continuation of competent judicial self governance. The system that has evolved at national and regional levels includes councils of judges that represent the judiciary and also supervise the management of the courts, along with qualifying collegia that oversee the selection and discipline of judges. This system of self-governance by the judiciary is contributing significantly to judicial independence, accountability, and effectiveness. As suggested above under "Checks and Balances," the capacity for judicial self-governance is an important aspect of maintaining the credibility of the judiciary. Impressive progress has been made in developing this system over a brief time, and the professional exchanges and dialogue with judges from the United States have contributed to that progress. Governing a large judiciary will remain a daunting and never ending challenge and the sharing of international experience can help to sustain progress. Continued interchanges between

Russian and US judiciaries can help to preserve and strengthen the capacity of the courts to govern themselves and apply the rule of law with appropriate independence.

VI. Current Programs of International Cooperation

In addition to the substantial efforts and large investments made by Russian institutions, the justice system has benefited from extensive international cooperation. The most significant current programs are described below. A more extensive summary of international cooperation in the justice sector, based on World Bank research, is at Annex 6.

A. USAID

1. Description of Existing USAID Rule of Law Program

In support of a vision of “Russia as a strong, democratic and reliable partner,” USAID has adopted for its program a strategic objective of “a more open democratic society.”³² In furtherance of that objective, USAID carries out activities to support the rule of law and human rights in Russia. This USAID program focuses primarily on the justice sector and civil society. Activities relate primarily to judicial administration, ethics and transparency, and advocacy for and protection of human rights. A prominent feature of the program has been a broadly participatory structure of professional exchanges and dialogue between judges and other legal professionals from Russia and the United States.

a. The Russia Judicial Reform and Partnerships Program (JRP)

The Judicial Reform and Partnership Program (JRP) is implemented through a contract with Chemonics International Inc., which has support from the National Judicial College as a subcontractor. The JRP contract is a successor to two previous contracts which ran from 1997 through 2005. USAID funding for the current contract is \$3.5 million dollars for the period 2006 through 2008.

JRP has three primary objectives: 1) to help strengthen the Russian judiciary’s independence by improving the system of court administration; 2) to help improve judicial ethics; and 3) to help strengthen judicial branch self-government, including through partnership relations between the U.S. and Russian judiciaries.

With regard to court administration, JRP has refined and field tested in several Russian courts new methods of random case assignment, public access and customer service, computerized case management, and archiving. These innovations, as incorporated into case management instructions for the district courts, have been endorsed by the Russian judiciary for nation-wide application. Formal adoption of these instructions is believed to be imminent. The instructions are being integrated into the State automated system (*Pravosudiye*) for courts of general jurisdiction. The pilot courts are proceeding to publish their decisions and have established mechanisms, such as computerized information kiosks in court houses, to improve the transparency of court operations and keep the public informed.

³² Strategy Statement of USAID/Russia, November 2005, <http://russia.usaid.gov/uploaded/documents/USAIDRussiaStrategyStatement-0.pdf>.

To help improve judicial ethics, the program helped establish a code of ethical standards for judges and rules of conduct for court personnel, together with mechanisms for providing advice and discipline. The ethical code and rules of conduct have been adopted and are in force. JRP is working with the Supreme Qualifying Collegium to help it design and publish an ethics manual containing guidelines and commentary on judicial selection, ethics, and discipline. JRP has conducted regional ethics workshops and conferences and helped the Council of Judges establish a Committee on Ethics.

In order to strengthen judicial branch self-government, JRP has facilitated a continuation and deepening of longstanding substantive collaboration between US and Russian judicial personnel. Partnerships bring together professional colleagues from the two countries through a variety of arrangements. The Russian Council of Judges and the United States Judicial Conference have cooperated in comparing structural systems for governance of the judicial system. Just as the Judicial Conference of the United States exercises oversight of the Administrative Office of the United States Courts and the Federal Judicial Center, the Russian Council of Judges oversees the activities of the Judicial Department of the Supreme Court and the Academy of Justice. These counterpart management and training organizations are thus brought into the circle of cooperation. JRP financing for these collaborative arrangements is coordinated with other US-sponsored exchange programs. In particular, JRP coordinates with the Russian-American Rule of Law Consortium, which works through partnerships at the state-oblast level, and the Open World Leadership Program of the Library of Congress, which brings international visitors to the United States. These two programs are discussed below.

The JRP also has an objective of working to strengthen the commercial courts by enhancing the professional skills of judges and information technology specialists and by building partnerships between the commercial courts and the U.S. judiciary. Training thus far has consisted of workshops, including one on intellectual property rights held at the American Bar Association's Institute in Prague, Czech Republic, in 2007.³³

b. The American Bar Association Rule of Law Initiative (ABA/ROLI)

The American Bar Association has been working in Russia since 1992. (The program was begun under the title of "Central and Eastern Europe Law Initiative" or "CEELI." CEELI and other regional ABA initiatives have now been consolidated in a global Rule of Law Initiative.) The ABA's work in Russia outside the criminal justice field is financed through a grant from USAID. Over the years this work has included support for legal education reform, gender issues, bar development (including professional ethics and continuing legal education), commercial law training, and promotion of public interest law. There is also an ABA/ROLI Criminal Law Reform Program which the Department of State has financed through the Department of Justice since 1995. Additionally, ABA/ROLI administers a USAID grant to the Russian American Rule of Law Consortium (RAROLC), discussed below. ABA/ROLI operates two offices in Russia, located in Moscow and Vladivostok. The current USAID grant agreement is in the amount of slightly more than \$5 million for the 3-year period 2006–2008. This includes the \$1.6 million sub-grant to RAROLC.

Significant activities supported by ABA/ROLI with USAID support include: 1) founding clinical legal education programs throughout Russia and publishing Russia's first clinical legal education textbooks; 2) assistance to the Federal Chamber of Advocates to implement ethics

³³ See the ABA/CEELI Institute website at http://www.abanet.org/ceeli/special_projects/ceeli_inst.

codes, mandatory malpractice insurance, and continuing legal education; and 3) improving the legal status of women. The program works primarily to introduce ways to strengthen the legal profession and related institutions.

ABA/ROLI accomplishments include training more than 100 Social Advocates (non-lawyer activists) to use the legal system to help indigent clients, improving the capacity of the Chamber of Advocates with respect to continuing legal education, and creating a national association of law school clinics and two regional associations to provide free assistance to indigents, juveniles, refugees, and prisoners. ABA/ROLI has supported a working group of government, bar association, and civil society organizations interested in the development of legislation on civil legal assistance to those in need. In addition, it has collaborated on the development of a brochure on bringing domestic violence cases to the justice of the peace courts. Since 2007, it has supported the Public Interest Law Institute's program of promoting *pro bono* work by Russian lawyers, especially on behalf of NGOs.

A special contribution by ABA/ROLI is the preparation in 2004 and 2005, in collaboration with a number of academic, NGO, and other experts, of a comprehensive report on women's rights in Russia. The report analyzes Russian compliance with the United Nations Convention on the Elimination of All Forms of Discrimination against Women.³⁴ The CEDAW Assessment Tool Report for the Russian Federation was published in February 2006 and widely distributed to local NGOs, government officials, and academic institutions.³⁵ It provides a valuable source of information for all in the Russian public sector and civil society who are concerned with gender equality.

c. The Russian American Rule of Law Consortium (RAROLC)

The genesis of the RAROLC program was the establishment of a partnership between Vermont and the Russian Republic of Karelia in 1992 with non-government resources from both sides. USAID began to support this partnership several years later. The partnership originally had four goals: 1) development of a bar association for lawyers in Karelia, 2) creation of a judicial training program and related professional activities, 3) development of curricula at a newly established law school in Petrozavodsk State University to prepare lawyers for work in a market economy and adversarial system of justice, and 4) specific training for lawyers and judges in the institution of jury trials in criminal cases.

Over the years the Vermont-Karelia partnership has expanded its scope and has evolved into a model for other partnerships between US states and Russian regions. There are now ten such partnerships, mainly between states in the Northeastern United States paired with cities or regions in Western Russia and between states in the Northwestern United States and the Russian Far East, engaged in programs on themes that are of mutual interest.³⁶ For example, during the current assessment, the assessment team observed a symposium on domestic violence organized by the Maryland-Leningrad Oblast partnership, in which there was

³⁴ <http://www.un.org/womenwatch/daw/cedaw/cedaw.htm>.

³⁵ <http://www.abanet.org/ceeli/publications/cedaw/home.html>.

³⁶ The current partnerships are Vermont-Karelia, Maryland-Leningrad Oblast, Maine-Arkhangelsk, Western New York-Novgorod, New Hampshire-Vologda, Massachusetts-Tomsk, Connecticut-Pskov, Alaska-Khabarovsk, Oregon-Sakhalin, and Washington State-Primorskiy Kray. See <http://www.rarolc.net>.

participation by judges, court administrators, prosecutors and law enforcement agencies. Coordination is managed through a small staff in Vermont and a single employee in Russia.

USAID has been the principal source of financial support for RAROLC. USAID funding is currently provided through a grant administered by the American Bar Association Rule of Law Initiative. RAROLC encourages member partnerships to work with other USG and private sources to enrich their programs and activities. There is active collaboration between RAROLC and the Open World Program managed by the Library of Congress. RAROLC has also received some funding from the U.S. Department of State's Bureau for Democracy, Labor and Human Rights for support of legal clinics. Through RAROLC, working in close cooperation with Open World, over 650 Russian lawyers and judges (most often from RAROLC partner regions) have traveled to the United States to meet with their American counterparts and a large number of American lawyers and judges (most often from RAROLC partner states) have participated in joint programs with their counterparts in Russia.

d. Civil Society Legal Support in Russia

USAID support for civil society groups working to protect human rights includes the following grants:

PRINCIPAL GRANTEE	PURPOSE OF GRANT
International Memorial, Moscow	To help human rights leaders provide information to the public and conduct public awareness campaigns and develops the next generation of human rights activists
Center for Social and Labor Rights	To support the development of a professional association of lawyers specializing in social and labor rights and provide support to independent labor unions
Climate of Trust Council	To promote tolerance of those with different racial or religious backgrounds and different beliefs through five regional councils
Perspektiva	To protect human and legal rights of Russians with disabilities
Moscow Helsinki Group	To strengthen capacities of regional civic coalitions and networks to conduct human rights advocacy and provide legal assistance to those in need
"Faith, Hope, Love"	To consolidate a network of consultation centers for legal assistance to migrants and other socially vulnerable categories of citizens
Harvard University and Andrey Sakharov Center	To provide human rights fellowships and strengthen human rights education

Through these grants to civil society organizations and consortia, the USAID program addresses the demand side of rule of law development in Russia. A principal focus at this time is to help civil society organizations to satisfy the burdensome registration, audit, and other requirements of new Russian legislation to regulate the status of foreign and domestic

nongovernmental entities.³⁷ In addition, USAID supports a wide range of nongovernmental organizations (NGOs) that seek to protect the human rights of disadvantaged groups and individuals.

USAID's Civil Society Legal Support Program supports a consortium of Russian partners that is led by the International Center for Not-for-Profit Law. Participating NGOs include the Center for the Development of Democracy and Human Rights (CDDHR), Agency for Social Information (ASI), and the Lawyers for Civil Society. The consortium helps civil society organizations meet existing legal and regulatory requirements as it also works to improve the environment for civil society organizations in Russia by drafting legislation and providing international expertise on NGO and charitable giving legislation. It serves to facilitate communication with government bodies, provides information to inform NGOs about how to meet legal and regulatory requirements, and offers legal consultations to NGOs in 30 regions of the Russian Federation.

2. Interaction between USAID and other US Government Rule of Law Programs

a. The Library of Congress Russian Visitors Open World Leadership Program

Open World supports the building of relationships and good will between Americans and Russians by providing opportunities for many Russian leaders in public and private life to visit the United States and engage their America counterparts on matters of shared professional interest. Since 1999 Open World has hosted about 1,675 Russian judges and other justice sector personnel for visits of one to two weeks. Many of these visits are carried out in collaboration with the USAID and involve USAID-nominated judges, subject matter relevant to USAID programs, or regions where RAROLC or JRP operates.

b. International Narcotics and Law enforcement Criminal Justice Program

The Department of State's International Narcotics and Law Enforcement Bureau provides funding to the Department of Justice for two activities: the assignment to Moscow of two Department of Justice attorneys as resident rule of law advisors and the ABA/ROLI criminal law reform program. The two resident rule of law advisors have trained prosecutors in the presentation of cases to juries, supported victim rights advocacy and public awareness campaigns on trafficking in humans, and sponsored trial advocacy and continuing legal education. Significant activities under the Department of State grant to ABA/ROLI have also included: support for the reintroduction of jury trials in Russia, including assistance in drafting the 2001 criminal procedure code and training for judges, prosecutors, and defense counsel in the code's implementation.

3. Evaluative Review of USAID Rule of Law Program

Although the Statement of Work for this assessment requires "some objective, external evaluation of the current USAID rule of law program implemented by Chemonics and ABA/ROLI," this requirement is wisely tempered by the provision that the evaluation be developed primarily to address the question "whether or to what extent the existing programs could serve as foundations for future programs." The following discussion of the current program's impact, relevance, approach, and sustainability will keep in mind the assessments

³⁷ Federal Law # 18-FZ, "On Introducing Amendments to Certain Legislative Acts of the Russian Federation," approved January 10, 2006 and entered into force on April 17, 2006.

team's limited basis for extensive project evaluation and USAID's guidance that the assessment be oriented primarily toward future programs.

a. Chemonics – Judicial Reform and Partnership (JRP)

Without repeating the above description of JRP activities, the greatest impact of JRP will be the case management instructions developed collegially by its working group and field tested in key respects in the Project's pilot and implementing courts. Also of great importance will be the ultimate impact of having collaboratively supported the adoption of a Judicial Code of Ethics and rules of conduct for court personnel. Both the Instructions and the ethics codes should gradually gain influence as they are applied more frequently and practice develops under the leadership of the Russian judiciary and the Judicial Department.

In both areas these impacts are derived directly from JRP's positive approach: patient cultivation of ties with judicial leadership in counterpart organizations, coordination of expert and consultant visits, and reinforcement by the dedicated expertise of U.S. judges and court administrators. Visits of Russian judges and court officials to the United States organized by JRP led to the direct application of practices deemed beneficial by the Russian partners. Special mention should be made of JRP's creative and persistent use of the instructions as a way of standardizing and inculcating sound practices that will have general application beyond the pilot and implementing courts.

Within the limits of its budget and project mandate, JRP has effectively addressed relevant issues in court administration, a key area in enabling courts to deliver justice and serve the needs of citizens. JRP's work in judicial ethics appears to have accomplished all that could reasonably be expected by the promulgation of ethics and conduct codes and by setting a standard for publication of ethics and disciplinary rulings. The trainings and publication of materials with the Supreme *Arbitrazh* Court are useful steps, so far as they go. JRP has cooperated well with Open World to leverage considerable advantage and has by careful management avoided duplication or interference with other major donors. The most important foundation for future USAID activities in this area have been JRP's work with the Council of Judges and the Judicial Department on the court management instruction and its work with appropriate counterparts to develop the Code of Judicial Ethics and rules of conduct for court personnel.

JRP's approach was suitable and achieved good results. It should be noted that JRP achieved its successes with a small staff which coordinated and facilitated tasks undertaken by experts and consultants. JRP consistently maintained good relations with its Russian partners. JRP was not a "producing" project itself. Given its comfortable relationships with important counterparts, for a project in the vicinity of \$3 million over its three year term, its cost-benefit ratio seems excellent. Its leadership by a Russian citizen as chief of party represented a smart transition after six years of U.S. leadership. The U.S.-based assistance of expert consultants and judges was essential to the success of this project. Future years should emphasize agreed implementation plans that are designed to maximize reliance on and development of indigenous expertise.

As previously discussed, the adoption of the case management instructions, the code of judicial ethics, and the rules of conduct for court personnel, when combined with their repeated application, are the types of change which promote sustainable institutions. To these should be added JRP's work in facilitating the publication of disciplinary rulings (*Vestnik*) by the Supreme Qualifying Collegium, which will inculcate ethical norms and encourage their open discussion.

Despite the doubtless beneficial effects of JRP's extensive training programs and seminars, the time has probably come when future USAID activity in the area of court administration and judicial ethics should be confined to the areas where sustainable results have already been demonstrated.

One other aspect of JRP's work merits separate mention: that is the program's objective of fostering self-governance in the judicial branch. The sustainability of USAID efforts to support democratic development and the rule of law is dependent to a considerable extent on the ability of the Russian judiciary to maintain its independence at a time of increasing concentration of power in the executive. The sharing of values and interests with the US judiciary has been important to the evolution of the Russian judiciary's own thinking about appropriate governance structures. That intellectual and institutional sharing remains an important way to contribute to judicial self-governance and independence at this time.

b. The American Bar Association Rule of Law Initiative (ABA/ROLI)

The most promising features of ABA/ROLI's institutional work are its ongoing efforts with the Federal Bar Chamber to develop a more consistent basis for continuing legal education and a code of ethics for advocates. For example, the training the trainers curriculum adopted by the Federal Bar Chamber is sound adult education. Implementation seems uncertain, however, mostly dependent on replication of a pilot project in Krasnoyarsk. At this relatively late date there are hopes for more training and preliminary inquiries have been received from bar groups in other cities. Absent concrete results, it is difficult to be confident of the ultimate impact. One activity that appears to be having significant impact is the above-described CEDAW report that has been widely accepted as a valuable tool in combating discrimination against women. The able national staff has done its best to provide continuity, but the absence of sustained project leadership has probably limited progress. This is not to deny the good that has been done and the difference made by dedicated volunteers in the Russian Far East. But the overall impact of the Project's endeavors remains less than had been expected.

ABA/ROLI's key role in the propagation of clinical legal education in Russia and its activities in other areas, especially with the Federal Bar Chamber, have been highly relevant to important issues. The Chamber has the potential to play an important role in providing legal aid that would stimulate citizen demand and broaden public access to the courts. Support for the professionalization of the Chamber is a task for which ABA/ROLI is well-suited. ABA/ROLI has also cooperated effectively with the Law Enforcement Section of the Embassy and with other donors.

On the other hand, the continuing legal education curriculum seems no more than a good beginning. The Krasnoyarsk regional training center remains localized. The pilot legal aid project in Novgorod appears de-emphasized. ABA/ROLI's efforts in the Russian Far East have by dint of great effort and exceptional talent met and overcome a variety of challenges in that area. This is entirely praiseworthy, but does not offset the sense of incompleteness that marks ABA/ROLI's activities.

The specific approach long characteristic of ABA/ROLI programs is to maximize the associational benefits of the internationally renowned American Bar Association while relying on the services and skill of volunteer lawyers in leadership positions. Without entering the decades-long debate conducted by USAID and others, it is the view of the assessment team that this approach is not producing sufficient results in Russia at this time. The current portfolio of ABA/ROLI activities seems highly diverse and significant events seem to occur at widely spaced

intervals. The good work that ABA/ROLI is achieving seems to be obtained at a reasonable cost. However, sustainable results from ABA/ROLI activities appear to be limited.

c. The Russian American Rule of Law Consortium (RAROLC)

The impact of the extremely heterogeneous RAROLC entities is hard to quantify. Yet the longevity and consistency of these modestly financed bilateral community programs, the enthusiasm they generate, and their ability to sustain coherent themes and to affect the practices of local institutions, testify that they are having a beneficial impact. The impact derives from successes in the following areas: exchange visits which broaden horizons and reinforce mutual ties and respect; local people-to-people programs which flexibly respond to the actual needs and wishes of the local legal community in a collegial manner; and an effective central administration in Vermont which provides helpful direction while simultaneously maximizing local initiative to maintain high volunteer morale.

RAROLC was never intended to meet the major rule of law challenges in Russia. It has always been *sui generis*. Its programs are diverse and local. In that context, taken for what they are, they have been very successful. There is no question, for example, that the courts and legal community of Karelia are a different, and better, legal and public environment in 2008 than they were in 1991. A good part of this is due to the programmatic and professional ties produced by almost 20 years of warm cooperation. Other RAROLC programs may not have had the same dramatic effect, but RAROLC has effectively reproduced the “RAROLC spirit” in other of its bilateral relationships.

RAROLC has masterfully collaborated with Open World to extract maximum benefit from its possibilities. Through its good offices, RAROLC has also been a helpful colleague to many projects under the USAID/Russia umbrella, as in the case of its cooperation with RJP relating to the publication of court decisions. Future activities should follow the course of past ones, with budgetary priorities a decisive consideration as to scope and duration. There has been some convergence of the agendas of the RAROLC partnerships with USAID priorities in rule of law development. It would be worthwhile to explore with RAROLC the prospects for proactive measures aimed at making this convergence more explicit and systematized.

Any weakness of RAROLC is in part due to its strengths: since it is highly diffuse and respects autonomy, it does not pursue central themes, although partnerships have concentrated increasingly on themes of domestic violence and juvenile justice in recent years. Suffice it to say that the \$38,000-40,000 annual allotments to the ten RAROLC entities are a bargain to the U.S. taxpayer in terms of the benefits generated by each bilateral relationship. The strength of each relationship has been a collegiality of partnership decision-making, marked by constructive response to the program preferences of the Russian partners. This practice obviates the need to consider exclusively national leadership.

Sustainability of the judicial reforms in which RAROLC has participated depends on the follow-through of the Russian partners. To the extent the reforms, or improved practices, are dependent upon informal arrangements approved by current judges or court officials, sustainability is but fragily taking root. On the other hand, where local institutions have ratified the changes, or where they have pervasively entered the local political culture, as in Karelia, then reforms are sustainable.

B. Other International Programs

As indicated in Annex 6, the active bilateral cooperation programs in the justice sector are few and none is very large. Those involving subject matter most relevant for USAID appear to be a Council of Europe program on the domestic application of European human rights law, a European Commission initiative, still in the design phase, on access to justice (including legal assistance to socially disadvantaged groups) and alternative dispute resolution, and a Netherlands project to strengthen the organized bar and help develop an effective legal aid system. Consultation with the three donor organizations that sponsor these programs would seem desirable in the course of designing the next stage of USAID-Russia rule of law cooperation.

The only elephant in the room is the World Bank's Judicial Reform Support Project, budgeted at \$172.4 million for the period June 2007 through September 2011. Of the project's total amount, \$122.4 million is being provided by Russia. The World Bank's financial contribution is a loan of \$50 million. The project will be managed by an interagency coordination council chaired by the Ministry of Economic Development and Trade.

In the dialogue with the World Bank leading to this project, the Russian participants expressed their commitment to a "radical strategy":

- To harness technology for transparency, efficiency, and combating corruption;
- To raise judicial competence and independence through training; and
- To foster institutional development in the administration of justice.

The World Bank project will respond to these priorities with components on:

- Judicial transparency and accountability (\$7.15 million);
- Information technology for transparency and effectiveness (\$146.1 million); and
- Strengthened human capital (\$10.1 million).

A principal objective of the World Bank project is to operationalize the Russian automated court management system (Pravosudiye) throughout the country. Among other things, this activity will build on the important work by USAID's Judicial Reform and Partnership program in helping to develop case management instructions that will be incorporated into the automated system. The World Bank project will thus help to give this work national application. Given the predominant role of the World Bank in court automation, and considering the magnitude of that effort, this would not seem an appropriate area for priority in USAID's future program of rule of law cooperation in Russia.³⁸

In addition to the Judicial Reform Support project, the World Bank is developing a grant program of about \$2 million to support access to justice. This activity will operate in two regions, working with legal aid centers on issues of identified need, such as juvenile justice and consumer protection. In each pilot region it will also introduce mediators to assist ten justices of the peace. Any USAID program focused on access to justice would surely benefit from consultation with the World Bank about its initial experience with this grant.

³⁸ See World Bank Project Appraisal Document for the Judicial Reform Support Project, January 2007, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2007/01/30/000090341_20070130100451/Rendered/PDF/36104.pdf.

VII. Future Strategy for USAID

A. Principal Rule of Law Issues

A 2004 assessment team made up of William Burnham, Anastasia Doroshenko, and Olga Schwartz, observed that the “problem in Russia today is less one of needing new laws than implementation of existing laws and of existing court interpretations of the laws.”³⁹ The present assessment confirms the correctness of that observation. In today’s circumstances, it seems more clear than ever that the most critical issues for advancing the rule of law in Russia involve the consolidation of a political culture in which individuals have a reasonable expectation that their rights will be respected and that the justice system will be an objective and efficient arbiter in determining the application of those rights. The basic normative and institutional framework has been developed with impressive rapidity and is now in place. Questions remain as to how well that framework will serve in practice.

Two principal challenges stand out in the present environment. One is the need for the justice system to be broadly accessible and relevant to the people so that the rule of law will be a practical foundation for the functioning of Russian society. The second challenge is to maintain the credibility of the Russian justice system, especially that of an independent judiciary capable of self governance. It is crucial at this time to assure that the users of the justice system, along with the system operators, are active participants in building a culture of lawfulness.

These two challenges, addressing the demand and the supply aspects of the rule of law, are interrelated. Public demand for access to justice and legal services will only lead to frustration and disillusionment in the absence of credible and competent justice institutions. Likewise, the leaders of the justice system will have a greater incentive to strengthen their capacities to provide high quality and independent justice services when public demand and expectation are evident.

1. Access to Justice

The ongoing efforts by the Russian Government to expand access to justice for the general population could make an important contribution to building a broad constituency for a culture of the rule of law. In particular, the creation of the justice of the peace courts has brought justice closer to the population. These courts have broad jurisdiction over family cases, property disputes, labor relations, and relatively minor criminal and administrative offenses. Their jurisdiction is subject to rather generous limits on amounts in controversy and on the severity of criminal offenses (up to three years imprisonment). The growing caseloads of the justice of the peace courts confirm that these limits do not constitute significant impediments to the resolution of many of the legal issues that arise in the daily lives of most people.

With qualifications for appointment equal to those for other judges, but with judges normally selected from local residents by regional legislatures, and with operating expenses (excluding judicial salaries) paid by the community, the justice of the peace courts represent a form of community justice. The number of these courts continues to increase, and is expected to reach 8,500 in the next few years. They handle a high and growing percentage of the civil, criminal and administrative cases in the courts (see Table IV-2, above) and reportedly enjoy a high

³⁹ Burnham, William, Anastasia Doroshenko, and Olga Schwartz, “New Directions for USAID Rule of Law Programs: Survey and Recommendations,” USAID, July 2004.

degree of public confidence. A very low percentage of justice of the peace court decisions result in appeals to the district courts.

A related Russian Government initiative is the installation of 10 pilot centers for the provision of legal assistance for disadvantaged populations. This government program, under the jurisdiction of the Ministry of Justice, coexists with efforts by a number of professional associations and nongovernmental organizations to expand public knowledge of the law and legal remedies and to assure professional representation for those who cannot afford it. While distrust among the various concerned governmental, professional and nongovernmental organizations may be difficult to overcome, there could also be great potential in a coming together at the community level of organizations interested in providing legal services that will be most often relevant in the operation of justice of the peace courts operating within the community.

2. Justice System Governance

Justice system governance is a very broad subject. However, it is possible to single out a core set of issues, such as judicial independence and effectiveness, which are essential to the system's ability to render credible public service and strengthen the rule of law. The five essential elements of the rule of law – order and security, legitimacy, checks and balances, fairness, and effective application of the law – provide a framework for assigning priorities. Partnerships between judicial and other professionals, especially at leadership levels, can contribute more than efforts to predetermine specific themes. The history of judicial partnerships between Russia and the United States over the past 15 years has demonstrated that professional interchange can help advance shared interests in improving the quality of judicial management and judicial processes.

B. The Potential for USAID Engagement

At this stage of development in Russia's justice system, and with a USAID program facing diminished budgets, a strategic concentration of effort seems especially appropriate. A concentration on the two principal challenges described above would have distinct advantages:

- First, this orientation could rely on a thoughtful continuation of approaches that have been successful in the implementation of USAID programs, such as judicial and other professional exchanges, pilot efforts with strong potential for scaling up to national significance, and engagement of the Russian government and judiciary as well as civil society. But it would concentrate on two priorities – popular access to justice and judicial self-governance – rather than the entire range of themes being addressed at present.
- Second, it recognizes the practical need to work cooperatively with the governmental and judicial authorities on issues that are Russian priorities and that are also consistent with USAID objectives. Policy statements and budget allocations indicate that these themes are important to Russian policy makers. At a time of concern that freedom may be constrained, it is fortunate that there is such a strong interest in issues that can protect rights, preserve judicial independence, and thereby expand liberty. A programming choice that emphasizes legal empowerment and judicial self-governance, and that is consistent with Russian Government policy, seems well suited to the broad USAID goal of democratic development.⁴⁰

⁴⁰ Strategy Statement of USAID/Russia, note 32, *supra*.

1. Access to Justice

USAID support for expanded popular access to justice could concentrate on the justice of the peace courts and on legal awareness, assistance and representation. The objective would be to empower ordinary citizens while fostering an orientation toward public service by justice system operators and legal services providers.

It should be noted that the proposed approach parts company with the above-cited 2004 assessment.⁴¹ That “New Directions” report, like an earlier 2002 report on issue-oriented legal representation,⁴² recommended selective USAID support to public-interest-law-oriented organizations for litigation and other advocacy on certain prominent issues. By contrast, we are proposing support for a service orientation toward access to justice, with the subject matter to be determined by ordinary citizens.

The specific components of a citizen empowerment/access to justice program will need to be developed through dialogue with the concerned Russian organizations, both in the public sector and in civil society. Likely participants in such a dialogue might include the Council of Judges, the Judicial Department of the Supreme Court, the organized bar, policy oriented civil society organizations, organizations that advise and represent citizens in dealing with legal issues in their communities (human rights, housing rights, consumer rights, assistance to disadvantaged groups such as the disabled, abused women, and refugees), university legal clinics, and voluntary business and professional associations interested in expanding legal services and access to justice. The dialogue should specifically include local authorities, judges (including justices of the peace), and professional and civil society groups in particular regions showing promise for developing sustainable approaches for assuring broad access to justice. Themes of importance to USAID, such as transparency, accountability, and public participation in governance structures, safeguards against corruption, gender equality and inclusion of disadvantaged groups should be an important part of that dialogue. USAID is well positioned to engage in this dialogue because it would represent a continuation, focused on particular issues, of longstanding consultative relationships between USAID and the numerous stakeholders in the rule of law in Russia.

Without prejudging the outcome of the dialogue, a program of USAID support might involve efforts to strengthen the effectiveness of justices of the peace, drawing on USAID experience with the district courts in areas such as case management, ethics, and training. In addition, it could support innovative and efficient ways to overcome the confusion, competition, and distrust among legal service providers in order to improve the quality and volume of service to the public. The USAID role, consistent with current practice, should be one of support for local implementation rather than direct involvement in the services to be provided.

The program might work at two levels: building best practice in two or three promising regions (which might include one or more where USAID is already working with pilot projects); and sustained dialogue at the national level to encourage sharing of information, replication of

⁴¹ Burnham, *et al*, note 40, *supra*.

⁴² Burnham, William, Malcolm Russell-Einhorn and Edwin Rekosh, “Building an Issue-Oriented Legal Representation Capacity Among Law Clinics and Lawyer-Staffed Human Rights NGO’s in Russia: An Assessment for USAID/Russia,” Abt Associates, January 2002, <http://www1.worldbank.org/publicsector/legal/combinedreport.doc>.

successful initiatives, and consideration of needs for national action. In this regard, national issues might include training standards for justices of the peace, benchbooks and forms, practice manuals for advocates and others appearing in justice of the peace courts, public information activities, and measures to encourage cooperation among service providers. The idea of legislation on the subject of legal services might be deferred for the time being until experience is gained and, ideally, a sense of common purpose emerges among principal stakeholders.

USAID could help to generate momentum and stimulate the scaling up of pilot efforts by financing a consultative group of representatives from participants in different regional efforts. Such a group could meet from time to time in order to share experiences, harmonize successful practices, consult on how to overcome obstacles, and report to national-level dialogue participants.

It would be highly desirable for the USAID program to take maximum advantage of existing judicial and other professional relationships and exchange programs to advance the theme of citizen empowerment through expanded access to justice and legal services. The United States has a wealth of experience with community courts dealing with small claims, family relationships, drugs, juvenile justice and municipal ordinance violations. There is also a large body of US experience with alternative dispute resolution mechanisms, interaction between the courts and social service agencies, government-supported legal services for the poor (including public defenders), and *pro bono* legal services by attorneys. Exchanges to share this experience could be a source of valuable information for the evolution of community justice in Russia. The role of the courts and the bar in collaborative efforts to solve problems and enhance the quality of life in the community may be as important as any particular legal themes. Likewise, how Russia manages the challenge of extending access to justice throughout the national territory should be of interest to US counterparts.

2. Judicial Self-Governance

The second theme that warrants priority consideration in USAID's rule of law strategy is the importance of judicial self-governance at a time of a strong, assertive executive and diminished checks and balances. Citizen empowerment through expanded access to justice is an important, but long-term goal involving a change in the perception of relations between citizen and state. Even as that long-term goal is pursued, there is an immediate value in continuing to engage the leadership of the Russian judiciary in cooperative activities involving issues of judicial self-governance that will help to sustain their commitment and their capacity with respect to judicial independence, integrity, accountability, and effectiveness.

The leadership of the Russian judiciary has shown its openness to considering US experience and practice with regard to the governance and management of the judiciary. This is evident in the structure of the Council of Judges, Judicial Department, and to some extent the Academy of Justice. For the reasons discussed above, the principal thrust of USAID's strategic direction might best be oriented to expanding the base of demand for the rule of law through increased access to justice and legal services. Nevertheless, it would seem highly desirable also to allocate resources for exchanges to maintain the relationships of solidarity based on mutual professional interests between the leaders of the Russian and US judiciaries, with a focus on issues of judicial self-governance.

For example, initial activities could include further consultations regarding case management instructions, judicial expertise regarding practice under codes of ethics, and enhancing the

operational effectiveness of particular organs of judicial self-governance. Additional themes of mutual interest would be expected to emerge from the ongoing exchanges. A continuing dialogue by USAID with the International Judicial Relations Committee of the US Judicial Conference and with the leadership of RAROLC (in addition to Russian stakeholders) would be very helpful in identifying particular themes.

3. General Considerations

For both of these priorities, community justice and judicial self-governance, some exchanges could be financed by the USAID rule of law program. In addition, USAID should discuss with RAROLC how the various state/oblast partnerships might give preference to community justice and judicial self-governance in their programs. Similarly, USAID should encourage prominence for the community justice and judicial self-governance themes in the visits to the United States sponsored by the Open World program and by the Department of State. It is clear that budget constraints, combined with the current low value of the dollar, will require an effort to maximize synergies among all US-financed exchange programs. At the same time, it must be recognized that the effectiveness of professional exchanges depends in substantial part on preserving a degree of autonomy by the participants. USAID will need to balance the desire for program coherence with the need for ownership by stakeholders in seeking to guide the direction of future exchanges intended to advance the rule of law.

Program management should be as spare as possible. The essential nature of the work to be done – engagement with disparate Russian stakeholders on relationships and results – would seem best suited for Russian nationals rather than expatriates. On the other hand, a clear identification of the program with the United States, and with USAID in particular, would be important to its credibility. The current USAID practice of an international contractor with a Russian staff appears to have achieved the appropriate balance. But other models are also possible.

The foregoing proposal for concentration on community justice and judicial self-governance necessarily implies a judgment by the assessment team that there is a diminished need for USAID assistance to the many other issues facing the Russian justice system. This judgment is reinforced by the Russian government's dramatic increase of budgetary resources available to the justice sector and the large World Bank program to operationalize a modern management system for the courts. The proposed strategy would require a gradual curtailment of existing activities that do not fit within its two areas of concentration. This, in turn, would require consideration of the time needed to consolidate and preserve gains. For example, the long-awaited and highly important case management instructions are apparently on the verge of approval by the Judicial Department. It will be important to arrange an efficient transition of implementation to Russian institutions.

C. Proposed US-Russian Foundation for Economic Advancement and Rule of Law

While a focus on expanding access to justice and judicial self-governance seems the most appropriate for USAID at this time, it is also necessary to consider the long-term future of cooperation between Russia and the United States on the subject of the rule of law, including the possible termination of the USAID program at some point. It is likely that shared interests in rule of law cooperation will continue and that subject matter priorities will vary over time. Experience elsewhere has shown the importance of planning for post-USAID structures and financing well in advance while program resources remain available. This is the time to settle on

the structure of a bi-national foundation that can manage and support with sustainable financing a program of continuing dialogue and exchanges on these themes of mutual interest.

Fortunately, the two countries have endorsed the idea of creating a US-Russia Foundation for Economic Advancement and Rule of Law. The foundation would be financed by the balance of funds remaining from the US-Russia Investment Fund, one of the several enterprise funds created in the 1990s to stimulate the private sector in countries making the transition from state-directed to market-oriented economies. The role foreseen for the proposed foundation includes not only business related partnerships, but also other elements of a healthy market economy such as the rule of law.

USAID has been actively involved in interagency deliberations to plan for this new entity, in part to assure that some resources will be available for sustaining the progress achieved over the years of USAID's rule of law program in Russia. Also of interest to USAID will be how the new foundation might help to overcome obstacles posed by current restrictions on participation by Russian judges and other officials in programs financed entirely by foreign entities. It is planned that the foundation will be organized as a US-based nonprofit entity with a bi-national board of directors. It might be advantageous if a related new entity could be set up as a subsidiary or as a beneficiary of the foundation, with a Russian as well as a US legal identity, for the purpose of financing judicial and related exchanges. Such a truly bi-national organization would seem likely to have appeal as a way to facilitate Russian financial support (including private philanthropy) by placing rule of law cooperation on a more equal basis of partnership. This could go far not only in addressing the particular restrictions regarding foreign-financed programs and activities but also in responding to the underlying sensitivities that have given rise to those restrictions.

D. Recommendations

To recapitulate, the Russian justice system has achieved extraordinary progress over the past 15 years in establishing a new normative and institutional framework for the administration of justice. The next challenge is to adapt the political culture to that new framework so that Russian society will operate increasingly on the basis of broad adherence to rules that are accepted as fair, equally applied, and respectful of the rights of all. This is an even more difficult challenge than the creation of the architecture of a modern legal system, and the difficulty is magnified by an evident trend toward the concentration of power in an assertive and confident executive. Experience has shown that such concentrations of power can undermine judicial independence and effectiveness, eroding the legitimacy of the rule of law as the foundation on which a democratic society can be built.

It is clearly in the interest of the United States to support Russian efforts to sustain progress in advancing the rule of law. USAID can make a significant contribution in this regard, drawing on two positive factors:

- First, the demonstrated recognition by many Russian stakeholders, including the national government, of the importance for Russia's future of judicial independence, integrity, accountability, and effectiveness, and the importance of attaining public confidence that the justice system reflects those qualities; and
- Second, the relationships of trust, mutual respect, common purpose, and partnership that have been built with sensitive and consistent USAID support over the past 15 years of bilateral cooperation between Russia and the United States to advance the rule of law.

These broad considerations, together with the more specific findings set out above in this report, have led to the analysis of the potential for USAID engagement set out in the preceding pages. The conclusions of that analysis are summarized in the following recommendations, which the assessment team respectfully offers for the consideration of USAID:

1. The USAID rule of law program in Russia should concentrate on two themes to increase the legitimacy, fairness and effective application of the rule of law:

- **Expanding access to justice and legal services for those affected by the justice system; and**
- **Increasing the governance capacity of the justice system, and particularly judicial self-governance.**

The primary focus should be on expanding popular access to justice and legal services at the community level so as to strengthen the position of the ordinary citizen under the law while fostering an orientation toward public service by justice system operators and legal services providers. Specific themes should be the capacity of the justice of the peace courts and the adequacy of legal services for the disadvantaged.

A secondary focus should be on strengthening judicial self-governance so as to help sustain the commitment and the capacity of the justice system at all levels with respect to independence, integrity, accountability, and effectiveness. Specific themes should include the continued expansion and deepening of the commitment of judges and other professionals throughout the justice system to independent self-governance.

2. The USAID rule of law program in Russia should be developed through a process of dialogue with Russian stakeholders, both in the public sector and in civil society.

Based on USAID's longstanding consultative relationships with Russian stakeholders, a focused dialogue can help to determine how shared interests would best be served by various programming options – and especially options that will be likely to achieve sustainable results because they reflect local ownership. Issues to be addressed in the dialogue might include the following:

With regard to access to justice at the community level:

- What are the principal needs of the justice of the peace courts to help them respond to the needs of the community (e.g., training, case management systems)?
- What experiences of community justice in the United States might be most relevant to the Russian environment (e.g., small claims, juvenile justice)?
- What related services would be most beneficial to the efficient and effective operation of the justice of the peace courts (e.g., court-annexed mediation, service of process, execution of judgments)?
- What systems exist for providing legal services to disadvantaged populations and how might existing legal services arrangements be improved, including in the context of the operation of the justice of the peace courts?

- What civil society monitoring and reporting would be appropriate, and how should it be organized?
- Are there regions of special promise as locations for innovative community justice initiatives?
- Is there interest in establishing a consultative mechanism among participating communities to share experience?

With regard to judicial self-governance:

- What roles can be played by judicial leaders (as in the Russian Council of Judges and the US Judicial Conference) in encouraging the generational succession of judges dedicated to independent self-governance?
- What are the priorities in extending to the *arbitrazh* and justice of the peace courts efficient case management processes, based on experience in the courts of general jurisdiction?
- What are the ways to exercise effective discipline within the judiciary in a manner consistent with the independence of decision of individual judges?
- How can the balance between institutional independence and accountability be maintained?
- How can transparency of the judicial process be advanced (for example, through the publication of decisions, the quality of written judicial opinions, and communication with the public and the media)?
- How can judges most appropriately oversee the administrative management of the court system, including the professionalization of support staff in an increasingly complex technological and management environment?

The answers to these questions will help to provide a sound basis for programming decisions and sustainable program results only to the extent that those answers emerge from a thorough and searching consultation with local stakeholders.

3. The USAID rule of law program should support local implementation.

Program management should be spare and would best be performed by reliance on Russian nationals rather than expatriates. The program should make the maximum use of existing judicial and other professional relationships and exchange programs to advance the themes of access to justice and judicial self-governance. It should reflect themes of universal importance to USAID, such as public participation in governance structures and safeguards against corruption.

4. USAID needs to decide what existing activities should be curtailed and the optimum pace for implementing that curtailment in order to consolidate and preserve gains and permit an orderly winding up of activities that will not be continued.

The dialogue and subsequent design work to define a USAID rule of law program focused on access to justice and judicial self-governance will require some time. This may require interim arrangements for important program implementation activities in order to assure the sustainability of program results that otherwise might be impaired by the expiration of the time allowed for performance.

5. Even as USAID aligns its rule of law program in Russia to respond to current priority needs, it needs to resolve the remaining issues concerning a long term structure for continuing bilateral rule of law cooperation.

A promising opportunity may be presented by the proposed creation of a US-Russia Foundation for Economic Advancement and Rule of Law. Properly organized, the Foundation could help to sustain bilateral cooperation to advance the rule of law in a manner that would facilitate shared financial support and thereby overcome existing constraints and sensitivities about participation by Russian judges in activities financed entirely by foreign entities

These recommendations represent the assessment team's best efforts, in response to USAID guidance, to address the principal contemporary challenges for the rule of law in Russia. At a fundamental level, cooperation between Russia and the United States to strengthen the rule of law serves important shared interests. The recommendations in this assessment seek to reflect those shared interests by proposing a USAID strategy that builds on a solid base of experience and takes into account the expressed policies and programmatic actions of both countries. Every effort has been made to be realistic and consistent with USAID priorities and resource limitations. The recommendations are offered in the hope that they will contribute to the effort to advance international cooperation for democratic development based on the rule of law.

**2008
Russia Rule of Law Assessment
& Evaluation of USAID Rule of Law Programming
Scope of Work**

Purpose of Assessment

The purpose of work done under the DCHA/DG/ROL Core Task Order for Rule of Law Services (DFD-1-00-04-00173-00) is to conduct a targeted analysis of the status of rule of law development in Russia, including an examination of existing rule of law programming, and an assessment of the primary opportunities and constraints to the further development of the rule of law in Russia. USAID/Russia's rule of law programs are slated to end in the summer of 2008. The team will inquire, given the current operating environment in Russia as well as the work being done with funding by USAID, other donors, and the Russian government itself, what justice sector issues warrant USAID/Russia support. Based on the program areas identified by the assessment team and their recommendations, USAID/Russia will determine how best to address the identified needs.

Consistent with the terms of the Task Order the Russia rule of law assessment, one of five which DCHA/DG/ROL plans to undertake with missions under this Task Order, will be applied through the prism of The Rule of Law Strategic Framework. The Task Order ultimately will help to fine-tune The Rule of Law Strategic Framework as a tool and strengthen the ability of DCHA/DG/ROL and regional bureaus to ensure coherence and a comprehensive approach to analyzing and addressing ROL issues world wide.

Background

USAID/Russia has been involved in rule of law programming since 1993. For much of the period since then, there have been two major types of implementers in the justice sector: a contractor working on judicial reform and related topics; and a grantee working on legal profession development and related topics. At present, and for some time, the contractor and grantee, respectively, have been Chemonics International and ABA/CEELI (now known as ABA/ROLI).

The American Bar Association's Rule of Law Initiative (ROLI) and its subgrantee, the Russian-American Rule of Law Consortium (RAROLC), support the development of the legal profession. This program provides technical assistance and training to legal professionals and their organizations. The project is divided into several components: 1) capacity building with Chamber of Advocates with a focus on regulating private law practice, providing continuing legal education, implementing ethics codes and disciplinary procedures and implementing mandatory malpractice insurance, 2) institution building and technical assistance to organizations providing legal aid, 3) support for legal clinics (less emphasis has been placed on this area recently), 4) trainings on international and domestic standards and legislation related to gender equality and gender-based violence, and 5) promoting partnerships between American and Russian legal communities to provide access to information and support the development of legal infrastructure through the Russian American Rule of Law Consortium (RAROLC).

Some of this program's outputs include training more than 100 Social Advocates (non-lawyer activists) to navigate the legal system on behalf of victims of domestic violence, assisting the

Chamber of Advocates to develop legislation and improve its capacity to implement continuing legal education, and creating informal associations of specialized law school clinics to provide free assistance to juveniles, refugees and prisoners.

As part of this project, RAROLC, in close cooperation with the Open World program, has enabled approximately 650 visits by Russian lawyers and judges to their American partners since 1994. RAROLC has supported the creation of legal clinics as well as greater expertise on juvenile justice issues, assisted special efforts to combat domestic violence, provided training on changes to Russian legislation and the reform of law school curriculum, supported publication of court decisions, and was instrumental in hosting the first visit to the U.S. of the new Chief Justice of the Supreme Commercial Court of the Russian Federation in 2006.

USAID/Russia's second rule of law program targets the judiciary. Specifically, the Judicial Reform and Partnerships project, implemented by Chemonics International, aims to strengthen the Russian judiciary's independence, improve judicial self-government, and improve court administration. Program activities include implementing innovations in several district (rayonny) courts to improve case management techniques, transparency, and customer service, and codifying such changes in a set of Instructions proposed for adoption by the 2,500 district courts; supporting the adoption of a new Code of Judicial Ethics in 2004 by means of cooperation between US judicial bodies and the Supreme Qualification Collegium and Council of Judges; advancing judicial education through cooperation with the Academy of Justice leading to adoption of improved curricula and advanced techniques for training judges or court staff; and addressing gender-related issues by helping progressive Russian women judges get more involved in the activities of relevant international groups.

Many of the activities undertaken with the Russian judiciary have enjoyed the active support of the highest-level Russian judicial authorities and active participation by U.S. judicial system actors (judges, clerks of court, and court administration experts). The Russian judiciary now enjoys the largest budgets it has ever known, and its material base (quality of buildings, size of judges' salaries, etc.) is far better than could have been imagined even a few years ago. Moreover, the Russian judiciary is bound by the jurisprudence of the European Court of Human Rights, which some observers believe is having a gradual influence for the better on the country's judiciary (although others believe the country is seeking ways to lessen the European Court's influence). However, the public has serious doubts about the fairness and predictability of the judiciary's work, according to a number of polls and anecdotal evidence. Thus, the picture is a mixed one. The improved financing is a necessary but not a sufficient condition for the judiciary to meet international standards. This combination of great progress by the judiciary in some respects but not all is one of the distinguishing features of the present Russian context, and suggests that a successful approach to encouraging further reform in this sector must be nuanced and carefully targeted. The large Judicial Support Loan which the World Bank negotiated with the Government of Russia and signed in 2007 has as one of its chief goals the further modernization of the judiciary's computer capabilities partly to permit greater publication of court decisions as a means of promoting transparency.

Statement of Work

The purpose of this assessment is to provide USAID/Russia with an analysis of the primary priorities for advancing the rule of law in order to develop a strategy for continued programming, if the assessment indicates that such further programming is warranted. It includes two main tasks:

- 1) An analysis of the primary priorities, and gaps which exist in programs attempting to address them, for advancing the rule of law in Russia, including an assessment of the receptivity of various actors to working with U.S. Government-funded projects.
- 2) A proposed strategy for follow-on programming, including prioritized areas of intervention and program recommendations. One issue to be addressed should be the comparative value of utilizing U.S. expertise in programming on rule of law issues in Russia, versus utilizing indigenous Russian or other (e.g., European) expertise in the design and implementation of programs.

The contractor shall conduct a background review of key documents, as well as on-site research and interviews to develop a report that addresses these two main areas. The assessment will be consistent with the draft *Rule of Law Strategic Framework*, which is designed to synchronize with the Mission's broader Democracy and Governance strategy.

According to the Framework, the report should include the following components:

1) Analysis of primary gaps and priorities for programs to advance the rule of law:

This section of the report will analyze the current state of the justice sector as a basis for deriving strategic recommendations. Consistent with the draft *Rule of Law Strategic Framework*, the analysis will include the following five steps:

1. Normally, the assessment would start by taking into account the political and historic context, including current events. For purposes of this particular assessment, the USAID/Russia Mission does not need an extensive analysis of the rule of law sector as situated in the broader political economy of the country, as USAID/Russia staff and other U.S. Embassy Moscow staff are well informed concerning the overall situation in the justice sector in Russia and the history of its evolution over the last 10-15 years. While the team putting together the assessment report is expected to be familiar with the important developments in recent history concerning the sector, and may reference them in making its recommendations, there does not need to be a separate section of the report that goes into them in detail.

If on the other hand the DCHA/DG/ROL division believes that a more extensive historical and political analysis is needed to achieve its goal of field testing the Rule of Law Strategic Framework it will be included in a separate assessment report. The more extensive assessment report will be made available only to DCHA/DG and other relevant parties who have an interest in ROL in Russia and/or further refinement of the Rule of Law Strategic Framework, but who may not be familiar with the political and historical context within Russia.

2. The second step of the assessment will be to examine the five key elements that comprise the rule of law, namely: 1) order and security, 2) legitimacy, 3) checks and balances, 4) fairness, 5) effective application. Each of these five elements must be present for rule of law to prevail. This section will identify the principal rule of law problem(s) in Russia that might be addressed by an assistance program.

3. The third step will be to evaluate the roles and interests of the major justice sector actors, including the receptivity to foreign-funded projects given the present political climate and the ability to facilitate meaningful change given the current political environment. Specific attention should be devoted to the fact that the government of Russia is now providing a larger budget than ever before to its judiciary and that, in general, some other actors, such as lawyers and law schools, have more money than formerly. With more money being spent in the justice sector, assistance programs must be very carefully targeted to achieve effects. This section will mention the role of other key players in addition to the judiciary, including the private

sector, practicing lawyers and bar associations, non-governmental actors, and other stakeholders and donors.

4. Step four will examine program options beyond the justice sector that might have a bearing on the rule of law. Such considerations will include the status of civil society at the present juncture. This section will identify factors outside the justice system itself that may affect the potential for changes in the justice sector and which might be the subject or target of USAID support.

5. Step five will assess openings for potential work in the justice sector itself. This is the section of the five listed steps in the analysis that merits the greatest level of effort by the team. This section will focus on how the elements listed in step 2 above are embodied in the Russian legal framework and justice sector institutions. Although this section would normally outline the key features of the justice system, including the framework of laws and the justice sector institutions, the Russia Mission is well informed about the legal framework and does not need detailed written analysis concerning it. The focus should rather be on identifying potential points of intervention within the justice system itself that are in need of reform and amenable to change, and for which sufficient resources (financial or intellectual) are not planned to be deployed by either the Government of Russia or by donors. USAID encourages leveraging private sector resources to support its work, such as through the Global Development Alliance model. Private sector resources have not been used very much in the rule of law context. On some kinds of projects such as work with the judiciary, there might be conflict of interest issues, but private sector resources are being used to help support a pro bono initiative by law firms assisting NGOs, and the potential to use private sector resources should be considered by the team.

2) Evaluation of the existing rule of law program:

The report will include some objective, external evaluation of the current USAID rule of law program implemented by Chemonics and ABA/ROLI, including an analysis of the strengths and weaknesses of the current programs in achieving intended results, as well as whether the original objectives and methods are still valid for addressing the current rule of law challenges, or whether the original objectives have already been achieved, are on track to be achieved without further USAID intervention, or have now been superseded by other more critical issues or priorities. Because the assessment team has limited time and resources, this component of the assessment will be developed primarily in order to address the question of whether, or to what extent, the existing programs could serve as foundations for future programs. This section will thus outline the primary achievements of the current program, the primary reasons for success or failure in achieving results, and suggestions for how success could be built upon in follow-on programming, and to what extent doing so would be the most useful or appropriate intervention.

Specific questions to be addressed in the evaluation of current programs include:

- **Impact:** What has been the quantitative and qualitative impact of USAID-funded activities on the judiciary and the legal profession? What was the trajectory of reform in institutions where USAID-supported programs had access versus in institutions that did not work with donor-funded programs? What effect did the approaches adopted by Chemonics and the ABA have on the impact achieved?
- **Relevance:** How effective have the current programs been in addressing the key rule of law challenges in Russia? How successful have the programs been in meeting opportunities for reform and overcoming constraints? How have they complemented,

enhanced, duplicated or interfered with other reform initiatives in the justice sector, including the efforts of the Open World Program of the Library of Congress, the Law Enforcement Section of the Embassy, the World Bank, the European Union, and foundations such as Ford Foundation? What additional future activities should be considered?

- Approach: How have the specific approaches adopted by Chemonics and the ABA produced results? What have been the weaknesses of these approaches? Have opportunities for impact been missed? Are the results being obtained by the current implementers being produced at an acceptable cost compared with alternative approaches to accomplishing the same objectives? The assessment should compare the relative advantages of having a project headed by a U.S. citizen as opposed to a Russian citizen, and the comparative worth of providing U.S.-based assistance (expats) or other international experts as opposed to channeling indigenous (Russian) expertise.
- Sustainability: What have the implementers done to promote sustainability of judicial and institutional reforms? What follow on activities would be needed to consolidate success and ensure sustainability of achievements after USAID funding ends? Given the huge size of the country and its justice system, and the relatively modest funds available to USAID, is it realistic to hope for system-wide impacts, or are discrete activities limited in geographic scope or subject matter preferable? Is it realistic to expect activities of the scope that can be funded by USAID to have measurable influence on such large issues as “judicial independence,” “access to justice,” or “public attitudes toward law”?

3) Future strategy

The final and most important step in the assessment will be the development of a strategy and programmatic options for rule of law interventions. Of the three listed components (analysis, evaluation, and future strategy), future strategy is the component that merits the greatest level of effort by the team. This will be based on the findings from the preceding sections as well as additional considerations such as Mission priorities and resources. It will be designed to focus rule of law activities around the primary challenges in promoting the rule of law in light of the current state of receptivity to foreign-funded programs, opportunities and constraints for reform, past successes and areas where the ability to make a meaningful impact seems most feasible. The strategy is intended to be a source of ideas and suggestions that can lay the basis for designing rule of law programming in Russia over the next three years. Given the complexity of the political environment in Russia and of U.S.-Russian relations, the frequent and unpredictable changes in Russian laws, the frequent changes in the composition of individual and institutional actors in the justice sector, uncertainties concerning the future level of resources available to USAID and about the regulatory environment in which assistance programs operate in Russia, the USAID Russia Mission will factor the recommendations of the assessment team’s report into its overall approach to program design, but will not be bound by it. Given the unusual political sensitivities in Russia and intensive scrutiny by the State Department, Congress and other USG actors, the strategy should focus on Russia-specific bilateral efforts that can be managed and closely overseen by USAID/Russia personnel on the ground.

The strategy should include the following components:

- Primary rule of law problem(s) framed in terms of the essential element(s) of the rule of law that are most critical to establishing the rule of law in Russia and those that are most amenable to tangible change via USAID intervention;

- Opportunities for intervention, including the specific subject areas or sub-sectors for which opportunities exist for reform. Among sub-areas which may be worth specific attention are: 1) the Russian court system; 2) the private bar; 3) juvenile justice; 4) Russian citizens' access to justice (public interest law and legal aid) 5) women's legal rights 6) intellectual property rights and 7) administrative law. Generally, criminal law-related areas are not a priority for consideration inasmuch as the Law Enforcement Section of the Embassy takes the lead on that sub-sector. Consideration can be given to the extent to which synergies exist between criminal law and non-criminal law topics.
- Consideration of the areas covered by the work of other donors and by the government of Russia itself. Consideration of whether, given the World Bank's Judicial Support Loan, there are important areas of work on judicial reform or partnerships and contacts which will not be covered by the Bank's activities.
- The report can address the fact that a successor foundation to The U.S. Russia Investment Fund (TUSRIF), to be called the "U.S.-Russia Foundation for Economic Advancement and Rule of Law," will be a grant-giver working partly in the rule of law sector, but given the early stage of that successor foundation's development, detailed analysis cannot yet be undertaken and the report should not rely to any major extent on assumptions about TUSRIF's role or contributions.
- Program recommendations including intended results that should be achieved through follow-on programs to address the primary rule of law problems. Recommendations should be prioritized in order of importance.

Methodology

The contractor shall provide a three-person team that will work with input from USAID/Russia and USAID/DCHA/DG staff to conduct the work in three stages.

Preparation phase: The first phase of the assessment will involve reviewing background materials and key documents; developing assessment and evaluation methodologies that includes primary research questions and interview protocols to be approved by the Mission; and preparing a schedule of interviews for the subsequent field work stage. A pre-trip meeting with relevant USAID staff is required during the preparation phase to review documents, discuss background reviews and come to agreement on the primary research questions, interview protocols and assessment schedule. This meeting will take place preferably at the USAID offices in Washington, DC, but may be conducted via teleconference if necessary. Three working days per team-member are authorized for the preparation phase.

- Review of existing information and materials:

The team should gather and review all documents on the existing Rule of Law situation in the country. The following will be provided by USAID/Russia:

New Directions for USAID Rule of Law Programs: Survey and Recommendations, (USAID, July 15, 2004), William Burnham, J.D., Anastasia Doroshenko, & Olga Schwartz, Ph.D.

Building an Issue-Oriented Legal Representation Capacity Among Law Clinics and Lawyer-Staffed Human Rights NGO's in Russia: An Assessment for USAID/Russia (USAID-Abt Associates, January 17, 2002), William Burnham, Malcolm Russell-Einhorn & Edwin Rekosh

Rule of Law Assistance Impact Assessment – Russia Rule of Law Partnerships, USAID, Jan. 2004), Richard N. Blue, David Fishman, Ekatrine Greshnova, Elena Shokina, and Vitaly Charushin .

ABA/ROLI Program Description, Monthly and quarterly reports, other program documents.

Chemonics Task Order, Annual reports, other documents.

Assessment of the Sustainability of Russian-American Judicial Partnership II Project Activities, Chemonics International, Inc., Mary Noel Pepys, 2003.

Documents of the EU-TACIS Project, “Training of Judges and Court Administrators,” including “Ensuring Sustainability; Donor and Project Coordination and the Dissemination of Information and Results,” by Wolfgang Wedderkopf and Mark Segal, 2007.

The team will also want to examine the following websites, at a minimum:

RAJP (Chemonics) website www.rajp.org

RAROLC website www.rarolc.net

Field-work phase: The team will conduct 16 days of field research in Russia, including gathering and reviewing documents, and conducting structured interviews with key informants and beneficiaries, including the Russian judicial personnel, international and donor personnel, USAID partners, lawyers, court administrators, civil society organizations, citizens groups, and other relevant stakeholders. The research should include site visits to USAID rule of law activities. The team will present a list of interviewees to USAID/Russia for approval prior to conducting interviews. The contractor will be responsible for developing the list of interviewees and arranging meetings, as well as transportation to the meetings. USAID will provide two staff members to participate in the field-work phase of the assessment team, including one staff member from USAID/DCHA/DG in Washington and one staff member from USAID/Russia [Keith Crawford of DCHA and a member of PPD staff from the Mission].

Report-writing Phase: The Contractor will draft the assessment report, which will include all of the components outlined above. The draft report shall be submitted for formal USAID/Russia review within 10 working days [Perhaps this time period is too short for such a report? We could tell them to provide an executive summary and recommendations within two weeks and the full text a week after that?] after departure of the Contractor from the country. The Mission and DCHA have ten working days to provide comments to the Contractor. The final report shall be submitted no more than ten calendar days thereafter. A total of eight working days per team member are authorized for the report-writing phase.

Deliverables

The contractor shall provide the following deliverables to USAID/Russia

1. Literature Review and Evaluation/Assessment Methodology

Prior to beginning the interview process, the contractor shall prepare for the assessment by reviewing key documents on the justice sector; background material on Russia’s political

situation; and applicable sections of USAID and project documentation. The contractor will also prepare a methodology plan including primary research questions, interview protocols to structure the interviews, and a list of proposed individuals to be interviewed. The methodology plan, interview schedules and interview protocol will be presented to USAID/Russia and USAID/DCHA/DG staff for approval prior to departure for the field-research phase.

2. Oral Briefings (two)

The contractor will provide two briefings for USAID/Russia staff, including an introductory briefing within two days of arrival in country, and an exit briefing presenting the team's findings and recommendations to USAID/Russia prior to departure.

3. Draft Report. The assessment team will present a draft report in English of its findings and recommendations to USAID/Russia within ten working days from the time of departure from Russia. A copy shall be provided to USAID/DCHA/DG. The draft report will be no more than 40 pages, and will include all of the components outlined above. The greatest space and emphasis in the report will be devoted to analysis of past successes/failures, successfully exploited or missed opportunities, existing priority opportunities to make a difference and recommended strategies and interventions.

4. Redacted Version: The contractor should be aware throughout the assessment and report writing process that issues of Rule of Law may be politically sensitive. The team should discuss this issue with USAID immediately upon arrival and seek guidance regarding sensitivities that will need to be taken into account during interviews and report writing. Additionally, the team may be requested to prepare a version of the report that can be shared with Government of Russia and other counterparts and submitted to PPC/CDIE/DI.

4. Final Report. The Final Report will be provided to the USAID/Russia in electronic format in MS Word and Adobe PDF, within 10 calendar days following receipt of comments from USAID. An electronic copy and 5 hard copies shall be provided to USAID/DCHA/DG. The report shall include all of the components outlined above. The report shall also include an executive summary and not exceed 40 pages (excluding appendices). Appendices should at a minimum include the scope of work for the evaluation; a list of individuals interviewed; a complete description of the methodology used for the evaluation; and any questionnaires used.

The report shall follow USAID branding procedures and shall be in the format of "A General Guide to the Construction of An Evaluation Report," produced by Richard Blue for Management Systems International and dated August 7, 2004.

The contractor shall also submit a copy of the redacted final report to PPC/CDIE/DI.

Team Composition and Qualifications

The assessment will be carried out by a three person team not counting USAID personnel. The team shall include:

- A team leader (Expatriate) with a professional background in international development work, including rule of law development. This person shall be responsible for coordinating and directing the overall assessment effort, including preparation and submission of the draft and final assessment reports. He/she should have a minimum of 10 years experience in the design, implementation, and/or evaluation of foreign assistance programs including USAID-related rule of law programs. As assessment

team leader, the incumbent should be thoroughly familiar with techniques of program impact appraisals and possess good organization and team-building skills. The team leader should have excellent written and oral communication skills in English. Knowledge of Russian and/or the political and legal systems of the former Soviet Union/East bloc would be highly desirable.

- A team member (Expatriate) with at least 5 years of relevant experience in rule of law development and/or democracy and governance assistance, possessing strong background knowledge of Russia and experience in the design, implementation and/or evaluation of foreign assistance programs. Strong writing and word processing skills are a requirement. Previous overseas experience in Russia or other former Communist countries and knowledge of Russian language are desirable.
- A Team Member (local): A lawyer, public sector management specialist, or researcher. Minimum undergraduate level degree in Law or related field. Good understanding of political dynamics, Rule of Law actors and political actors in Russia is essential. At least three years' work experience required. Knowledge of English language and of USAID and other donors in Russia is preferable.

At least one of the two expatriate members must have knowledge and experience relevant to court administration, judicial education, legal teaching, public interest law, or other relevant legal sector, including experience designing, managing, implementing or overseeing legal or judicial reform programs.

At least one of the two expatriate team members must have previous overseas experience in Russia and some knowledge of Russian language.

USAID will appoint one USAID/DCHA/DG staff member and one USAID/Russia staff member to participate in the assessment, including in most or all meetings during the field research stage.

The Contractor will certify that there is no conflict of interest or potential conflict of interest with respect to the performance of this assessment on the part of the contractor and the contractor's team members. The Contractor will guarantee that substitutions will not be made for individuals proposed as team members without the approval of USAID/Russia.

Period of Performance

The work called for in this scope will start on or about _____, 2007 and will be completed approximately 10 weeks later. The field work will start on or about Feb. 7, 2008.

The mission will respond to the content of the assessment with oral comments at the debriefing and will provide written comments within 3 weeks of receipt of the draft report.

Logistical support

All logistical support will be provided by the Contractor including travel, transportation, secretarial and office support, word processing, interpretation, report printing and communication, as appropriate. USAID can provide a short list of potential interpreters with rule of law background.

Workweek

A 6-day work week is authorized in the field with no premium pay. Note that the official workweek in Russia is Monday through Friday with Saturday and Sunday constituting the weekend. The team may be able to arrange some meetings on Saturdays in country.

Technical Direction

Technical direction during the performance of this delivery order will be provided by USAID/Russia, Mr. Patrick Murphy, Senior Rule of Law Advisor, 7 495 728-5278, pmurphy@usaid.gov in consultation with USAID/DCHA/DG, Alex Berg, (1) 202-361-6091, lberg@usaid.gov.

BIOGRAPHIC SUMMARIES OF ASSESSMENT TEAM MEMBERS

James Michel is an independent consultant in development cooperation and Senior Counsel to DPK Consulting, a San Francisco firm that specializes in international cooperation in support of good governance and the rule of law. He has performed consulting assignments for the United States Government, other governments, and international organizations, as well as for DPK Consulting and other private consulting organizations. He previously served as Principal Deputy Legal Adviser, US Department of State, and in other senior management positions in the United States Government, including as Principal Deputy Assistant Secretary of State for Inter-American Affairs (1983-1987), U.S. Ambassador to Guatemala (1987–1989), USAID Assistant Administrator for Latin America and the Caribbean (1990-1992), and Acting Deputy Administrator and Acting Administrator of USAID (1992-1993). From 1994 until 1999, he was Chair of the Development Assistance Committee of the Organization for Economic Cooperation and Development, where he presided over the principal international forum for donor policy coordination. He returned to USAID in 1999 as Counselor to the Agency and left public service at the end of 2000. He received his J.D., *cum laude*, from Saint Louis University. He and his spouse reside in Falls Church, Virginia.

Douglas Myers is an attorney and independent consultant. Since 1993 he has worked in the field of Rule of Law on USAID-related projects in the countries of the Former Soviet Union and the Balkans. His primary positions have been Chief of Party of the USAID Macedonia Court Modernization Project in Skopje, Macedonia (2003-05) and Deputy Chief of Party of the USAID Commercial Law Project in Bishkek, Kyrgyzstan (1999-2002). From 1995 to 1997 he worked as Senior Legal Officer in the ARD/Checchi Rule of Law Consortium in Washington, D.C. He was a partner in the law firm of Kurtz & Myers in South Paris, Maine (1975-92) and received his J.D. from Boston College Law School. The author of numerous professional articles, he is fluent in Russian and lives with his family in Cambridge, Massachusetts.

Olga Schwartz is an independent consultant mainly working for the World Bank Moscow office. She started her career as a consultant for the Criminal Division of the Supreme Court of the USSR (1990-1991), then worked as a chief specialist for the Department on Legislation and Judicial Reform of the Russian Ministry of Justice (1992-1997), and a counselor for the Duma (Lower Chamber of Russian Parliament) Committee on Legislation and Judicial Reform (1997-2001). She took part in drafting Criminal Procedure Code of the Russian Federation, several amendments to the Code and laws on judicial reform, has authored a number of publications on the judicial system and criminal procedure in Russia and abroad. Since 2001 she left public service and is mainly involved in realization of technical assistance projects of different donors in Russia. She worked as a project coordinator for Judicial Reform Component of the World Bank Legal Reform Project for Russia (2001-2006) and after that was hired as a consultant by the World Bank Moscow Office. Currently she is supervising the preparation and implementation of the new World Bank Project for Russia – Judicial Reform Support Project. At the same time she took part in several EU Projects, projects financed by Soros Foundation, Ford Foundation etc. in the field of legal and judicial reform in Russia. She received her *jurist* degree (analogous to J.D.) from Moscow State Law Academy in 1990, and her *Candidate of Law* degree (analogous to Ph.D) in 1999 from the same Academy. She also took part in several training programs in the field of human rights (Birmingham University (UK), Central European University (Hungary), Netherlands Helsinki Committee). She is fluent in English and resides with her family in Moscow, Russia.

Keith Crawford is a Democracy Specialist for the USAID Office of Democracy and Governance. Prior to joining USAID he served as an Assistant District Attorney in Brooklyn, New York. In the Democracy and Governance Office, Rule of Law Division, he is the cognizant technical officer for the CEELI Institute and the Rights Consortium cooperative agreements. His duties also include training democracy and governance officers, providing technical support to USAID field missions, and advancing technical leadership in the rule of law. He holds a B.A. from Old Dominion University and a J.D. from Howard University School of Law.

Andrew Kiseliov is a Project and Program Development Advisor for the USAID/Russia Office of Program and Project Development. His duties also include work on US-Russia partnerships with regional governments. Mr. Kiseliov is with USAID since 1999 and he served as a project manager for a variety of development projects in area of microfinance and business school education. He holds a BA from Moscow State Humanitarian University in history and archive management and MBA in Business and Economics from California State University Hayward.

BIBLIOGRAPHY

- American Bar Association, *CEDAW Assessment Tool Report for the Russian Federation*, February 2006, http://pdf.usaid.gov/pdf_docs/PNADF966.pdf.
- Blass, Tom, "Combating Corruption and Political Influence in Russia's Court System," in Transparency International, *Global Corruption Report 2007: Corruption in Judicial Systems*, Cambridge University Press, New York, 2007, at page 31, www.transparency.org.
- Blue, Richard N., David Fishman, Ekatrine Greshnova, Elena Shokina, and Vitaly Charushin, "Rule of Law Assistance Impact Assessment – Russia Rule of Law Partnerships," USAID, January 2004.
- Borbely, Monika, Helene Carlsson, Carl Chastenay, Tyler Fulgenhauer, Christian Fung, Rudolf Hykl, Preston Pentony, Noah Sachs and Manuela Sieber-Messick, "Project Report on the Role of Foreign Aid for Legal Reform Programs in the Russian Federation," Woodrow Wilson School of Public and International Affairs, Princeton University, January 1999, <http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/projectreport.pdf>.
- Burnham, William, Anastasia Doroshenko, and Olga Schwartz, "New Directions for USAID Rule of Law Programs: Survey and Recommendations," USAID, July 2004.
- Burnham, William, Peter B. Maggs, and Gennady M. Danilenko, *Law and Legal System of the Russian Federation*, Third Edition, Juris, New York, 2004.
- Burnham, William, and Jeffrey Kahn, "Russia's Criminal Procedure Code Five Years Out," *Wayne State University Law School Legal Studies Research Paper Series No. 07-35*, September 2007, <http://ssrn.com.abstract=1011821>.
- Burnham, William, Malcolm Russell-Einhorn and Edwin Rekosh, "Building an Issue-Oriented Legal Representation Capacity Among Law Clinics and Lawyer-Staffed Human Rights NGO's in Russia: An Assessment for USAID/Russia," Abt Associates, January 2002, <http://www1.worldbank.org/publicsector/legal/combinedreport.doc>.
- Donnelly, Geraldine, *From Rule of Men to Rule of Law in Europe and Eurasia: A Synthesis of Eight Country Impact Assessments*, USAID, February 2004.
- European Commission for the Efficiency of Justice, *European Judicial Systems, 2006*, Council of Europe, 2006, http://www.coe.int/t/dg1/legalcooperation/cepej/evaluation/2006/CEPEJ_2006_eng.pdf.
- Answer to the Revised Scheme for Evaluating Judicial Systems, 2004 Data, September 2006, <http://www.coe.int/t/dg1/legalcooperation/cepej/evaluation/2006/Russia.PDF>.
- Global Integrity, "Russia, Judicial Accountability Indicators," in *Global Integrity Report 2007*, January 2008, <http://report.globalintegrity.org/Russia/2007>.
- Human Rights Watch, "Russia," in *World Report 2008: Events of 2007*, January 2008, http://hrw.org/wr2k8/pdfs/wr2k8_web.pdf.

- *Choking on Bureaucracy: State Curbs on Independent Civil Society Activism*, February 2008, <http://hrw.org/reports/2008/russia0208>.

Joint State-USAID Submission, "Russia," in *Congressional Budget Justification, Foreign Operations, Fiscal Year 2009*, <http://www.usaid.gov/policy/budget/cbj2009/101440.pdf>; <http://www.state.gov/documents/organization/101440.pdf>.

- "Russia," in *Congressional Budget Justification, Fiscal Year 2008*, page 443, http://www.usaid.gov/policy/budget/cbj2008/fy2008cbj_full.pdf, <http://www.state.gov/documents/organization/84462.pdf>.

Kuchins, Andrew C., *Alternative Futures for Russia to 2017*, Center for Strategic International Studies, November 2007.

Mishina, Ekaterina, and Melanie Peyser, "From Institutional Independence to Independent Judicial Decisionmaking: Opportunities for Strengthening Judicial Independence in Russia," U.S.-Russia Experts Forum, December 2006.

Newcombe, Catherine, "Russia," in Bradley, Craig M., editor, *Criminal Procedure: Worldwide View*, Second Edition, Carolina Academic Press, 2008, pages 397-469.

Ortung, Robert W., Russia Country Report in *Nations in Transit 2007*, Freedom House, 2007, <http://www.freedomhouse.org>.

Payne, Rhys, Mary Noel Pepys, Imad Salamey, and Kate Somvongsiri, *Lebanon Rule of Law Assessment*, USAID, March 2006.

Pepys, Mary Noel, "Assessment of the Sustainability of Russian-American Judicial Partnership II Project Activities," Chemonics, May 2003.

Pyati, Archana, "The New Dissidents: Human Rights Defenders and Counterterrorism in Russia," Human Rights First, February 2005, <http://www.humanrightsfirst.org/defenders/pdf/new-dis-russia-021605.pdf>.

Reiling, Dory, Linn Hammergren, and Adrian Di Giovanni, *Justice Sector Assessments: A Handbook*, World Bank, March 2007, <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTLAWJUSTINST/0,,contentMDK:21257843~pagePK:148956~piPK:216618~theSitePK:1974062,00.html>.

Solomon, Peter H., "Threats of Judicial Counterreform in Putin's Russia," paper prepared for the International Conference on Commercial Law Reform in Russia and Eurasia at the Kennan Institute, Washington, DC, April 8-9, 2005, http://www.reec.uiuc.edu/events/Conference/ACConf/lawconf_paper/solomon.pdf.

Spence, Matthew J., "The Complexity of Success: The U.S. Role in Russian Rule of Law Reform," Rule of Law Series Number 60, Democracy and Rule of Law Project, Carnegie Endowment for International Peace, July 2005.

Trochev, Alexei, *Judging Russia, The Role of the Constitutional Court in Russian Politics, 1990-2006*, Cambridge University Press, New York, 2008.

United Nations Development Program, *Programming for Justice Access for All: A Practitioner's Guide to a Human Rights-Based Approach to Access to Justice*, 2005, http://www.undp.org/governance/docs/Justice_Guides_ProgrammingForJustice-AccessForAll.pdf.

United Nations Office on Drugs and Crime, *Criminal Justice Assessment Toolkit*, 2006, <http://www.unodc.org/unodc/en/justice-and-prison-reform/Criminal-Justice-Toolkit.html>.

United States Department of State, "Russia," in *2007 Country Reports on Human Rights Practices*, March 2008, <http://www.state.gov/g/drl/rls/hrrpt/2007/100581.htm>.

USAID, *Draft Guide to Rule of Law Country Analysis: The Rule of Law Strategic Framework*, USAID, November 2007.

- Strategic Objective Close-Out Report on Strengthened Rule of Law and Respect for Human Rights, USAID, 2006.
- Strategy Statement of USAID/Russia, November 2005, <http://russia.usaid.gov/uploaded/documents/USAIDRussiaStrategyStatement-0.pdf>.
- *Conducting a DG Assessment: A Framework for Strategy Development*, November 2000, http://www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnach305.pdf.

Wedderkopf, Wolfgang, and Mark Segal, "Ensuring Sustainability: Donor and Project Coordination and the Dissemination of Information and Results," European Commission, December 2007.

World Bank, Project Appraisal Document on a Proposed Loan in the Amount of US\$ 50 Million to the Russian Federation for a Judicial Reform Support Project, January 2007, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2007/01/30/000090341_20070130100451/Rendered/PDF/36104.pdf.

- Implementation Completion Report on a Loan in the Amount of US\$ 58 Million to the Russian Federation for a Legal Reform Project, June 2006, http://www-wds.worldbank.org/external/default/WDSContentServer/WDSP/IB/2006/07/25/000112742_20060725123042/Rendered/PDF/36549.pdf.

Websites:

- American Bar Association Rule of Law Initiative, Russia, http://www.abanet.org/rol/europe_and_eurasia/russia.html
- Juvenile Justice in Russia, UNDP, <http://en.juvenilejustice.ru>.
- Library of Congress Guide to Law Online: Russia, <http://www.loc.gov/law/guide/russia.html>.

- Open World Leadership Center, www.openworld.gov
- Russian American Judicial Partnership, <http://www.rajp.org>.
- Russian American Rule of Law Consortium, <http://www.rarolc.net>.
- Russian Presidency, <http://www.kremlin.ru/en>.
- Supreme Court of the Russian Federation, <http://www.supcourt.ru/EN/supreme.htm>.

PERSONS INTERVIEWED

Russian Government and Judiciary

Helena Abrosimova, Legal Department, Council of Ministers – Government of the Russian Federation

Igor Gourin, Chief Judge, Zhukov District Court, Kaluga

Igor Ljubin, Head of Judicial Department of the Supreme Court Branch for the Kaluga Region

Ljubov Lobzova, Justice of the Peace, Zhukov, Kaluga

Irina Marina, Judge, Pushinsky District Court of St. Petersburg

Tatiana Neshataeva, Judge, Supreme Commercial Court

Evgeny Popov, Director of International Cooperation Division, Judicial Department of the Supreme Court

Yuriy Sidorenko, Judge, Supreme Court, and Chair of the Council of Judges

Leonid Smertin, Head of Department for Organizational and Legal Support to the Courts, Judicial Department of the Supreme Court

Vladislav Starzhenetskiy, Deputy Director, Department of International Law, Supreme Commercial Court

Alexander Venediktov, Deputy Chief Judge, Zhukov District Court, Kaluga

Yaroslav Zholobov, Chief Judge, Pushkinsky District Court of St. Petersburg

United States Government

Jess Bratton, Regional Coordination Advisor, USAID/Russia

Elizabeth Carroll, Coordinator, European and Eurasian Programs, Bureau for International Narcotics and Law Enforcement, US Department of State

Natlia Chazova, Legal Assistant, Law Enforcement Section, US Embassy, Moscow

Susan Corke, Bureau for Democracy, Human Rights and Labor, US Department of State

Rozina Damanwala, Bureau for Democracy, Human Rights and Labor, US Department of State

Elisabeth Duban, Gender Affairs Advisor, USAID/Russia

Thomas Firestone, Resident Legal Advisor, Law Enforcement Section, US Embassy, Moscow

Keira Goldstein, Bureau of International Narcotics and Law Enforcement, US Department of State

Janina Jaruzelski, Deputy Mission Director, USAID/Russia

Zoya Kaitova, Legal Advisor, USAID/Russia

Jonathan Kamin, Senior Advisor for Legal Affairs, USAID/Russia

James Kenney, Counselor for Public Affairs, US Embassy, Moscow

Aleksandr Khilkov, Program Coordinator, Open World Leadership Center, Moscow

Marney Kimmel, Bureau of International Narcotics and Law Enforcement, US Department of State

Terry Kinney, Resident Legal Advisor, Law Enforcement Section, US Embassy, Moscow

Erin Krasik, Director, Office of Democratic Initiatives, USAID/Russia

Christopher Lehmann, Senior Regional Director, Office of Prosecutor Development and Training, US Department of Justice

Inna Loukovenko, Senior Civil Society Advisor, USAID/Russia

Lewis Madanick, Open World Leadership Center, Library of Congress

Jeffrey Magnuson, Open World Leadership Center, Library of Congress

Patrick Murphy, Senior Rule of Law Advisor, USAID/Russia

Catherine Newcombe, Acting Regional Director, Office of Prosecutor Development and Training, US Department of Justice

John O'Keefe, Executive Director, Open World Leadership Center, Library of Congress

Peter Prahar, Counselor for Law Enforcement Policy and Assistance, US Embassy, Moscow

Howard Solomon, Office of Russian Affairs, Bureau of European and Eurasian Affairs, US Department of State

Christine Tefft, Office for US Assistance to Europe and Eurasia, Bureau of European and Eurasian Affairs, US Department of State

Theresa Tuano, Program Officer, USAID/Russia

Leon Waskin, Mission Director, USAID/Russia

Shawna Wilson, Senior Rule of Law Advisor, Bureau of Europe and Eurasia, USAID

International Partners

Pierre Dybman, Delegation of the European Commission, Moscow

Yoko Kagawa, World Bank

Amit Mukherjee, Lead Public Sector Specialist, World Bank

Ludmilla Poznanskaya, Senior Project Officer, World Bank, Moscow

Russian Civil Society

Vladimir Dashkehyev, Economist, Institute for the Economy in Transition

Lev Freinkman, Academy of the National Economy under the Government of the Russian Federation

Ana Kerova, Counsel, Public Verdict Foundation

Vladimir Lukianov, First Vice Dean, Faculty of Law, St. Petersburg State University

Ekaterina Mishina, Director, Center for Justice Assistance, INDEM Foundation

Valentin Moiseyev, Deputy Director, Center of Assistance to International Protection

Borislav Petranov, Program Officer, Human Rights and Justice, Ford Foundation, Moscow

Georgy Aleksandrovich Satarov, President, INDEM Foundation

Dmitry Shabelnikov, Country Director, Public Interest Law Institute

Olga Shepeleva, Legal Officer, Public Interest Law Institute

Anita Sobeleva, Lead Counsel, Lawyers for Constitutional Rights and Freedoms

Natalia Taubina, Director, Public Verdict Foundation

Svetlana Vololdina, Counsel to the President of the Federal Chamber of Advocates

Tatiana Zhdanova, Director, Moscow Office, MacArthur Foundation

Subject Matter Experts

Anton Alferov, Deputy Russia Program Director, American Bar Association Rule of Law Initiative

Betty Barteau, Judge, Indiana Court of Appeals (retired); former Chief of Party for Chemonics International in Russia

Scott Carlson, Director, Europe and Eurasia, Chemonics International

Paul Chernoff, Judge, Superior Court, Newton, Massachusetts

Robert Cordy, Justice, Massachusetts Supreme Judicial Court

John Dooley, Justice, Vermont Supreme Court, and President, Russian American Rule of Law Consortium

Julie Garuccio, Russia and Caucasus Program Manager, American Bar Association Rule of Law Initiative

Lloyd George, Chief US District Judge, District of Nevada

Gleb Glinka, Russia Program Director, American Bar Association Rule of Law Initiative

Robert Henry, Chief Judge, United States Court of Appeals for the 10th Circuit

Karen Kendrick, former Russia Program Director, American Bar Association Rule of Law Initiative

Joan Kennedy, Public Information Officer, Supreme Judicial Court of Massachusetts

Paul Magnuson, Senior US District Judge, District of Minnesota

Michael Maya, Deputy Director, American Bar Association Rule of Law Initiative

Norman Meyer, Clerk of US Bankruptcy Court, District of New Mexico

Michael Mihm, US District Judge, Central District of Illinois

Ilya Padchin, Moscow Director, Vermont-Karelia Rule of Law Project, Russian American Rule of Law Consortium

Melanie Peyser, Consultant

Diane Post, Vladivostok Office Director, American Bar Association Rule of Law Initiative

Roman Rodionov, Deputy Chief of Party, Judicial Reform and Partnerships Program, Chemonics International

Mark Segal, Consultant, European Union

Aleksandr Shibanov, Chief of Party, Judicial Reform and Partnerships Program, Chemonics International

Charles Simpson, US District Judge, Western District of Kentucky

Maria Voskobitova, Directing Attorney, Criminal Law Reform, American Bar Association Rule of Law Initiative

Stephen Williams, Judge, United States Court of Appeals for the District of Columbia Circuit

SUMMARY OF THE RUSSIAN LEGAL SYSTEM*

A. General Structure of the Russian State

The Russian system of government, like most states, recognizes three governmental functions (executive, legislative and judicial) and follows general notions of separation of powers, particularly as it relates to the judiciary's separation from executive power. Thus, courts of general jurisdiction are administered by a separate Judicial Department within the Supreme Court, and Arbitrazh Courts and Constitutional Court are administered by their own administrative departments.

Russia has what could be called a "strong presidential system" of government, closer to the French than the U.S. system. The Russian President even has the power to issue laws by decree in areas where the legislature has not acted. The most relevant feature of the power of the presidency as it impacts rule of law is the Administration of the President. It is the rough equivalent of the U.S. White House staff if it were magnified several hundred times. In Russia, the Administration of the President operates as a parallel executive power alongside — and often in competition with — the government ministries. In the area of legal reform, competition between the State Legal Department of the Presidential Administration and the Ministry of Justice has been particularly keen, with the Presidential Administration almost always prevailing.

The legislature is made up of two chambers: the State Duma and the Federation Council. The laws are passed solely by the Duma (with 450 "deputies"), although the Federation Council must also approve them. The most important commonly exercised power of the Federation Council related to legal matters is acting on presidential nominations to the Supreme Court, Supreme Arbitrazh Court and the Constitutional Court, and appointment of the Procurator General.

For the laws to come in force the signature by the President is required. Duma members are elected on the basis of votes cast for political parties. Parties receiving the highest number of national votes in the country can appoint their representatives to the Duma. The seats are allocated in such a way that each political party's total representation is proportional to its total vote. However, a party must get at least 7% of the national vote to have seats allocated to its slate of candidates. This rule has resulted in the complete exclusion of some reform parties from the Duma. Thus, the Yabloko party, for example, as well as SPS (Union of Right Forces) were unable to meet the 7% threshold in the last election.

Russia is a federal system with power distributed between the federal government and the governments of the "subjects" of the Russian Federation. Subjects are the rough equivalent of states in the United States. Called by various names (republics, autonomous republics, regions and territories), they are often referred to collectively as "regions." Compared to the U.S., the 87 subjects of the Russian Federation have far less power. Almost all courts and judges are federal; the power to make criminal and civil laws is exclusively given to the federal government; and the President has the power to remove regional governors and legislators. There are areas of joint responsibility, but in general federal law will prevail over conflicting subject laws.

B. Courts and Judges

Russia follows the continental legal tradition of having parallel specialized court systems. Currently, there are three: (1) general jurisdiction courts that handle general civil lawsuits

* This paper is an updated and condensed version of a summary contained in the appendix to a 2004 assessment entitled "New Directions for USAID Rule of Law Programs: Survey and Recommendations." (A full citation appears in the bibliography at Annex 3.) The update was prepared by Olga Schwartz, a team member for the present assessment who also participated in the 2004 assessment.

(housing, consumer, family, etc.) and criminal and administrative (minor) offenses, headed by the Supreme Court of the Russian Federation (2) so-called *arbitrazh* courts that handle commercial disputes between companies and entrepreneurs (and disputes between companies or entrepreneurs and the government), headed by the Supreme *Arbitrazh* Court, and (3) the Constitutional Court, which decides issues of the conflict between ordinary laws and the Constitution and international law and has the power to declare laws invalid. In addition, both the general jurisdiction courts and the *arbitrazh* courts handle administrative cases — civil cases to review the legality of actions of government agencies.

The key personnel in this system are the judges (including justices of the peace), court administrators, and legal assistants to judges (a new position). All but the justices of the peace are federal judges. In general, federal judges are appointed to serve for life, subject to mandatory retirement at age 70. However, (1) judges of the Constitutional Court have a tenure of, 15 years (12 years for those appointed before 2005), also with mandatory retirement at age 70, and (2) judges of lower courts are initially appointed for 3 years and only thereafter are reappointed for life subject to the mandatory retirement age. Justices of the peace can be elected by the population or appointed by regional legislative bodies (subject to decision of each region) for terms set by the respective subjects of the Russian Federation, with an initial term of not more than five years. To date, all regions have decided in favor of appointment of justices of the peace by local legislative bodies.

The Bailiff Service of the Ministry of Justice, created in 1997, has responsibilities for court security and enforcement of judgments. The law provides for two kinds of bailiffs: bailiff-enforcers, responsible for the implementation of civil and commercial court decisions, and regular bailiffs stationed at courthouses, responsible for the protection of the facilities and staff. The latter also deliver summonses and transport defendants, and sometime witnesses, to the courts. Bailiffs operate under the administrative aegis of the Ministry of Justice, an executive agency, not the courts. The numbers and resources of bailiffs are inadequate, and their training insufficient or non-existent. The need for adequate and specialized training of bailiffs in the enforcement of commercial case decisions is also a growing priority.

Typically, the Bailiff Service is recognized for its role in court security. With respect to enforcement of judgments, the organization of the Service is deficient and there are no automated case enforcement tracking systems. Nor are there adequate transport facilities for bailiffs to perform their functions. The low actual number of bailiffs (on a per capita or on a case load basis), lack of skill training, and uneven and/or inequitable distribution of work, and poor inter-institutional coordination are significant factors in slow enforcement. Collection of outstanding utility bills, taxes and other economic recoveries are part of bailiffs' functions. Since they receive a portion of these proceeds, there is an unfortunate tendency to pay more attention these enforcements that to other duties for which monetary recovery is less certain.

C. Legal Education

The standard legal education in Russia qualifying the person for most legal jobs is a five-year degree. Other degrees exist (a four-year bachelor's and a one-year master's), but the five-year degree is the program of choice. The procuracy and other government agencies will only hire people with such a degree. Unlike the United States, where three years of law school come only after completion of a four-year undergraduate degree program, legal education in Russia is an undergraduate course of study, with students entering the law faculty of the university at the age of 17 or 18, immediately following high school. However, law school is becoming increasingly popular with people who already have a university education in a different field. Such older students can obtain a law degree after only three additional years of study. Recently, Russia entered so called "*Bologna System*" which provides for a four-year bachelor's and two-year master's degrees, so there is a possibility of eliminating the five-year degree at some point.

There are currently 108 accredited law schools in Russia, though many more unaccredited schools (there are 184 ABA-approved law schools in the U.S.).¹ There are four types of law schools: (1) university departments of law (called "law faculties"); (2) state law academies, which are freestanding institutions devoted to legal education mainly, but which have other departments within them to satisfy general educational requirement (e.g., the Moscow State Law Academy); (3) specialized research institutes with law schools attached to them (e.g., Institute of the Prokuratura, the Institute of State and Law of the Russian Academy of Sciences); and (4) private law schools (e.g., Urals Humanitarian University Law Faculty, Institute of Economics, Law and Information Sciences in Yuzhno-Sakhalinsk).

The curriculum is governed by rather specific state educational standards issued by the Ministry of Education pursuant to recommendations made by a council of law school deans. The Ministry is also responsible for licensing and accrediting law schools. A recently established University Council comprising the representatives of leading high educational establishments also plays an important role in accrediting newly established universities and institutes, especially law schools. This is unlike the United States, where issues of accreditation and standards for the curriculum are determined by the American Bar Association, a private organization, and states, in turn, accept those standards by requiring graduation from an ABA-approved law school as a prerequisite for sitting for the bar examination. But it should be emphasized that the curricular requirements of the ABA are far less specific than the Russian state standards, resulting in a much wider variety in course offerings in the United States.

Law is taught primarily through lectures (usually 2-3 hours long) with questions permitted only at the end. There are also "seminar" classes, which are more like undergraduate discussion sections of large lecture courses in the U.S. taught by teaching assistants. A major research paper is required of all graduates. These papers are almost always expository rather than analytical. Traditional Russian legal education is theoretical only. In current practice, final-year, law students are sent out on internships in courts, procurator's offices or the *advokatura*, but these assignments tend to involve only observation, not meaningful work. The traditional curriculum does not include courses in legal writing and research, interviewing and counseling, trial practice or any other practical courses to help develop lawyering skills. While clinics have been established at several law schools, they are not part of the regular curriculum, except that they are sometimes counted toward the requirement for graduation.

Higher degrees in law are possible — the candidate's (*kandidatskaya*) degree and doctorate in law. As in the United States, the vast majority of those who have advanced degrees beyond the basic law degree are academics. However, it is not unusual to find judges and even some practicing lawyers with candidate's degrees in Russia.

Russia still allows a person to become a lawyer through correspondence study. Correspondence divisions of law schools enroll many times more students than their full-time residential daytime divisions. In Soviet times, many judges got their legal education through correspondence study. Correspondence students are required to come to their law school twice a year for a month, each time for examinations and intensive lectures. State standards require at least 160 contact class hours every year.

D. Lawyers

Russia, like most continental Western European countries, does not have a single legal profession like the United States, where every lawyer who practices law and every judge must be a member of the bar. In fact, in civil cases at least, any person can represent the interests of another person, even in court.

¹ Source: Ministry of Education Law Schools Webpage: <http://www.law.edu.ru/>.

1. Advokatura

The *advokatura* is the closest analog to the private bar in the U.S. The members of the profession are called *advokaty* (hereafter advocates). The advocates are organized in regional chambers and a federal chamber and must be members of both. Thus, they are subject to rules of both. Because the law on the *advokatura* was only passed in 2002, it is still a work in progress with basic issues still being worked out on both the regional and federal levels.

The Russian defense bar (*advokatura*) traces its history from 1864 when chambers of barristers were created. During Soviet times, succeeding authoritarian regimes attempted, with varying degrees of success, to limit the legal profession's corporate autonomy and independence. Under a 1980 law on *advokatura*, which governed the profession until 2002, every defense counsel (advocate) was required to be a member of the advocates' college. Advocates were then assigned to the office (legal bureau) where they worked. There was only one college of advocates in each federal city or region. Such colleges were under the supervision of the Ministry of Justice.

Legislative reform of the *advokatura* did not come until 2002. The reform movement was paralyzed for several years by two factors. First, there were divisions in the profession over what the *advokatura* should look like. In addition to the division between old and new colleges, competing voluntary association of lawyers had conflicting ideas on almost every issue affecting the profession. Second, many judges and executive officials feared that a united bar would be dangerous. The impasse was broken in 2002 when the current Law "On Advocate's Practice and *Advokatura*" was finally passed and signed into law. While the law has flaws and was the product of the several compromises, most advocates supported it.²

The new law eliminated the traditional authoritarian system of colleges as an organizing principle of the bar. It created a Federal Chamber of Advocates to represent the *advokatura*'s national interests, and also abolished the multiple colleges of advocates and instead established a regional chamber of advocates for each of Russia's regions. (There are now 83 regions.) The new system of self-government was introduced. Admission to practice and other matters of professional regulation are determined by the subject-level chambers under regulations of the federal chamber.

While advocates give advice and draft documents, their unique contribution is their capacity for representation in court. They have a near monopoly on representation of defendants in criminal cases (the justice of the peace courts are an exception). Advocates also can represent individuals and legal entities in all types of cases in court. But in civil cases, organizations and government agencies can be and often are represented by their own lawyers on staff and any individual can be represented in a civil case by any other person.

Advocates are required to render free legal services in a few categories of civil cases (child support, veterans, pensions and death of a wage-earner) and to accept appointments in criminal cases for low rates paid by the government (for most cases it is 250 rubles (about \$11.00) per day in court). Some advocates avoid these categories of work by paying into a fund for those advocates who do them, but this will not free them from the obligation if there aren't enough advocates willing to do such work.

2. In-House Counsel and Government Agency Lawyers

Many lawyers are not members of the *advokatura*, but work for companies as what we would call in-house counsel or for government agencies. As employees of the company or agency, they

² See, William Burnham, Peter B. Maggs and Gennady Danilenko, *Law and Legal System of the Russian Federation*, Parker School of Foreign and Comparative Law, Columbia University, Juris Publishing, 2004.

have the right to practice law on behalf of their company in all its aspects. While they thus have the right to appear in court and often do, the bulk of their work is advice and drafting legal documents. In addition, some lawyers from Western firms who are not advocates have been "hired" as employees by companies their firms represent so that they can appear in court for them.

A government employee may not be a member of a bar chamber. Moreover, a member of a bar chamber elected or appointed to public service suspends loses status and obligations as a member of the bar during this period.

3. Notaries

The notary is a common professional office for a lawyer in the civil law systems of continental Europe. The notary in Russia has the same legal education as any other lawyer. Russian and other civil law notaries perform many functions which in the US would be done by lawyers. This institution is called the *notariat* in civil law countries and *notarius* in Russian. Notarial chambers are self-governing bodies which enforce rules of professional conduct and discipline notaries for misconduct. The national organization for all private notaries is the Federal Notarial Chamber.

State notaries are appointed by the Ministry of Justice. Private notaries are also appointed by the Ministry of Justice but on nomination of a notarial chamber. The candidates must have a higher legal education of the same sort as advocates, procurators and judges. They are also required to undergo an apprenticeship for at least one year. They must pass a qualification exam and obtain a license to practice as a notary. Notary licenses are issued by the Ministry of Justice.

The most important function of a notary is certification of legal transactions that the legislature has determined need stricter formal requirements in order to be valid. For example, the 1995 Civil Code requires a notarial certification of powers of attorney and mortgage contracts. In practice, parties often seek notarial certification even in cases not required by the law because a certified contract constitutes irrefutable evidence that the contract has been formed.

Notarial certification also may help to counter possible claims by a party of incapacity, fraud or duress. Notaries also certify wills and often perform important functions during the succession. For example, they issue certificates concerning the right to an inheritance and may take measures to protect inherited property. Notaries also certify the accuracy of copies of documents and the accuracy of translations.

Notaries often provide legal advice and assistance, including advising all the parties to the transaction under circumstances that would not be permitted for a lawyer in the U.S. For example, the notary who certifies a contract must explain to the parties the meaning and consequences of the draft contract submitted by the parties. Often, notaries will draft the contract for the parties. In effect, the notary acts as the guardian of the legality of transactions. A notary must refuse certification if "a transaction contravenes the requirements of the law." In view of this, notaries are considered to perform quasi-judicial functions and provide valuable "anticipatory control" over the legality of many transactions. Another quasi-judicial power of notaries is the power to place an "execution endorsement" on an indebtedness, which judicial bailiffs are then empowered to collect in the same manner as a money judgment. Thus, notaries perform the dual functions of a private lawyer and a state functionary in a unique mixture not found in common-law countries.

4. The Procuracy

If one were to combine the offices of attorney-general and prosecutor in the U.S. system, one would still not equal the power of the procuracy in Russia. The procuracy performs all those functions and more. There are procurators on all levels of government — federal, subject and

local. All answer directly to the Procurator General of the Russian Federation through a line of authority that is independent of any other governmental agency. Thus, the Procurator General is appointed for a term of 5 years by the Federation Council on nomination by the President and he in turn appoints all lower-level procurators except the head of the Investigative Committee, who is appointed in the same manner as the Procurator General.

Procurators perform three functions: (1) criminal investigation (through the Investigative Committee) and criminal prosecution, (2) representation in civil cases and (3) "supervision" over the execution of laws by different state bodies, organizations and bodies of local-self-government and officials of commercial and non-commercial organizations.

The first is much like that of the prosecutor in other systems. However, the procurator in Russia (as in other civil law systems) maintains greater control over the actions of criminal investigators than in systems, where criminal investigation is carried out independently by the police and the case is then turned over to the prosecutor for formal charge to be brought in court and prosecuted. The procurator also has historically exercised powers that we would call judicial, such as issuing arrest and search warrants and subpoenas to appear for questioning under oath. Today, even after many such powers have been transferred to the courts, search warrants for searches in non-residential premises can still be issued by procurators.

It used to be that procurators had broad powers to appear in any civil proceedings — regardless of the wishes of the parties — whenever a procurator thought the state's interests needed to be protected. The instances of this practice have been sharply reduced.

Supervision entails "verification and review" (*proverka i revizii*) of the activities of the government and private entities and officials. In order to discharge these powers, government bodies and officials must turn over any documents, materials or information relevant to the inquiry. In addition, procurators may summon officials and citizens and require explanations from them regarding violations of the law. Verifications can lead to protests of any violations. The body or official receiving the protest must consider it within ten days and notify the procurator of the results. A procurator may also send a representation regarding a violation demanding elimination of the violation. The necessary measures must be taken within one month and the procurator informed of the results in writing. Also possible if an illegal act is being planned is a formal "warning" (*predosterezhenie*), violation of which is a criminal offense. Information obtained during verifications can also be used to issue a direction that criminal prosecution be initiated.

The procurator's supervision function is often exercised at the behest of private citizens, whose complaints are taken at intake offices of the procuracy. Thus, procurators serve (and served in Soviet times) a "legal aid" function of sorts. In 2007, procuracy offices were visited by about a million people.³ They received 1.4 million complaints and acted on about 260,000 of them. The largest category involved complaints of denial of social rights, such as those provided under labor law, housing law, and pension law, while other concentrations included land and juvenile justice issues.

³ Interview of the Procurator General Yury Tchaika to the newspaper *Rossiiskaya Gazeta*, February 22, 2008, http://www.genproc.gov.ru/ru/genprokuror/interview/index.shtml?item_id=104.

MAJOR JUSTICE SECTOR PROJECTS FINANCED BY DEVELOPMENT PARTNERS

A. World Bank

Project	Duration	Status	Contact Person	Objectives	Achievement/Results
<p><u>Judicial Reform Support Project</u> Loan No. 4849-RU Budget: \$172 400 000 (50 mln. World Bank contribution/ 122.4 mln. Russian Federation contribution)</p>	November 2007 – November 2012	Operational	<p>Ljudmilla Poznanskaya, Senior Project Officer, Private and Financial Sector Development, World Bank Moscow Office 36/1, Bolshaya Molchanovka 121069 Moscow Tel: (7-495) 745-7000 ext. 2018; Fax: (7-495) 745-7002 E-mail: lpoznanskaya@worldbank.org Sergey Lavrov, Executive Director, Bureau of Economic Analysis 27/26, Zubovsky Boulevard, B. 3, 119021 Moscow Tel: (7-495) 937-6750 Fax: (7-495) 937-6753</p>	<p>The objective of the Project is to assist the Borrower to strengthen judicial transparency and efficiency of selected courts through the implementation of information systems and judicial training. Concrete activities to be performed under the Project include: Institutionalizing judicial transparency and accountability by (i) periodic surveys of users of judicial services on access to, quality of and satisfaction with judicial services and enforcement of judicial decisions, and public dissemination of the survey results; (ii) research and analysis on further development of transparency, publication, openness and accessibility of judicial decisions, processes and practices, including obligatory publication of judicial decisions; and analysis on the introduction of modern information and communication technologies in judicial systems and on the further integration of the RF judicial system; (iii) the creation, implementation and dissemination of common case management standards, guidelines and processes; (iv) the development and piloting of criteria, indicators</p>	<ul style="list-style-type: none"> • Publication of General Procurement Notice for the Project • Publication of Special Procurement Notice for the Project • On October 2, 2007 request for expressions of interest published on the lot JRSP/1/A.1 “Development of new criteria and indicators of efficiency of functioning of judicial system” • On October 2, 2007 request for expressions of interest published on the lot JRSP/1/A.4 “Dissemination of information on the functioning of judicial system for raising its transparency” • On October 11, 2007 invitation for bids published on the lot JRSP/1/B.2.2.2 “Procurement of equipment for workplaces of judges and employees of the RF Supreme Court” • On December 27, 2007 request for proposals published on the lot JRSP/1/C.3.1 “Organization and delivery of training for the employees of the arbitrazh courts in using of modern information technologies.” • On January 9, 2008 invitation for bids published on the lot JRSP/1/B.2.1.1 “Retrospective conversion of the decisions and data files of the RF Supreme Court into electronic format” • On January 15, 2008 request for expressions of interest published on the lot JRSP/1/A.3 “Survey of the attitudes of citizens towards judicial system”

and a policy to assess and periodically report on the effectiveness of the judicial system, and related capacity-building; and a needs assessment for human capital development in the judiciary to inform policy and strategy updates; and (v) development and implementation of communications and change management strategies to promote judicial reform;

Harnessing ICT for judicial transparency and effectiveness, by (i) modernizing, development, and deployment of integrated information systems for courts to facilitate document flow, record management, information collection, and internal knowledge sharing; (ii) improvement of public access to and availability of judicial information through enabling the online publication of judicial decisions and other relevant information; and (iii) more effectively linking courts, Judicial Department offices, and relevant entities/facilities through integrated information systems by enhancing mobile capabilities of access to electronic information and video-conferencing;

Strengthening human capital by (i) information technology-related education and training for judges and court personnel for the Constitutional Court, the Courts of General Jurisdiction, the Supreme Arbitration Court and the Judicial Department, and (ii) knowledge exchange, including seminars, workshops etc. for the judiciary

B. Canada: Canadian International Development Agency (CIDA)

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Canada-Russia Judicial Partnership Program</u> Project No. Z020663-001 CIDA Contribution: \$2,599,073</p>	<p>April 2005 – December 2007</p>	<p>Completed</p>	<p>Maude Kostine, Program Officer, Russia, Ukraine, and Institutional Partnership Division, CIDA 200 Promenade du Portage Gatineau, Quebec, Canada K1A0G4 Tel: 819-994-7131 Fax: 819-994-0928 Email: maude.kostine@acdi-cida.gc.ca Oleg Shakov, Project Coordinator, CIDA 39 Tamara Way, Kanata, Ontario, Canada K2M 2K5 Cell: (+1) 613-831-0979 Tel: (+1) 613-592-1848 Valeriy Kuryakov, Project Coordinator Tel: (+7-495) 130-9355 Cell: (+7-495) 758-4427 Fax: (+7-495) 758-4427 E-mail: valkur@dol.ru</p>	<p>Following a successful Judicial Reform project (1999-2004) this second Phase will build on established relationships with the three highest courts of the Russian Federation (Constitutional Court, Supreme Court and Supreme Arbitrazh Court) and on the improvements made to three model courts in Kursk, Voronezh and Kaluga. The main partner from Canadian side is the Commissioner for Federal Judicial Affairs. The overarching theme of the project will be the relationship between the courts and the public. The impact the project seeks to achieve is that Russian people benefit from a stable, democratic country, with an efficient, transparent and responsive judicial system. Four areas of activities will be pursued: A) Understanding and strengthening federalism; B) Enhancing public appreciation of the role and activities of the courts; C) Court specialization on youth, family, gender and administrative justice; and D) Quality of justice and court efficiency. Activities will include curriculum development, course delivery, development of public information tools, study visits and seminars, involving judges and court staff from the High Courts and from district courts.</p>	<ul style="list-style-type: none"> • Conducting Canada-Russia Judicial Conference on Judicial Visions of Federalism. The objective of the Conference is to compare Russian and Canadian approaches to the resolution of various intergovernmental disputes in federal systems • Organization of the visit of Mr. Valery Zorkin, Chairman of the Constitutional Court of the Russian Federation, to Canada on the invitation of the Chief Justice of Canada • Organization of the visit of a 15-member Russian delegation of judges, heads of regional justice departments and court administrators to the Provincial Court of Newfoundland and Labrador • Curricular development and conducting a number of training seminars for court administrators co-financed by Chemonics • Public information tools for enhancing public appreciation of the role and activities of the courts were developed.
<p><u>Improving Services for</u></p>	<p>March 2004 – December</p>	<p>Operational</p>	<p>Alexey Ivlev, Project Coordinator, Russia</p>	<p>The main goal of the project is to improve the social integration of</p>	<ul style="list-style-type: none"> • <u>Bryansk region</u>. Working with Prison Service. Studying and introduction of

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
Youth at Risk Project No. Z020593-001 CIDA Contribution: \$4,065,338	2009		89A, Leninsky Prospect, Office 317 Moscow, 119313 Tel: + 7 (495) 960-2835 E-mail: yarmoscow@nan.ru Marianna Nikoula, Project Manager, Canada 600-350 Albert Str. Ottawa, ON, K1R 1B1 Tel: +1 (613) 563-3961, ext. 271 Fax: +1 (613) 563-9745 E-mail: mnikoula@aucc.ca	youth at risk (in conflict with the law, substance users, neglected, abandoned, marginalized, institutionalized, trafficked, etc.) and their families in the Russian Federation and introduce children's rights as the standard to assess service provision in various spheres (social, judicial, educational, law enforcement, etc.) The project would initially focus on piloting various services at regional level, with a view to feed a policy dialogue at the Federal level for a strategy to introduce more rights-based and rehabilitative practices in dealing with children and youth at risk.	innovative juvenile techniques. <ul style="list-style-type: none"> – New training course on juvenile justice was developed and tested at Bryansk Branch of Moscow Institute for Psychology and Social Science. 63 regular students and 75 students of the correspondence courses of Law Faculty took part in testing. – Legal clinic specially oriented for youth at risk was established on the Law Faculty of Bryansk Branch of Moscow Institute for Psychology and Social Science. 30 students are working there. Now they are thinking of expanding the clinical services for two more venues (orphanages, foster homes). – New training course for the officers of Bryansk Juvenile Correction Facility was developed and piloted in the Facility. Project established strong cooperation with this Facility. 140 juveniles detained in the Facility used the services provided by the legal clinic created under the Project. – New methods of work with the youth at risk were tested at the Secondary School of the town of Kokinsk (Bryansk region). 5 juveniles were stricken from the police registers. – The Association for Juvenile Correction Facilities Assistance was created in Bryansk region. – Monitoring of the target group consisting of 64 juveniles released from Correction Facilities in 2006 is performed in order to develop measures for individual support of juveniles. A seminar on the methodology of the assessment of juveniles was conducted in connection

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>with the monitoring.</p> <ul style="list-style-type: none"> - Social services in accordance with the methodology developed under the program were rendered to 9 juveniles (girls) being detained in the Correction Facility “Novooskol’sky”. - Consultations on the Rostov experience were held by project staff at the Bryansk regional court. - Celebration of the new academic year was organized on September 1 in the Bryansk Correctional Facility for juveniles. <ul style="list-style-type: none"> • <u>Chuvashiya Republic</u>. Social programming and rehabilitation of juveniles released from prison <ul style="list-style-type: none"> - Novotroitsk Juvenile Correction Facility was taken as a pilot. Training of volunteers mainly being the students of the Faculty of Psychology, Chuvashia State University, was conducted in the premises of the Facility. Now training is conducted regularly, at least two times a week. - New juvenile rehabilitation programs were developed and tested on two juveniles released from Novotroitsk Juvenile Correction Facility. - Parents of those juveniles being detained and also of those being registered by police for committing minor offenses while under age were involved in the Project and organized the Parents’ Council. - 15 detainees of Novotroitsk Juvenile Correction Facility formed a target group for testing new methodology. - Several TV programs dedicated to support of juvenile offenders were broadcasted on local TV-channels.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<ul style="list-style-type: none"> – Seminar on probation with the participation of Canadian experts was held for judges, representatives of the Ministry of Health, Ministry of Justice, and Federal Prison Service. – Chuvashia delegation was taken to Moscow for discussions with the Head of the Project and the Minister of Justice of Chuvashia rendered support to the project and declared Cheboksary city court to be the pilot juvenile court. – All-Russia Conference “Safeguarding Rights and Interests of Juveniles: Theory and Practice” took place in Chuvashia State University. Issues of introduction of juvenile justice in Russia and safeguarding rights and interests of juveniles by State were discussed. Collection of conference presentations was issued and distributed among law scholars and practicing lawyers. • <u>Moscow, South-Western District. Juvenile Justice, pilot projects on probation and social support to juveniles in court.</u> <ul style="list-style-type: none"> – Special regulations on social services in court and a manual for social workers assigned to the courts were developed. Social services were established in three courts of the South-Western District of Moscow on a pilot basis. – The number of cases against juveniles tried with the participation of social workers in pilot courts significantly increased. Judges are using the information provided by social workers in the preparation of their decision. – 5 juveniles had undergone rehabilitation under the court orders. – 90 juveniles received conditional

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>sentences were sent for rehabilitation during their probation period.</p> <ul style="list-style-type: none"> - Preventive activities were undertaken at the secondary schools of South-Western District (lecturing against grudges, meetings with the representatives of the Orthodox Church). - Community club for youth at risk was established in South-Western District - Several project participants (including judges and social workers) took part in the Study Tour to Canada May 26 – June 13, 2007 where they learned about program instruments and models to be used in the Project. - On December 5, 2007 roundtable on alternatives to imprisonment took place in Moscow. Issues of the implementation of alternative punishments and introduction of probation in Russia were considered. - On December 18-20, 2007 training for psychologists and social service workers of pilot districts on working with youth at risk and namely on prevention of recidivism among such groups took place in Moscow. <ul style="list-style-type: none"> • <u>Moscow region</u>. Youth employment, rehabilitation and re-socialization of juveniles received suspended sentences or being released from prison. <ul style="list-style-type: none"> - A roundtable for the employers and a career fair were conducted in Mozhaisk municipal district of Moscow Region. As a result two juveniles were employed and another two sent for professional training/ - Target group of juveniles at risk was formed in Mozhaisk municipal district from which 2 people were employed, 6

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<ul style="list-style-type: none"> – sent for professional training, 8 are trained in the course “First-Time Entrepreneur,” and, 22 people are taking courses of professional orientation. – Permanent monitoring of the families at risk in Mozhaisk municipal district is performed. – New project “Systemic Approach to Drug Addiction Prevention” was launched for the detainees of Mozhaisk Juvenile Detention Centre. – Several meetings with the people of different occupation were conducted for the target groups. – On October 4 job advertising was arranged in Mozhaisk correctional center for juveniles. – On October 23 a cooperation agreement was signed between the Employment Service of Moscow Region and Prison Service of Moscow Region. • <u>Rostov region</u>. Juvenile Justice. Creation of juvenile courts, using mediation, rendering social support to juveniles after sentencing. <ul style="list-style-type: none"> – A Scientific Monitoring Juvenile Justice Workshop was created in Rostov Region involving Rostov regional court, Rostov Branch of the Judicial Department, Rostov Branch of the Academy of Justice. – Six workstations were procured for the judges of newly opened Juvenile Court of Egorlyk district of Rostov Region. – A brochure “Juvenile Justice in Rostov Region” was published and distributed among the judges. – 14 district courts of Rostov Region working as juvenile courts improved

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>their performance.</p> <ul style="list-style-type: none"> - Regional seminar “Juvenile Justice: Establishment of Probation Services” took place in Rostov-on-Don. - The number of cases resolved by amicable agreement grew substantially. - Several project participants (including judges and social workers) took part in the Study Tour to Canada May 26 – June 13, 2007 where they learned about program instruments and models to be used in the Project. - Seminar on probation with the participation of the representatives from Chuvashia was held for the judges, representatives of the Ministry of Health, Ministry of Justice, and Federal Prison Service. - Restorative justice methodology is widely used in the Juvenile Court of the Egorlyk district of Rostov Region. - On September 24-26 a seminar on juvenile justice took place in Rostov with the participation of the representative of the UN Commission on Human Rights. - On October 3 a seminar on prevention of crime among juveniles took place under the framework of the Festival “Youth for the Union State”. Issues of juvenile justice and mediation were considered. - On December 7, 2007 a seminar on creation and functioning of the Juvenile Court for Penitentiary Issues in the town of Azov took place at the Rostov branch of the Russian Academy of Justice. Issues of introduction Canadian probation model in Russia were considered. <ul style="list-style-type: none"> • <u>Stavropol region</u>. Creation of the Center for

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>Juvenile Techniques for training national specialists working with juveniles in Southern Federal District. Volunteer protection programs.</p> <ul style="list-style-type: none"> – Sociological survey establishing the needs of juveniles at risk was conducted. – Training for volunteers was organized including their visits to Rostov Region for the exchange of best practices. – Special training at school for schoolchildren of 8-11 grades was organized to establish a critical approach in their self-evaluation. – A system for the recreation of youth was developed with regard to the gender of juveniles. – The juveniles’ perception of their social status changed dramatically after their participation in special programs. – Several project participants (including judges and social workers) took part in the Study Tour to Canada May 26 – June 13, 2007 where they learned about program instruments and models to be used in the Project. – Under the framework of the “Peer to Peer” program for juveniles students of Stavropol University delivered training programs to 68 juveniles in Georgievsky Correctional Facility. – Roundtable on the prevention of ethnic conflicts among juveniles on the South of Russia was conducted at the Stavropol South-Russian Humanitarian Institute.

C. Council of Europe
Joint Programs with the European Commission

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Russian Federation - (RUCOLA-2) Development of legislative and other measures for the prevention of corruption</u></p> <p>Reference Budget EUR: 210,000</p>	July 2006 – November 2007	Completed	<p>Leyla Zeinalova, Directorate of Strategic Planning Council of Europe Avenue de l'Europe 67075 Strasbourg Cedex, France Tel: + (33 3) 8841-3296 Fax + (33 3) 8841-2865</p> <p>Kristina Pencheva, Program Advisor, Human Rights Cooperation and Awareness Division, DG II Council of Europe 67075 Strasbourg Cedex France Tel: (33-3) 8841-3570 Fax: (33-3) 8841-3988 E-mail: kristina.pencheva@coe.int</p> <p>Nikolai Topornin, Director, Council of Europe Information Office Vernadskogo Prospect 76, MGIMO Building, Moscow Tel: (+7-495) 434-9077 Fax: (+7-495) 434-9075 Cell: +7-985-767-6519 E-mail: topornin@dionis.iasnet.ru</p>	<p>The overall objective of the project is to support the Duma of the Russian Federation to develop specific proposals for the prevention of corruption through the drafting of legislation aimed at the ratification and implementation of international conventions against corruption.</p>	<ul style="list-style-type: none"> • Effective measures were proposed to fight economic crime and cybercrime • Respective legislation aimed at the ratification and implementation of international conventions against corruption was drafted.
<p><u>Russian Federation- Fight against money laundering (MOLI-RU 2)</u></p> <p>Reference Budget EUR:</p>	January 2007 – December 2009	Operational	<p>Leyla Zeinalova, Directorate of Strategic Planning Council of Europe Avenue de l'Europe 67075 Strasbourg Cedex, France</p>	<p>The overall objective of the project is to contribute to the prevention and control of money laundering and terrorist financing in the Russian Federation in accordance with the European and other international standards and best</p>	<ul style="list-style-type: none"> • Working conference on the main issues of the AML/CTF policy in the Russian Federation - MOLI-RU-2 Project • Start-up conference of the MOLI-RU-2 Project took place. • MOLI-Ru2 project: Round Table on important issues of personal training in

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
3,000,000			<p>Tel: + (33 3) 8841-3296 Fax + (33 3) 8841-2865 Kristina Pencheva, Program Advisor, Human Rights Cooperation and Awareness Division, DG II Council of Europe 67075 Strasbourg Cedex France Tel: (33-3) 8841-3570 Fax: (33-3) 8841-3988 E-mail: kristina.pencheva@coe.int Nikolai Topornin, Director, Council of Europe Information Office Vernadskogo Prospect 76, MGIMO Building, Moscow Tel: (+7-495) 434-9077 Fax: (+7-495) 434-9075 Cell: +7-985-767-6519 E-mail: topornin@dionis.iasnet.ru</p>	<p>practices through enhancing the human capacities of key institutions of the anti-money laundering system of the Russian Federation (Federal Financial Monitoring Service, judiciary, prosecution, law enforcement and financial sector)</p>	<p>financial monitoring qualification</p> <ul style="list-style-type: none"> • Round Table on important issues of personal training in financial monitoring qualification conducted for the personnel of Rosfinmonitoring. • Project's visibility was ensured by the Project Team. • Seminar for the Regional structures of law enforcement and regulatory bodies, Rosfinmonitoring Interregional office and for the reporting organizations at Privolzhsky Federal District was conducted in Nizhny Novgorod. • Seminar on international AML/CTF standards for the law enforcement agencies, regulators and supervisors of financial services as well as heads of the Interregional offices of Rosfinmonitoring took place in Moscow. • Seminar for the Regional structures of law enforcement and regulatory bodies, Rosfinmonitoring Interregional office and for the reporting organizations at the South Federal District took place in Rostov-on-Don. • Seminar for the Regional structures of law enforcement and regulatory bodies, Rosfinmonitoring Interregional office and for the reporting organizations at The Siberian Federal District took place in Irkutsk. • Seminar for the Regional structures of law enforcement and regulatory bodies, Rosfinmonitoring Interregional office and for the reporting organizations at the North West District took place in Kaliningrad. • Seminar for judges on criminal proceedings in money laundering and terrorist financing cases took place in Moscow on September 19, 2007. • Seminar of criminal assets confiscation systems in the European countries took place

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Russian Federation- Enhancing the capacity of legal professionals and law enforcement officials to apply the ECHR in domestic legal proceedings & practices</u></p> <p>Budget EUR: 1,900,000</p>	December 2006 – December 2009	Operational	<p>Leyla Zeinalova, Directorate of Strategic Planning Council of Europe Avenue de l'Europe 67075 Strasbourg Cedex, France Tel: + (33 3) 8841-3296 Fax + (33 3) 8841-2865 Kristina Pencheva, Program Advisor, Human Rights Cooperation and Awareness Division, DG II Council of Europe 67075 Strasbourg Cedex France Tel: (33-3) 8841-3570 Fax: (33-3) 8841-3988 E-mail: kristina.pencheva@coe.int Nikolai Topornin, Director, Council of Europe Information Office Vernadskogo Prospect 76, MGIMO Building, Moscow Tel: (+7-495) 434-9077 Fax: (+7-495) 434-9075 Cell: +7-985-767-6519 E-mail: topornin@dionis.iasnet.ru</p>	<p>The overall objective of the project is to develop and strengthen the culture of human rights in the Russian Federation through increased use of European human rights standards by legal professionals, law enforcement officers and civil society structures</p>	<p>in Barnaul.</p> <ul style="list-style-type: none"> • Study visit of the Russian AML/CTF professionals to the Czech FIU took place on October 8-9, 2007 • Study visit of the Russian AML/CTF professionals to the Austrian FIU took place on October 10-11, 2007 • Legal Group meeting and Steering Group meeting on training Rosfinmonitoring staff took place on December 18 and 19, 2007 respectively in Brussels • Selection of prosecutors' trainers of the Russian Federation on European human rights standards. • Selection of judges' trainers of the Russian Federation on European human rights standards. • 10 of 20 "training-of-trainers" courses for judges of the Russian Federation on European human rights standards were conducted. • 4 of 20 "training-of-trainers" courses for prosecutors of the Russian Federation on European human rights standards took place. • 4 of 8 training seminars on the ECHR for Russian lawyers took place. • 4 of 8 awareness-raising seminars on CoE human rights standards for Russian NGOs took place • (1 of 250) Cascade training seminar for Russian judges on European human rights standards took place. • 2 of 10 "training-of-trainers" course for law enforcement officers of the Russian Federation on European human rights standards took place. • Human rights training materials were produced by national judges' trainers. • Human rights training materials were produced by national prosecutors' trainers.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Russian Federation: Enforcing the rights of the child and re-integrating children at risk into society</u></p> <p>Reference Budget EUR: 400,000</p>	December 2006 – December 2008	Operational	<p>Leyla Zeinalova, Directorate of Strategic Planning Council of Europe Avenue de l'Europe 67075 Strasbourg Cedex, France Tel: + (33 3) 8841-3296 Fax + (33 3) 8841-2865</p> <p>Kristina Pencheva, Program Advisor, Human Rights Cooperation and Awareness Division, DG II Council of Europe 67075 Strasbourg Cedex France Tel: (33-3) 8841-3570 Fax: (33-3) 8841-3988 E-mail: kristina.pencheva@coe.int</p> <p>Nikolai Topornin, Director, Council of Europe Information Office Vernadskogo Prospect 76, MGIMO Building, Moscow Tel: (+7-495) 434-9077 Fax: (+7-495) 434-9075 Cell: +7-985-767-6519 E-mail: topornin@dionis.iasnet.ru</p>	<p>The overall objective of the project is enforcing the rights of the child and re-integrating children at risk into society through awareness raising and qualitative enhancement of national policies affecting children's rights.</p>	<ul style="list-style-type: none"> • Human rights training materials were produced by national trainers of law enforcement officers. • ECHR materials were translated and disseminated. • Preparatory meeting on new joint program relating to social reintegration of children at risk and the rights of the child took place in Moscow, March 12-13, 2007 • Training seminar on social reintegration of vagrant children took place in Perm on May 23-25, 2007 • Workshop on support of families in difficulty in the best interest of the child took place in Belgorod on June 1-3, 2007 • Training seminar on reintegration of children living in institution into families took place in Volgograd, September 12-14, 2007 • Study visit to Italy on social reintegration of vagrant children and on how to support families in case of poverty and social exclusion in the best interest of children took place on October 11-13, 2007. • Training seminar on reintegration of children living in institution into families took place in Bryansk, on December 12-14, 2007

D. Delegation of the European Commission

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Training of Judges and Court Administrators II</u> Reference: EuropeAid/121313 /C/SER/RU Budget EUR: 5000000</p>	<p>January 2006 – December 2007</p>	<p>Completed</p>	<p>Eugenie Kouznetsoff, Team Leader 2-2a, Leninsky Prospect, Office 213 119991 Moscow Tel: (7-495) 230-4562 Fax: (7-495) 230-4429 Cell: 7-909-961-5704 E-mail: eugenie.kouznetzoff@yahoo.fr Elga Sykiainen, Deputy Team Leader 2-2a, Leninsky Prospect, Office 213 119991 Moscow Tel: (7-495) 230-4562 Fax: (7-495) 230-4429 Cell: 7-909-961-5704 E-mail: elga76@mail.ru</p>	<p>Objective: to consolidate and further develop the results achieved by the Tacis AP 2001 project “Training of Judges and Court Administrators”. It will have three main components:</p> <ul style="list-style-type: none"> - Training of Judges, in providing combined EU and Russian expertise; - Training of Court Administrators, so as to strengthen the courts’ capacity in management, accounting, statistics, etc. - Support to the computerization of administrative departments of pilot courts to enhance the courts’ efficiency in day-to-day court management. 	<ul style="list-style-type: none"> • The subjects for training Judges and Court Administrators has been pprioritized • Materials and training manuals for judges concerning Juvenile Justice and Administrative Law have been prepared. • Materials and training manuals for Court Administrators have been prepared. • 47 Training Seminars for Judges on Juvenile Justice delivered. They took place in Astrakhan (12), Chuvashia (8), Kaliningrad (12), Smolensk (13), Kalmykia (2). • 624 judges took part and benefited from these seminars • 48 Training Seminars for Judges on Administrative Law delivered. They took place in Astrakhan (8), Chuvashia (14), Kaliningrad (8), Kalmykia (8), and Smolensk (10). • 633 judges took part and benefited from these seminars. • The First Study Tour for Judges held, 27 May – 3 June 2007. It took place in France, and included a visit to the European Court of Human Rights in Strasbourg. • Ten Annual Conferences held in all the Training Regions. They took place in Astrakhan (2), Chuvashia (2), Kaliningrad (2), Kalmykia (2), and Smolensk (2) involving all legal professionals in those regions. • Materials prepared on Training of Trainers for Judges, and all required arrangements made for the delivery of the Training of Trainers Seminars. • All five Training of Trainers Seminars for Judges delivered. One took place in each of the five Training Regions. 52 judges took part and received training of trainers skills at

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>these seminars. The Training of Trainers Seminars created a cadre of qualified Instructors in each of the five Training Regions, thereby enhancing training capacity and strengthening the local training system. This created sustainable possibilities for the further professional formation of other Judges and legal professionals.</p> <ul style="list-style-type: none"> • An Analysis and Needs Assessment relating to the requirements and optimal activities for the Distance Learning Component conducted, and the materials to be virtualised determined/identified. • Working Group on Distance Learning that includes key Experts from the Academy of Justice has been formed, which delineated the Strategy for the Distance Learning Component, identified the themes for the Distance Learning courses, and determined how to use the technological capacity of the Academy of Justice to most effectively operationalize the Distance Learning system. This laid the groundwork for preparation of the courses. • In order to facilitate additional work, the Project Expert on Distance Learning developed a comprehensive Manual for the Academy of Justice. It provides guidance concerning 1) strengthening the Distance Learning system and developing capacity therefore, and 2) preparing quality and state-of-the-art Distance Learning courses that meet the needs of Russian Judges. • As a result of this activity, additional and valuable course content for Distance Learning has been developed, the capacity of the Academy of Justice to design and deliver Distance Learning courses has been enhanced, and the Distance Learning system has been further developed. • All eight Training Seminars for Court

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>Administrators delivered. They took place in Astrakhan (1), Chuvashia (2), Kaliningrad (2), Kalmykia (1), and Smolensk (2). 118 court administrators took part and benefited from those seminars.</p> <ul style="list-style-type: none"> • An Investigation and Needs Assessment concerning the status of and requirements for the Workstation Software for Court Administrators conducted, development of the Software (functional analysis, identification of requirements, and preliminary design) began and preparations made for subcontracting the work. • Subcontract entered into with the IT company covered all aspects of design, testing, installation, and maintenance of the Workstation Software, and provided all required technical documentation, training, and technical support. • The Workstation Software was then installed in three locations in each of the Training Regions: the Supreme Regional Court, one District Court, and the Regional Branch of the Judicial Department. User's Manuals were prepared and distributed, and technical training was provided. The Project Team conducted inspections and trial runs to determine that the work was performed according to specifications. In addition, users of the Workstation Software were consulted. • As a result of this Activity, Court Administrators in the five Training Regions now have fully operational Workstation Software that automates and facilitates key functions. They are now better able to perform recordkeeping concerning court employees, organize electronic libraries with legal Databases, control inventory, organize court statistics and information, prepare and plan court sessions, manage court property, and manage financial and technical

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>resources. The automation and improvement of these functions will strengthen court management in the Russian Federation, in an effective and sustainable manner.</p> <ul style="list-style-type: none"> • The First Study Tour for Judges was held from May 29 – June 5, 2007. It was hosted by the Constitutional Court in Paris and European Court of Human Rights in Strasbourg. • The Second Study Tour for Judges took place from 14-21 October 2007. It was hosted and organised by the Centro de Estudios Judiciarios in Lisbon, which is one of the premier institutions dedicated to the professional formation of Judges in the European Union, and also a member of the Project Consortium. Twenty Judges, including many Court Chairpersons, participated. The Study Tour included intensive exposure to the pedagogical system, work, and methodologies of the Centre de Estudios Judiciarios, meetings with the Supreme Council of the Portuguese Magistrature and the General Prosecutor, and visits to courts in Lisbon (to attend hearings and discuss the work of Judges with their Portuguese counterparts). • The Study Tour for Court Administrators held 1-8 October 2006. It was hosted by the Ecole Nationale des Greffes in Dijon and the Court of Appeal in Besançon, France, and included a visit to the Administrative Court Service in Paris. • Donor Coordination Roundtables/Conferences and related multilateral consultative mechanisms have created solid precedents and practices for information sharing and collective planning on judicial and legal reform. Events and practices are set to continue. • Bilateral consultations and cooperation have

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>increased knowledge about the Project, expanded access to and use of Project materials, and furthered Project work. There were particular benefits for Project activities relating to the Training Seminars, development of Workstation Software for Court Administrators, and Distance Learning.</p> <ul style="list-style-type: none"> • Enhanced access to informational materials concerning Donors and Projects has expanded awareness of judicial and legal reform activities, identified avenues for cooperation, and facilitated programming. • Strategic Planning has been strengthened through information sharing and consultative processes. This helps create a more comprehensive and systematic framework for supporting judicial and legal reform, particularly relating to institution building, capacity development, and raising professional qualifications. • Inter-regional cooperation has been promoted through stronger linkages between institutions and professionals in locations where reforms are underway. The Donor Coordination Conference in Kaliningrad (20-21 March 2007) exemplified how linkages can be built. The Project has also fostered cooperation between its five Training Regions. • Intra-Donor Coordination has been strengthened by bringing Projects supported by a common Donor together at Roundtables/Conferences, enabling them to share knowledge, experience, and working practices. • Participation and cooperation in reform-oriented and educational events and activities has been enhanced through collective calendaring mechanisms that facilitate attendance, access to information, sharing of materials, and greater use of expertise.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Raising Public Awareness of the Russian Legal System</u> Reference: EuropeAid/119763 /C/SER/RU Budget EUR: 3,000,000</p>	<p>August 2005 – December 2007</p>	<p>Completed</p>	<p>Igor Pellicciari, Team Leader 4, Tverskaya street, Office 131, Moscow Tel: (7-495) 510-9253 Fax: (7-495) 692-6637 Cell: 7-926-155-9143 Tel (Italy): +39-335-638-7896 E-mail: igorpel@libero.it Elena Osipova, Project Assistant, 4, Tverskaya street, Office 131, Moscow Tel: (7-495) 510-9253 Fax: (7-495) 692-6637 Cell: 7-903-274-8236 E-mail: elenaosipova@mail.ru</p>	<p>The main problem to be addressed in this project is the low level of trust of the population in the Russian judicial system, as well as the low level of legal knowledge in Russian society. In particular, the project aims to improve the level of legal awareness of society at large, including school pupils. It will improve the awareness of individual citizens of their legal rights, and how to protect them</p>	<ul style="list-style-type: none"> • Through the Consolidated Information System, the Project has established a concrete and sustainable mechanism for ensuring the widest dissemination and use of outputs from judicial and legal reform initiatives. It makes information concerning Project activities, training materials, reports and research, scheduling information for events and activities, and Website contacts available to the Donor Community and legal professionals in different regions of the Russian Federation, and also around the world. Having a single location for this valuable information facilitates access to it and prevents it from being lost when Projects and Websites close. • The Project Team has set a positive example by leaving a strong post-Project record, including all training materials and comprehensive Recommendations for future work, which is available to any interested party through the sustainable mechanisms described above. • Main areas of activities have been identified • Series of regional seminars (8) for judges and journalists have been conducted in Chuvashia Republic, Astrakhan, Ryazan, Yaroslavl and Republic of Kalmykia in June and October 2006. • Another round of regional seminars (8) for judges and journalists has been conducted in Chuvashia Republic, Astrakhan, Ryazan, Yaroslavl and Republic of Kalmykia in April-May 2007. • On June, 2007 the third round of regional workshops has been held in accordance with the schedule, namely in Cheboksary (28/05/07), Elista (7/06/07), Astrakhan (8/06/07), Yaroslavl (27/06/07) and Ryazan (29/06/07). The general aim of final working sessions of representatives of legal and media

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>professionals was to generalize the acquired information, draw conclusions and prepare practical recommendations for judges and press secretaries while they are contacting journalists. An additional task of the third round of seminars was to check the vitality of contact groups of Judges, Court Presidents and Journalists which appeared in the course of project implementation in the pilot regions.</p> <ul style="list-style-type: none"> • Twenty six TV Talk Shows in the pilot regions whose potential impact on project target groups was confirmed by the assessment have been produced and broadcasted • Eight multimedia National Talk Shows Series “Vis-a-vis with the World” (45-minute productions), which are being broadcasted on Radio channels of Radio Mayak, radio channel “The Voice of Russia” and TV Zvezda starting with November 2006 and uploaded to the Web site during the whole 2007 included broadcasts with the participation of Yelena Borisovna Mizulina, the Duma permanent representative to Russia’s Constitutional Court, the Second Secretary of the Delegation of the European Commission in the Russian Federation Pierre Dybman, doctor of jurisprudence, professor, the Plenipotentiary ambassador in resignation, the Secretary of the Union of Journalists of Russia Fedotov Michael Aleksandrovich, candidate of jurisprudence, the Councilor of Justice of the 1 class, the professor Of Faculty of Journalism and Public Relations of the Moscow State Linguistic University, the senior researcher of the Sector of the Information Rights of the Institute of State and Law of the Russian Academy of Science, the director of the project “Strategic Judicial Protection” of the

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>Autonomous Non-commercial Organization “JURIX”, deputy chairman of the Chamber of media-audience of Public Chamber for complaints on mass media Monahov Victor Nikolaevich, Aleksey Alekseevich Gagarin, a well-known honored lawyer of the Russian Federation, Prof. R. Monaco (October 2007), Head of EC Delegation to Russia, Ambassador Marc Franco (November 2007) and the Head of the Apparatus of the Legal Department of the State Duma of Federal Assembly of RF, Mr. Grigory Ivliev (December 2007)</p> <ul style="list-style-type: none"> • Twenty radio talk shows “Russia Is Always with You” on the radio station “Voice of Russia” were organized under the Project. The programs were dedicated to the problems of migration in Russia and representatives of the State Duma, Federal Migration Service, Staff of the Ombudsman of the RF and Presidential Council for the Development of Civil Society took part in those programs. • Three radio jingles on relevant legal topics that have been produced at the earlier stages of implementation in accordance with the developed concept and Media Strategy are being disseminated in five pilot regions in the period July-December 2007. • Sociological survey in the Yaroslavl oblast and the Republic of Kalmykia was carried out. • The second survey has been held in all the five pilot regions in November 2007, after the legal awareness campaign was over. • The production of audio-visual and print materials on citizens’ rights and obligations has been accomplished. Their dissemination will continue until project end, i.e. the end of year 2007. It concerns first of all the radio jingles and print leaflets. Distribution in the regions will take place via local radio

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>stations, the network of focal points, schools and public places, etc.</p> <ul style="list-style-type: none"> • The textbook “Law in Our Life” was prepared by project experts and published. It was tested at pilot schools and has received a positive evaluation by the Russian Academy for Upgrading Professional Standards and Retraining of Educators in October 2007. • Training of teachers of legal and social sciences has been carried out in October-December, 2007. It has been organized in accordance with the developed program that aims at preparing teachers from the regions in using the legal educational module “Law in Our Life”. The above training has been carried out by the educational experts and trainers who have participated in the seven-day seminar held in Moscow in September 2006. It involved 150 new teachers from five regions • The Contest for Pupils “Law in Our Life” finalized in May 2007. The contest ran at two levels. The initial level has been conducted by each pilot school independently. At this stage 38 finalists from ten pilot schools have been identified. The next level of the contest has been carried out jointly for all five pilot regions via the Internet on the 10th of May, 2007. Two winners have been selected in each pilot region. The awarding procedure has been carried out by EC Delegation representatives, project experts and members of regional boards of journalists and judges. Portable multimedia pieces of equipment (one I-Pod player (first place) and ten mobile phones) and diplomas have been handed to ten pupils who have shown best results during this contest. • Concept and provisions of the Regional Journalistic Contest «The Third Power in the Mirror of the Fourth» were developed

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<ul style="list-style-type: none"> • Regional Journalistic Contests «The Third Power in the Mirror of the Fourth» were conducted in Chuvashia Republic, Astrakhan and Ryazan. • The results of Regional Journalistic Contests «The Third Power in the Mirror of the Fourth» were announced in all pilot regions of the Project. The winners were invited for cooperation with the Agency of Judicial Information and regional mass-media • The Contests for journalists “The Third Power in the Mirror of the Fourth” have been finalized. They ran in the regions of Chuvash Republic, Ryazan and Astrakhan and at federal level. The Jury board included well-known Russian journalists, lawyers, human rights activists, representatives of the EC Delegation and Russian Parliament. Awards have been announced in four nominations defined by the Provisions, namely “Judicial sketch”, "Journalistic investigation", "Problem article", and "Constant rubric” as well as in two additional nominations, namely “Portrait of a Judge” and “TV coverage”. The Jury has selected 14 nominees for the federal contest and 12 nominees for regional contests. The nominees of the regional contests have been awarded during the third series of regional workshops. The winners of both national and regional contests were invited to take part in project’s Final Conference at the Duma on 7th of December 2007 where the nominee’s of the federal contest were awarded. • Study tour for teachers has been held in the period 30th June-7th July, 2007 to Strasbourg. This visit gave educators the opportunity to acquire additional knowledge on European and international system of legal education in general and human rights’ education in particular. The study tour has

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>contributed to raising the awareness amongst its participants of the process of introduction of the above system of legal education in the Russian Federation, establishing professional contacts with partners from the Council of Europe and European Union, broadening of the impact of the EU and Russia Cooperation program in general and that of the project in particular. Study tour participants have visited the Faculty of Law of Strasbourg University, the Council of Europe, and European Court of Human Rights.</p> <ul style="list-style-type: none"> • The second Study Tour for a mixed group of Judges and Journalists has been held to judicial institutions of Brussels and Luxembourg in the period from 10-16 December, 2007. It has involved nine regional participants. • The Project Final Conference gathering at least 100 participants has been held in the Duma on 7th of December 2007. The conference has gathered more than 100 participants who were representing the EC Delegation, members of Russian parliament, the Ministry of Education and Science, judges, journalists, teachers and other representatives of project's federal and regional beneficiaries. Conference participants have been acquainted with the results achieved by the project in three components, i.e. the impact of the legal awareness campaign on the level of awareness of the legal system in pilot regions and the conclusions of the sociological surveys, educational materials developed by project experts, the outcomes of regional workshops for judges and journalists, an analysis of the contemporary condition of legal regional journalism, results of the federal contest for journalists and other project events. The ceremony of award of the

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Alternatives to Imprisonment – supply of electronic monitoring and tracking equipment</u> Reference: EuropeAid/125339 /C/SUP/RU Budget EUR: 2433000</p>	August 2007 – December 2008	Operational	John Harding, Team Leader 4, Tverskaya street, Office 131, Moscow Tel: (7-495) 510-9253 Fax: (7-495) 692-6637 E-mail: jkharding@tiscali.co.uk	The purpose of the contract is a supply of equipment for the Federal Service of Implementation of Sanctions of the Russian Federation in order to carry out pilot trials of electronic monitoring and tracking devices.	<p>national contest for journalists reporting on legal matters “The third power in the mirror of the fourth” has also taken place. Thus, the conference has offered an additional very powerful opportunity to increase the visibility of the project and the impact of its achieved results among the Duma representatives and other key beneficiaries.</p> <ul style="list-style-type: none"> • The Steering Committee established and the first meeting of the Steering Committee conducted. • Tender for the first lot was conducted and the winner declared. The pilot region for testing the equipment shall be Tambov region. Delivery period – 12 weeks • Equipment has been delivered in time and the testing began.
<p><u>Prevention of Human Trafficking</u> Budget EUR: 4444444 with co-financing support from the Governments of USA and Switzerland</p>	March 2006 – August 2008	Operational	Dmitriy Babin, Assistant to the Project International organization for Migration (IOM Moscow) 2-ya Zvenigorodskaya St., 12, Moscow, 123100 Tel: (495) 797-8722; (495) 253-1335 Fax: (495) 253-3522 e-mail: dbabin@iom.int	<p>The main objective of the project is to combat trafficking in human beings in the Russian Federation as a country of origin, transit and destination.</p> <p>Special objectives: Policy Advice: improving the legislative framework and the State policies regarding human trafficking, including the national capacity to assess and measure this phenomenon in Russia. Prevention: strengthening the capacity of the relevant law enforcement agencies to combat human trafficking; raising awareness amongst the risk group, general public and relevant Russian authorities, NGOs and diplomatic missions of foreign states.</p>	<ul style="list-style-type: none"> • MTV EXIT Concert, 8th September, 2006 Saint-Petersburg. The purpose of the event, jointly organized by MTVEF and IOM within the framework of their respective projects, the MTV EXIT Campaign to End Exploitation and Trafficking and “Prevention of Human Trafficking in the Russian Federation”, is to increase the awareness of the problem of trafficking in human beings among young people in St. Petersburg and throughout Russia. • On October 30-31, 2006 IOM Moscow within the EU-IOM Project held a round-table meeting on the establishment of the sustainable inter-agency mechanism for the referral of trafficking victims in the Moscow region. • On November 16 and 17, 2006, IOM Moscow in cooperation with the press-service of the Federal Migration Service of Russia (FMS) held training for journalists

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
				<p>Reintegration: building the capacity of the national authorities and local NGO networks to protect and reintegrate victims of trafficking.</p>	<p>from three pilot regions of EU-IOM Project in “Bolshevo”- Training Centre of FMS of Russia.</p> <ul style="list-style-type: none"> • IOM Rehabilitation Center (RC) was officially opened in Moscow on the 10th of April 2007. In the Rehabilitation Center the victims of trafficking will receive medical, psychological and social assistance which will help them to faster stabilize in normal life. The Rehabilitation Center is opened in the premises of one of the hospitals on the basis of Agreement on Medical Services between IOM Moscow and the Hospital. IOM RC has the capacity to accommodate simultaneously 19 victims of human trafficking and to provide them with 5 meals per day and the required hygiene items. The Rehabilitation Center has 11 medical specialists, including therapists, gynecologist, psychologist, nurses, social workers and technical staff. The RC personnel were trained with 4–day course on specifics of work with such victims. This training course was prepared by the specialists of Kiev Rehabilitation Center. By the middle of June 2007 IOM Moscow has assisted 72 victims of human trafficking. • IOM Information Centers (IC) are designed to provide legal counselling and other information to the population residing in three pilot regions of the project, as well as to the migrants from other regions of Russia and to foreign nationals in order to provide a proactive prevention of the forced labour and other human trafficking related situations. In coordination with the RF Federal Migration Service (FMS) which initially expressed great interest and readiness to cooperation within this project component, during a certain period of time (presumably until the end of 2007) the Moscow ICC will be

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>functioning in the IOM premises located at the address: 12, 2nd Zvenigorodskaya St., Moscow. At present FMS of Russia and IOM Moscow are negotiating the possibility of further passing of the ICC to the FMS structure because FMS is vitally interested in the development of the informational work with population and migrants considering it to be an important element of the effective migration policy.</p> <ul style="list-style-type: none"> • In early May 07 the Information and Consultative Center (ICC) started its work in Moscow. The ICC is aimed at providing consultative services to various groups of population and migrants from other Russian regions as well as from foreign states with the purpose of early prevention of forced labor and of other trafficking related situations. • The Poster Contest on the theme of “Human Trafficking in the 21st Century” was organized by the International Organization for Migration on the 15th of April 2007. The purpose of the contest is To heighten public awareness of existing forms of human trafficking in the Russian Federation especially in order to inform the youth of its dangers • On April 16-20, 2007 the first study visit to Italy was organized. The Russian delegation consisted of 18 participants, including representatives of the State Duma of the Russian Federation, • On the 16th of May, 2007 a meeting was held between the Head of the International Legal Division at the Supreme Court of the Russian Federation Mr. Vladimir Zukav and the Project Coordinator Alberto Andean. The prospects and possible areas of cooperation were discussed. As a result of the meeting both parties have come to an agreement to

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>study possibility of continuation of contacts and exchange of information between the Supreme Court's units and IOM Moscow in the framework of the EU and Sida's Projects.</p> <ul style="list-style-type: none"> • The training seminar for the Russian non-governmental organizations was held on 4-5 of June, 2007 in Hotel Heliopark near Moscow. • On 12th of July the Coordination meeting with the representatives of the EU Diplomatic missions to Russia was held in Moscow • On the 5-6th of July 2007, the first round-table, out of the series of three pre-planned meetings, was carried out in Petrozavodsk. • On the 18-19 of July, 2007 the first round table, out of the series of three pre-planned meetings, was organized in the city of Astrakhan. • Rock Concert against Trafficking in Human Beings took place in Petrozavodsk, Karelia, on September 15, 2007. • Rock Concert against Human Trafficking under the slogan "NO to human trafficking. Rock for freedom" – took place in Astrakhan on September 23, 2007. • On October 1, 2007 Social Poster Competition 'Human Trafficking. XXI Century', announced by IOM on April 15, was completed. • On August 31 – September 2, 2007 International seminar on Human Trafficking Prevention took place in Sortavala, Karelia • On 28-31 of October 2007 IOM has organized the study tour to the Republic of Belarus. The objective of the tour was to enhance the capacity and to exchange professional experience of the law enforcement officers of Russia and the Republic of Belarus. The Russian delegation included official representatives of the RF

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Cooperation between Constitutional Courts of European Countries and the Russian Federation</u></p> <p>Under the framework of EU TWINNING Program</p>	September 2006 – December 2007	Completed	<p>Olga Sidorovich, Director, Institute of Law and Public Policy 9/2, Maroseika, office 34, Moscow Tel: (7-495) 928-0200, Tel: (7-495) 564-8683 Fax: (7-495) 921-0733 Cell: 916-116-7455 E-mail: olgasid@ilpp.ru</p>	<p>The main goal of the project is to share the experience with European Constitutional Courts in the field of constitutional law and constitutional control during implementation of the legal, institutional and administrative reforms in Russian Federation.</p> <p>During the project realization the series of seminars will be organized to discuss such topical questions as problems of interpretation of some concepts of the European Convention for the Protection of Human Rights and Fundamental Freedoms, the practice of the Constitutional Courts of EU member states in the sphere of tax violation, the problems of execution of constitutional court decisions and etc. As a result of seminars the series of publications will be published.</p> <p>The project will provide to Russian experts to participate in four Study-tours to Constitutional courts of Germany, France and Austria with attendance of European court of Human Rights in Strasburg and Court of Justice of the European Communities in Luxemburg. The themes of all Study-tours will interconnect with topics of follow-up seminars.</p>	<p>State Duma, Prosecutor General’s Office of the RF, Prosecutor Office, the RF MoI Department for Countering Organized Crime and Terrorism, National Anti-criminal and Antiterrorist Foundation.</p> <ul style="list-style-type: none"> • On February 18-23 the first Study tour visit devoted to the tax law took place. During the visit 10 representatives of the Constitutional Court of the Russian Federation have lead meetings and round tables with judges and scientific members of Federal Constitutional Court of Germany in Karlsruhe and experts of Institute of Max Planck in Heidelberg. During pre-starting work the Russian and German experts chose the most relevant questions of the constitutional practice in taxation, a number of decisions of Federal Constitutional Court of Germany, which crossing with the program of the Study tour visit has been translated on Russian. • On March 20-21, in the small conference-hall of Russian Constitutional Court the first follow-up seminar (after Study-tour to Germany took place. This seminar was devoted to the questions of tax Law and budget federalism. The participants of the seminars shared their experience in constitutional regulation of the problems of financial resources allocation between subjects of federation, the role of constitutional courts in regulation of these processes, in establishing of balance between the financial leveling and principles of Federalism. During the seminar four presentations of Russian and German experts of the project were discussed. • On April 10-11, the second follow-up seminar (after Study-tour to Germany) took place. This seminar devoted to the topical questions of the Study-tour - tax Law and budget federalism: allocation of tax

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>competences in German Constitutional and European law, problem of constitutionality of the legislation on non-tax fiscal payments, financial relations in new created subjects of the Russian Federation etc. The scientific members of the Russian and German constitutional court, the experts of the project participated in this seminar.</p> <ul style="list-style-type: none"> • On May 27 – June 2, the study-tour to Austria for members of the Russian Constitutional Court took place. The Russian participants took part in a series of round tables with participation of President, judges and scientific members of the Austrian Constitutional Court, visited the Austrian President’s residence and Viennese economical University – to the Institute of Austrian and European public law. • On June 3-9, the study-tour to France for members of the Russian Constitutional Court took place. The program of the study tour devoted to the questions of influence of European jurisdiction to the national jurisdiction and institutions. The series of round tales with participation of President, judges and scientific members of the French Constitutional Council was organized. The Russian participants also had an opportunity to visit the Court of Justice of the European Communities in Luxemburg. • On September 16-22, the study-tour to Germany and France for members of the Russian Constitutional Court took place. The program of the study tour include the series of round tales with participation of President, judges and scientific members of the German Constitutional Court, and visit to European Court of Human Rights in Strasbourg. • On October 8-9, International seminar with participation of judges and members of the French Constitutional Council and Russian

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>Constitutional Court took place. The program of the seminar was dedicated to the questions of influence of European jurisdiction to the national jurisdiction and institutions and include the topical questions of French and Russian practice of constitutional justice.</p> <ul style="list-style-type: none"> • On October 16-17, International seminar with participation of judges and members of the Austrian Constitutional Court and Russian Constitutional Court took place. The program of the seminar was dedicated to the questions of protection of constitutional rights, such as property right and restriction of fundamental rights. • On November 19 Final Conference for the Project took place in Moscow. At the Conference representatives of the Constitutional Courts of Germany, France and Russia discussed the influence of the jurisprudence of the European Court of Human Rights on the Constitutional Courts' practice.

E. France: French Embassy, Division for Cultural Cooperation

Project	Duration	Status	Contact Person	Objectives	Achievement/Results
<u>Support to Lawyers and Notaries Public</u>		Operational	Service de coopération et d'action culturelle, Ambassade de France en Russie, 45, Bolchaya Iakimanka 119049 Moscou, Russie Tel: (7-495) 937 15 10 ; Fax: (7-495) 937 15 11	Providing Russian lawyers and notaries public with necessary legal materials, raising their qualification.	Training, provision of legal materials, exchange visits
<u>Technical Assistance in Legal and Judicial Reform</u>		Operational	Service de coopération et d'action culturelle, Ambassade de France en Russie, 45, Bolchaya Iakimanka 119049 Moscou, Russie Tel: (7-495) 937 15 10 ; Fax: (7-495) 937 15 11	Promotion of legal and judicial reform in Russia	<ul style="list-style-type: none"> • Cooperation with the Ministry of justice of the Russian Federation, Presidential Administration, Supreme Court, Supreme Arbitrazh Court, Prosecutor General's Office • Establishment of partnerships between Russian regional courts and other institutions and their counterparts in France. • Joint training of judges by l'Ecole Nationale de la Magistrature and Russian Academy of Justice • Cooperation of Secours Catholique in conducting training in the field of juvenile justice.

F. United States: US Agency for International Development (USAID)

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>Creation of Pilot Courts</u>	Launched in 2000	Operational	Alexander Shibanov, Chief of Party 1 Tverskaya Yamskaya Street, office 23 Business Centre Parus, Moscow Tel: (7-495) 739-7560 Fax: (7-495) 739-7561 E-mail: ashibanov@chemonics.org.ru	Support to two pilot courts – Pushkinsky District Court in Leningrad Region and Priokhsky District Court in Nizhniy Novgorod: procurement of computer equipment, creation of the automated systems, training of judges' assistants according to the programs for court clerks, exchange programs, introduction of random case assignment, case management. Two more courts have been chosen to showcase the reforms from those pilot courts (they are calling them	<ul style="list-style-type: none"> • Project's pilot courts were fully equipped and continue to introduce innovative case management techniques for expansion to other courts (computerized case management system, random case assignment, improved clerks office and archives, creative use of the position of law clerk). • Two implementations courts are using the experience and innovative methods of pilot courts in order to showcase the reform. • One more implementation court was chosen – Zhukovsky district court in the town of Zhukovka.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Russian-American Rule of Law Consortium</u> \$5000000 per year</p>	<p>Launched in 2000 (before - Vermont with the Republic of Karelia Partnership, launched in 1992)</p>	<p>Operational</p>	<p>Ilya Padchin, Project Coordinator, 10/1 Mantulinskaya Street, Moscow Tel: (7-495) 205-5795 Fax: (7-495) 205-6128 Cell: 7-916-612-2682 E-mail: ipadchin@abamos.ru</p>	<p>"implementation courts") one in Krasnodar Kray (Territory) and one in Khabarovsk Region</p> <p>Entails financing and supporting efforts of volunteer organizations in nine American jurisdictions to build and maintain partnerships with corresponding legal institutions in nine of Russia's regions. RAROLC partnerships have expanded from Vermont with the Republic of Karelia to include Maine and Archangelsk Oblast, Maryland and Leningrad Oblast, Western New York and Novgorod Oblast, New Hampshire and Vologda Oblast, Massachusetts and Tomsk Oblast, Connecticut and Pskov Oblast, Alaska and Khabarovsk Krai, and Oregon and Sakhalin Oblast.</p>	<ul style="list-style-type: none"> • In February 2007 information kiosks for all five pilot courts were procured and installed. • Starting with 1992, RAROLC has conducted more than 160 educational events in Russia and USA with participation of more than 3000 jurists. As a rule, RAROLC attracts experts from Supreme Court of the Russian Federation (RF), Highest Arbitrazh Court of RF and Constitutional Court of RF, and from other institutions, such as Ministry of Justice, Russian Parliament, Prosecutor General's Office or Legal Academy, and also experts from USA and experts from Russian regions. • Additional partnership was established between the Washington State and Primorskiy Region. • Vermont lawyers and judges have assisted in facilitating and implementing progressive reforms in Karelia. The project brought an Internet connection to the Law Department at Petrozavodsk State University and assisted in establishing there the first legal clinic in Russia. Drawing on the model of the Vermont Bar Association, the Karelian legal community established the first new voluntary association of lawyers: the Union of Jurists of the Republic of Karelia. • Each partnership initiates its own programs and topics based on the needs of its particular communities, and each has its own creative approaches to the problems it is addressing. Such programs and topics include the following: Russian Court System, Domestic Violence & Juvenile Justice, Alternative Dispute Resolution, The American Judicial System, Court Administration, Jury Trials, Judicial Selection, Judicial Ethics, Judicial Education, Legal Profession in Russia, Substantive Areas of Law, Law School Partnerships, Adversarial Methods. • RAROLC has recently produced the first issues of two distinctive newsletters, each published

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
---------	----------	--------	----------------	------------	----------------------

exclusively in Cyrillic. The Bulletin offers stories and information about important developments in RAROLC activities and the Russian legal system at large. The Court Reporter features selected decisions of the courts in the Northwest Administrative District related to criminal procedure code and, specifically, to jury trials. In future issues –which will come out as decisions become available—we hope to publish the most important decisions of the Russia Supreme Court on jury trial procedures, all jury trial decisions of the Russia Supreme Court involving cases from Northwest Russia, all decisions of the regional courts in Northwest Russia from jury cases, and selected criminal procedure decisions of Northwest Russia courts.

- In the fall of 2003 RAROLC began publishing reports on jury trial practice. RAROLC has also arranged for publication of decisions of oblast courts in the Russian Northwest.

Among recent events:

- From **June 10 to June 17** Khabarovsk legal community hosted a delegation from Alaska for a week-long rule of law exchange program. The topics of the program were the following: court transparency and public accountability, professional ethics for judges, lawyers, prosecutors and other court employees, and plea bargaining. The program brought together Khabarovsk and Alaskan judges, attorneys, prosecutors, other legal professionals, legal educators and students.
- A week-long rule of law exchange program between legal experts in Oregon State and Sakhalin took place in Yuzhno-Sakhalinsk on **June 4-9, 2007**. The program was hosted by the Court of General Jurisdiction, Arbitrazh Court and the Office of Prosecutor General of Sakhalin Region. The program included three one-day seminars which focused on legal issues related to adoption (including international adoption),

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>investigation and trial of drug and drug-related crimes and role of defense attorneys in civil cases.</p> <ul style="list-style-type: none"> • The goal of the seminar “Legal Issues Relating to the Application of International Law to the Resolution of Disputes in the Courts of Pskov Region” was to help Russian participants improve their knowledge of relevant international law and, in particular, the decisions of the European Court of Human Rights (ECOHR). The Seminar analyzed critical decisions of that court in the areas of criminal law, children’s rights, property law, and other fields, and sought to develop ways of implementing those decisions on the regional and local level. Two leading academic experts, Prof. Vladislav L. Tolstykh of the Russian Academy of Law in Moscow, and Prof. Mark Janis of the University of Connecticut School of Law, addressed issues relating to the development of international law and its effect on the administration of justice within the countries of Europe. Judge Svetlana Grigorievna Kolesnikova of the Leningrad Oblast Regional Court described her experiences in implementing ECOHR decisions in such areas as children’s rights, deportation, and property law. Judges Michael Sheldon and Jonathan Silbert of the Connecticut Superior Court described how they address issues similar to those that have been the subjects of ECOHR decisions, even though those decisions are not binding on the courts of the United States. • Seminar “Legal Issues Relating to the Application of International Law to the Resolution of Disputes in the Courts of Pskov Region” was conducted in Pskov with support of Connecticut lawyers. • Seminar “Adoption in the U.S. and Russia; Investigation and Trial in Drug and Drug-Related Crimes” was conducted in Sakhalin with the participation of judges from the Oregon Supreme Court and Marion County Court. • Seminar “Public Accountability & Ethics” was conducted in Khabarovsk with the participation of

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>lawyers from Alaska.</p> <ul style="list-style-type: none"> • On July 23-27 a delegation of 10 judges, members of the Bar and prosecutors from the Republic of Karelia visited Montpelier, Vermont, under the framework of exchange program. • On July 23-27 a delegation of 10 judges, members of the Bar and prosecutors from the Novgorod Region visited Rochester, New York, under the framework of exchange program. The delegation discussed the topics of plea bargaining, pretrial conferences and conducting trial. • On July 23-27 a delegation of 10 judges, members of the Bar and prosecutors from the Vologda Region visited Concord, New Hampshire, under the framework of exchange program. The delegation discussed the topics of sentencing and probation. • RAROLC Annual Board Meeting was held in Manchester, NH, on August 24, 2007. At the meeting annual reports were presented, presentation and discussion on RAROLC future programs and organizational development took place. • On September 17-21 a delegation of 10 judges, prosecutors, defense attorneys and legal scholars from Khabarovsk Territory visited Alaska where discussed the topics of Public Accountability and Court Transparency, Public Confidence in the Courts including privacy concerns, plea bargaining, and ethics. Exchange visit was organized with the support of Open World Program. • On September 17-18 a delegation of 5 judges and attorneys from Connecticut visited Pskov where took place in the seminar on the issues of Bankruptcy; Domestic Violence in Justice of Peace Courts. • On September 17-21 a delegation of 10 judges, prosecutors, defense attorneys and legal scholars from Tomsk region visited Massachusetts where discussed the topic of Prosecution, Adjudication

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>and Defense of Major Felony Cases. Exchange visit was organized with the support of Open World Program.</p> <ul style="list-style-type: none"> • The Maine-Archangel Rule of Law Committee hosted a delegation from Arkhangelsk in Maine from October 20-27, 2007. The delegation included judges, a justice of the peace and a city department head from Arkhangelsk. Delegates spent time in state and federal courts and had the opportunity to meet officials of the Penobscot Nation Tribal Court system. Portland Mayor Nicholas Mavodones hosted an official reception for the delegates at City Hall and introduced them to city officials. Visits to the University of Maine School of Law, the Cumberland County Jail and the Verrill Dana Law Firm were also part of the program. Delegates had an opportunity to meet with Governor John Baldacci, Attorney General Steve Rowe and Secretary of State Matt Dunlap while in Augusta. Magistrate Judge Margaret Kravchuk hosted the delegates at the U.S. Federal Court in Bangor. • On October 23-24, 2007 American delegation from Rochester, New York visited their Novgorod partners to focus on two separate events. The first is a seminar on trial advocacy and expert witnesses. The American and Russian sides examined general principles in admissibility of expert testimony addressing such issues as qualifications of experts and scientific reliability of evidence. The delegation also presented information at a seminar related to drug courts to identify steps in setting up a drug court pilot project in Novgorod. • On October 24-25, 2007 a delegation from New Hampshire visited Vologda Oblast. This event follows up on the successful conference, State and Community Response to Domestic Violence, held in Vologda in 2005 with a multidisciplinary audience. Since that time, the Vologda Regional Department of Labor and Social Development has

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>completed the first stage of their project on gender equality and violence and has been working on the implementation of at least two crisis centers for victims of domestic violence. The New Hampshire group was invited back to learn about and support the progress that Vologda has made in this area and to assist with additional training and supplementation regarding effective interventions in the area of domestic violence. The Vologda community is seen as a leader in the area of progressive reform in the area of domestic violence. This initiative between the New Hampshire and Vologda partners is one of several current domestic violence initiatives in the Russian American Rule of Law Consortium.</p> <ul style="list-style-type: none"> • On November 12-16, 2007 a delegation from Vermont visited Karelia. The Vermont team, consisting of the Honorable Dean Pineles (retired) and attorney Pamela Marsh, sponsored a half-day bench bar meeting to bring together judges from the general jurisdiction courts in Petrozavodsk and advocates and procurators who regularly practice in those courts in the area of juvenile justice to improve the operation of the courts and develop a better working relationship among participants. The Vermont team presented information on the purpose of bench/bar meetings in Vermont generally, including how a bench/bar meeting is conducted, who attends, what subjects are discussed, how the agenda is set, and how problems are solved. Following up on the May 2007 RAROLC conference in Karelia on juvenile justice, and the July 2007 Open World visit of Karelian prosecutors, judges and advocates to Vermont, the Karelia Supreme Court sponsored a one day conference on improving juvenile justice proceedings, identifying specific problem areas. Participants reported on progress since May and barriers. Vermont Judge Dean Pineles and Vermont attorney Pamela Marsh presented information on the juvenile justice system in the

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>United States. Karelian presenters, including Justice N. Tarabina of the Justice of the Peace Court; Petrozavodsk City Court Judge V. Tershko; Executive Secretary of the Juvenile Commission, N. Perevedentseva; Advocate Dina Zakirova; and Prosecutor Inna Taratunina; reviewed their roles in handling juvenile cases.</p> <ul style="list-style-type: none"> On November 26-30, 2007 following the domestic violence seminar and partners meeting in St. Petersburg in May 2007, the Leningrad Judicial Department informed the Maryland partnership that Tosno (city within the Leningrad Oblast) is willing to work on developing a pilot program for a domestic violence initiative. Maryland hosted a delegation to explore various domestic violence initiatives in the United States, social services provided to victims, police processing policies and procedures, and criminal and civil laws pertaining to the subject matter. The main goals of this study tour were to implement a domestic violence project in Tosno with support from local government, social services, judiciary, justices of the peace, prosecutors, law enforcement and advocates. The program will be designed to raise awareness and to help establish long term initiatives on preventative measures.

American Bar Association (Central and Eastern Europe Law Initiative (ABA/CEELI)

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>Advocacy</u>	Launched in 1995, as to civic organizations launched in 2003	Operational	Marc Lassman, Country Director, 10/1 Mantulinskaya Street, Moscow Tel: (7-495) 205-5795 Fax: (7-495) 205-6128 Cell: 7-916-596-6352 E-mail:	Skills training for lawyers and law students, development of clinical legal education and legal clinics, and general training for civic organizations on implementing advocacy efforts.	<ul style="list-style-type: none"> Legal clinics in Tver, Samara, Stavropol, and Arkhangelsk were created or strengthened; they are used to train other clinics (now more than 80) and develop clinical programs. Four textbooks on clinics has been published. CEELI has begun linking and cross-training clinics specializing in particular fields, such as representing prisoners, children, and refugees.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
			<p>mlassman@abamos.ru Katerina Shugrina, Directing Attorney for Advocacy Program 10/1 Mantulinskaya Street, Moscow Tel: (7-495) 205-5795 Fax: (7-495) 205-6128 E-mail: eshugrina@abamos.ru</p>		<ul style="list-style-type: none"> • CEELI developed and presented five practical skills trainings on applying to the RF Constitutional Court. The goal of each training was to promote greater transparency in the Russian judicial system by exploring the process of applying to the RF Constitutional Court. The program was designed to give practical advice to lawyers seeking review in the Constitutional Court. After each training one or two application were forwarded to the Constitutional Court. One of the most known was on behalf of the Nord-Ost musical victims. • Russian Clinical Legal Education Association was created. • CEELI gave a mini-grant for the development and support of the clinical legal education website (www.lawclinic.ru). The purposes of the project are: (1) to develop the clinical site www.lawclinic.ru as an instrument of informational exchange between legal clinics and clinicians; (2) to form and convey the consolidated public opinion and to lobby the legal clinic's interests especially at the development and passing new state teaching standards, new work conditions of Institutes of Higher Education under the transition to the European system of higher education (Bologna process); (3) to organize a general informational resource for groups of specialized legal clinics; (4) to use the site as informational resource for the unification of NIS clinicians. • CEELI has assisted the Federal Chamber of Lawyers (Federal Bar Association) to implement a series of continuing legal education (CLE) courses, including courses on trial skills. In July 2004, the Board of the Chamber passed a resolution requiring every attorney in Russia to take 72 hours of CLE in a five-year period. One of such trainings was done for young attorneys from Novgorod regional Chamber on basic practical skills.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<ul style="list-style-type: none"> • CEELI has provided in translation materials on disciplinary practice in the United States, which various chambers have used in their own disciplinary matters. • For several years CEELI has funded partnerships between the legal communities of various U.S. and Russian jurisdictions, now numbering nine, concentrated in Russia's Northwest but also including Siberia, Southern Russia and the Russian Far East. • CEELI continues to assist Russian civic organizations to build their capacity to conduct advocacy campaigns. The focus has been not only on using litigation as a tool but also on how to lobby, conduct publicity efforts and enlist public support for various advocacy initiatives. CEELI started to cooperate with different "umbrella" NGO organizations conducting through them workshops for different NGO lawyers. CEELI also helped several USAID grantees to found an Association for NGO lawyers and an Association for lawyers specializing in labor law. • CEELI continues to publish and distribute essential information on the legal profession for use by advocates in their everyday work. This year, CEELI finalized and published the <i>Practical Skills Textbook, 2nd Edition</i> (together with OSCE), updated for use by practicing attorneys and continuing legal education centers. It also updated its <i>Applying to the Russian Federal Constitutional Court</i>, a practical reference on the procedure submitting cases to the Constitutional Court for legal professionals. • CEELI started incorporating interactive clinical methods into regular legal courses as constitutional law and labor law. The Ministry of Education of RF selected Moscow State Legal Academy as the basic law school for CLE of law professors. The advocacy program now is assisting this law school to promote interactive methods, to incorporate new classis into the

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>Gender Issues</u>	Launched in 1999	Operational	Marc Lassman, Country Director, 10/1 Mantulinskaya Street, Moscow Tel: (7-495) 205-5795 Fax: (7-495) 205-6128 Cell: 7-916-596-6352 E-mail: mlassman@abamos.ru Julia Antonova, Directing Attorney for Gender Programs 10/1 Mantulinskaya Street, Moscow Tel: (7-495) 205-5795 Fax: (7-495) 205-6128	Working with local organizations to identify problem areas generally and to develop strategies to alleviate specific issues such as domestic violence and employment discrimination, training women as "Social Advocates" -- individuals who have a basic understanding of the legal situation a battered woman faces -- to provide advice and assistance through women's support organizations.	<p>regular curriculum. During the seminar there was the discussion about the most frequently used interactive methods such as brainstorming, demonstration, providing feedback, role game, mock trials, Socratic dialog (questions and answers), small groups and some others.</p> <ul style="list-style-type: none"> • On April 7-8, 14-15 and 28-30, May 13, 2007 training course "Professional Lawyer's Skills" was delivered in Moscow to the members of the Federal Bar Association • On April 16-24, 2007 the seminar "Quality Management in Education: for the Teachers of Legal Disciplines" took place in Moscow. • On June 8, 2007 the Roundtable "System of Legal Assistance in Civil Cases in Russia" took place in Moscow. • On November 16-19, 2007 Seminar "Attorney's Work at the European Court of Human Right" took place in Novgorod. • More than 100 Social Advocates (non-lawyer activists) have been trained to navigate the legal system on behalf of victims of domestic violence. The training program has expanded geographically to include Samara and the Russian Far East, and substantively to how to represent victims in court proceedings. • A coordinating committee to fight domestic violence has been formed in Samara and is actively engaged in working with governmental agencies and NGOs to find solutions and to provide temporary shelter for domestic abuse victims. • CEELI continues to distribute its bulletin for Social Advocates, Stranichka Sotsialno Advokata (A Page from a Social Advocate), which, in addition to being a substantive resource, helps build and maintain an active network of individuals and NGOs working on domestic violence issues. • CEELI released its CEDAW Assessment Report for Russia, which evaluates that country's de jure

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>and de facto compliance with the UN Convention on the Elimination of all forms of Discrimination against Women (CEDAW). The report was compiled using CEELI's CEDAW Assessment Tool, a resource that uncovers the legal obstacles that frustrate the achievement of greater gender equality and separately measures the degree to which women, in practice, are accorded the rights and status guaranteed to them under CEDAW. This report was researched and published with the support of USAID.</p> <ul style="list-style-type: none"> • Roundtables “Gender Violence and Discrimination in Russia: Legal Ways of Solving the Problem” were conducted in Khabarovsk on April 20, 2007 and in Vladivostok on May 25, 2007 • Training for Justices of the Peace “Justices’ of the Peace Activities in Domestic Violence Cases: Justice and Responsibility” was conducted in Khabarovsk on April 21, 2007 and in Vladivostok on May 26, 2007 • Seminar on Inter-Agency Cooperation for Prevention of Domestic Violence took place in Chelyabinsk on April 29, 2007 • Training “International/National Legislation and Women Rights Protection Practice” was conducted in Kaliningrad on May 19-20, 2007 • Training course “Legal Assistance Skills in Domestic Violence Cases” was delivered in Vladivostok on May 28-31, 2007 and in Dubna on June 18, 2007 • Roundtable “Gender Training at School” took place in St. Petersburg on June 25, 2007 • Training “Domestic Violence Prevention: Development and Integration of the Model of Inter-Agency Cooperation fro the Representatives of Different Professional Groups” was conducted in Petrozavodsk on August 3-5, 2007. • Training for social workers on DV instruction took place in Dubna, Moscow region, in December 2007.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>Criminal Law Reform</u>	Launched in 1995	Operational	<p>Marc Lassman, Country Director, 10/1 Mantulinskaya Street, Moscow Tel: (7-495) 205-5795 Fax: (7-495) 205-6128 Cell: 7-916-596-6352 E-mail: mlassman@abamos.ru</p> <p>Maria Voskobitova, Directing Attorney, Criminal Law Reform Program 10/1 Mantulinskaya Street, Moscow Tel: (7-495) 205-5795 Fax: (7-495) 205-6128 E-mail: mvoskobitova@abamos.ru</p>	<p>Includes teaching jury trial skills, assisting in the creation of a system of effective free criminal defense counsel for the indigent, and adoption of investigation and prosecution skills to combat human trafficking. Also the program promotes anti-corruption awareness within the Russian legal community. Strengthening the defense bar is viewed as a primary component of fighting corruption within the legal system.</p>	<ul style="list-style-type: none"> • Together with the Department of Justice program, CEELI's rule of law program has set up a pilot project of a free legal advice clinic in Novgorod Oblast, which has been so successful that the oblast administration wants to expand it. • CEELI has helped create informal associations of specialized law school clinics to provide free assistance to juveniles, refugees and prisoners. • After the Criminal Code of the Russian Federation was amended to include anti-trafficking provisions in fall 2003, the lack of knowledge regarding investigative and prosecutorial techniques relevant to trafficking cases became evident. In cooperation with the Ministry of Internal Affairs (MVD), CEELI interviewed field investigators and prepared a comprehensive, practical, Russia-specific handbook for prosecutors, criminal investigators and inquiry officers. In February 2005, CEELI published a draft of the handbook and distributed it to all MVD offices in Russia. The final handbook was completed in fall 2005. • CEELI has worked with the U.S. Embassy in Moscow and the Russian Ministry of Interior to conduct train-the-trainers seminars for professors of the MVD institutes from across Russia. Additionally, CEELI has conducted training for investigators and inquiry officers and continues to work with the U.S. Embassy to help the Legislative Committee of the Russian Federation monitor the application of the recent human trafficking amendments to the criminal code. • In the past year, CEELI published its Human Trafficking NGO Directory with information about all NGOs throughout Russia working on the issue of human trafficking. The directory delineates the types of activities the NGOs undertake and the services they provide. It provides information on resources for victim assistance that are available from NGOs and serves as a valuable resource to agencies and

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>NGOs for the proper referral human trafficking victims for services and care. The directory is being widely distributed.</p> <ul style="list-style-type: none"> • CEELI has launched a project to provide access to justice for the indigent. The project focuses on the indigents' right to counsel in criminal cases and to free legal assistance in select civil cases. • In April 2005, CEELI and the Public Center for Stable Development in Pskov launched <i>Corruption Prevention at the Municipal Level</i>, a pilot seminar that brought together deputies of the Pskov City Duma and other high-level officials of municipal bodies from several districts of Pskov and Pskov Oblast, private entrepreneurs, MVD officials and several journalists. • Through regular consultation and technical assistance, CEELI has assisted the Federal Advocates' Chamber in establishing an All-Russian Defense Bar Training Center. Since the start of this program in 2002, more than 600 attorneys throughout Russia have participated in the seminars. Most of the attorneys in these seminars have had no jury trial experience, so they value the seminars' emphasis on practical skills. • Seminars "International Human Rights Standards and Criminal Justice" were conducted in Moscow on April 4-6, 2007, in Krasnoyarsk on May 10-12, 2007 and in Rostov-on-Don on June 25-27, 2007 • Seminars "Jury Trials Working Skills" were conducted in Voronezh on April 24-27, 2007, in Moscow on May 23-26, 2007, in Belgorod on June 1-4, 2007 and in Vladivostok on July 10-13, 2007 • In June 2007 a conference for lawyers and judges from Alaska and Khabarovsk on the issues of juvenile justice took place in Khabarovsk. • On September 13-15, 2007 seminar on the fight of corruption took place in Yaroslavl. • On September 25-27, 2007 seminar on the fight

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>of corruption took place in Rostov-on-Don.</p> <ul style="list-style-type: none"> • On September 26-29, 2007 seminar “Work of the Defense Attorney at the European Court of Human Rights” took place in Moscow. • On October 24-27, 2007 seminar “Jury Trials Working Skills” took place in Krasnoyarsk. • On November 26-27, 2007 roundtable on the Representation of Victims of Criminal Offences took place in St. Petersburg. • Final Conference on Anti Corruption project took place in Moscow, in December 2007.

Chemonics

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>Russian-American Judicial Partnership II</u>	August 2005 – September 2009	Operational	<p>Alexander Shibanov, Chief of Party 1 Tverskaya Yamskaya Street, office 23 Business Centre Parus, Moscow Tel: (7-495) 739-7560 Fax: (7-495) 739-7561 E-mail: ashibanov@chemonics.org</p> <p>Roman Rodionov, Deputy Chief of Party 1 Tverskaya Yamskaya Street, office 23 Business Centre Parus, Moscow Tel: (7-495) 739-7560 Fax: (7-495) 739-7561 Cell: 7-495-108-0637 E-mail: rrodionov@chemonics.org</p>	<p>Three Primary Objectives:</p> <ol style="list-style-type: none"> 1. Help to improve the system of court administration in Russia; 2. Help to improve judicial ethics in Russia; 3. Help to strengthen judicial branch self-government in Russia (continue partnership relations between the US and Russian judiciaries). <p>Two Secondary Objectives:</p> <ol style="list-style-type: none"> 1. Improve training of existing judges; 2. Apply internationally recognized fair trial standards. 	<ul style="list-style-type: none"> • A high-level working group of JD and other court officials is reviewing best practices for case management and revising the official instructions for court system employees accordingly. • RAJP has assisted the Academy of Justice to incorporate modern, high-quality teaching techniques and methodology. Given the challenges posed by Russia’s great size, RAJP has helped develop training videos and teaching texts as part of a comprehensive distance-learning strategy of the Academy. The project has established sustainable relationships among the Academy of Justice, National Judicial College, and Federal Judicial Center. • Series of workshops on distance learning education conducted. • Working with the Supreme Qualification Collegia, the project has offered ethics training through seminars and workshops. • RAJP worked with the SQC to create and publish Vestnik a bulletin of judicial disciplinary decisions to establish uniform judicial ethics standards and to enhance the transparency of the work of the SQC and system of regional collegia.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>RAJP published 8,000 copies of the second and third editions of Vestnik. With the fourth edition, the SQC took over publication of Vestnik, which is now fully supported by the Russian judiciary.</p> <ul style="list-style-type: none"> • Close working relations have been maintained between analogous bodies of the two countries judiciaries, including among the U.S. Judicial Conference and Council of Judges; Administrative Office of US Courts and Judicial Department; and the Federal Judicial Center, National Judicial College, and Academy of Justice. • A Code of Ethics for court personnel was developed and approved by Council of Judges in April 2006. • At the request of the Supreme Commercial Court three American experts John Hillenbrand, Development Manager, Office of Court Administration Technology Division, Administrative Office of the U.S. Courts, Gary Bockweg, Chief of the Office of Court Administration Technology Division, Administrative Office of the U.S. Courts, and Michele Reed, Attorney-Advisor, Article III Judges Division, Office of Judges Programs, Administrative Office of the U.S. Courts, visited Moscow to discuss court technologies used in US courts and commercial courts of the RF on April 10-11, 2007. • The new curricula for court administrators and other court personnel was developed and tested at the Voronezh Branch of the Academy of Justice in June 2007. • Judge Mihm from the US took part in the Council of Judges plenary meeting held in Nizhny Novgorod on July 2-5, 2007 • US-based study tour for representatives of the JD of the RF took place on July 18-28, 2007, in Washington, DC, Portland, Maine • Consultations on the development of the new Regulations on Records Management in Courts

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
					<p>continued, part of the Regulations were converted into the software and tested in pilot courts.</p> <ul style="list-style-type: none"> • Study tour to CEELI Institute in Prague on intellectual property was organized for the Supreme Arbitrazh Court. • Several seminars for the Supreme Arbitrazh Court on the intellectual property and electronic records management were conducted. • Four seminars on the interaction with mass media with the participation of US judges conducted for Russian judges and court press-secretaries. • Practical recommendations for judges on the interaction with mass media developed together with the Judicial Department and Supreme Court Press Service. • During the period of October 15-27, 2007 two seminars on court administration took place in the cities of Irkutsk and Sochi. • On November 20-22, 2007 Train the Trainer Workshop on new Curriculum for professional formation of Court Administrators and Court Personnel took place in Anapa. • Seminar for press secretaries of the JD divisions and oblast courts on relations between courts and mass media took place in Pskov on December 10-14, 2007.

Non-Profit Partnership “Lawyers for Labor Rights”

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>Improvement of interaction of lawyers working in the field of protection of social and labor rights</u>	Started in 2005	Operational	Elena Gerasimova, Director of the Center for Social and Labor Rights 8, Sushevskaya street, B. 1, 3d Floor 127055, Moscow Tel: +7 (495) 729-39-06 Fax: +7 (495) 721-9558	The main objective of the Project is establishment and development of a professional community of lawyers involved in labor rights advocacy. Promotion of their professional interests through development of contacts, informational support, and creation of effective mechanisms for cooperation.	<ul style="list-style-type: none"> • Electronic Information Bulletin of the Non-Profit Partnership "Lawyers for Labor Rights" (published monthly) was issued. On September 21, 2007 the 37 issue was published. • Database “Court Decisions on Social and Labor Cases” is created • Collection of the lawyers’ articles on the issues of social and labor rights created. • Web-site of the Association “Lawyers for Labor

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
			E-mail: info(at)trudprava.ru	<p>Special objectives:</p> <ul style="list-style-type: none"> · To help lawyers establish contact with each other. · To provide a platform for communication and for exchange of ideas, experience and information about their work. · To assist lawyers in their work thereby making it more effective and improving its quality. 	<p>Rights” together with the Forum of lawyers working in the field of social and labor rights created.</p> <ul style="list-style-type: none"> • First conference of the members of the Association “Lawyers for Labor Rights” was conducted in Moscow on April 27-28, 2007. The following issues were discussed at the conference: trade union’s rights in the employees’ protection; ITO recommendations on amending Russian legislation; legislation on protection personal data of the employees; charging the employers with responsibility for employees’ rights violations. • 38 issue of the Electronic Information Bulletin of the Non-Profit Partnership "Lawyers for Labor Rights" was published and distributed among the members to the partnership on October 18, 2007 • 39 issue of the Electronic Information Bulletin of the Non-Profit Partnership "Lawyers for Labor Rights" was published and distributed among the members to the partnership on November 16, 2007 • New meeting of the Discussion Club where legal practices of going on strikes were discussed took place on December 6, 2007 • 40 issue of the Electronic Information Bulletin of the Non-Profit Partnership "Lawyers for Labor Rights" was published and distributed among the members to the partnership on December 19, 2007

G. Sweden: Swedish Agency For International Development (SIDA)

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Democratic Development</u> About 145,000 SK per year</p>	<p>November 2004 – December 2010</p>	<p>Operational</p>	<p>Johan Hellstrand, Country Program Coordinator for Russia, Department for Europe, Division for Eastern Europe and Central Asia, SIDA Valhallavagen 199 SE-105 25 Stockholm, Sweden Tel: 468-698-4551 Fax: 468-698-5502 E-mail: johan.hellstrand@sida.se Frida Goranson, Associate Judge, Swedish Court of Appeal, National Court Administration, Domstolsverket, SE-55181 Junkuping, Sweden E-mail: frida.goranson@dom.se Annika Sehlstedt, Director for International Affairs, Swedish National Court Administration, Domstolsverket, SE-55181 Junkuping, Sweden Tel: (46-36) 15-53-88 Tel: (46-708) 35-96-73 Fax: (46-36) 16-57-21 E-mail: annika.sehlstedt@dom.se</p>	<p>The objectives are to help strengthen Russian democracy and promote respect for human rights and the principles of the constitutional state.</p>	<ul style="list-style-type: none"> • Projects are underway in the field of law in partnership with the National Judiciary Administration and the National Prison and Probation Administration. • A number of training seminars for court administrators were organized in the regions. • Study tours to Sweden were organized for the representatives of the Judicial Department. • On September 11-13, 2007 a seminar for chief judges on the issues of leadership in modern conditions took place in Ioncoping, Sweden • On October 18, 2007 a seminar “Legal and Social Aspects of Juveniles Justice: Comparative Experience of Russia and Sweden” took place in Kingisepp, Leningrad Region. Representatives of law enforcement. Prosecution service and judiciary took place in the seminar.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>Prevention of Human Trafficking</u>	September 2006 – December 2008	Operational	Dmitriy Babin, Assistant to the Project International organization for Migration (IOM Moscow) 2-ya Zvenigorodskaya St., 12, Moscow, 123100 Tel: (495) 797-8722; (495) 253-1335 Fax: (495) 253-3522 e-mail: dbabin@iom.int	The main objective of the project is to combat trafficking in human beings in the Russian Federation as a country of origin, transit and destination.	<ul style="list-style-type: none"> • Several training seminars for judges on the peculiarities of human trafficking cases were conducted in pilot regions – Moscow, Astrakhan and Karelia. • Training seminars for judges on financial aspects of trafficking on people are organized. • In October 2007 a Memorandum of understanding between IOM Moscow and the Russian Academy of Justice was signed. As a consequence, the working group responsible for the development of the specialized course for judges was established. The Specialized course for judges on issues related to human trafficking prevention will be developed by specialists of the criminal-procedural law branch, one of the leading branches at the Academy. Within the Academy's structure the criminal-procedural law branch is represented by the disciplines, such as: criminal trial, criminology and judicial expertise. Among the professors of the branch are the leading experts, PhD Law specialists, acting judges of the Supreme Court of the Russian Federation.

H. Denmark: Ministry of Foreign Affairs

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>CIS support programme</u>	DKK 110 million from the Neighborhood Program	Operational	Royal Danish Ministry of Foreign Affairs Asiatisk Plads 2 DK 1448 Copenhagen K Tel: +45 33 92 00 00 Fax: +45 32 54 05 33 E-mail: um@um.dk	<p>Danish assistance is mainly focused on the Russian Baltic Sea regions: Kaliningrad, St. Petersburg and Pskov. Priority areas for the Danish programs continue to be the development of democratic institutions, such as an independent judiciary, promotion of human rights, including minority rights, good governance, strengthening of civil society.</p> <p>The program is intended to contribute to the development of a modern and efficient public sector. The efforts primarily include advice with regard to adapting and developing the regional administrations.</p>	<ul style="list-style-type: none"> • Denmark contributes to the establishment of a well-functioning tax administration in St Petersburg and efficient agricultural land registration in Pskov • The Danish efforts in Russia also involve the social area, where Danish funds have, for instance, been used to improve the conditions at a children's home in Kaliningrad combined with specialist training of the staff. • Other areas of Danish assistance include support for indigenous peoples in Russia, and humanitarian aid operations in Northern Caucasus. • Rendering support to the centers providing advice for small businesses on how to organize and conduct business including legal services – defense of SMEs interests in courts (as experts and empowered persons).

I. The Netherlands: Ministry of Foreign Affairs of the Netherlands

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>Federalism and Regional Legislative Assemblies in the Russian Federation</u>	January 2005 – December 2007	Completed	Olga Sidorovich, Director, Institute of Law and Public Policy 9/2, Maroseika, office 34, Moscow Tel: (7-495) 928-0200, Tel: (7-495) 564-8683 Fax: (7-495) 921-0733 Cell: 916-116-7455 E-mail: olgasid@ilpp.ru	This three-year program is a joint initiative of the East-West Parliamentary Practice Project in cooperation with the Dutch Parliament, and the Institute for Law and Public Policy (ILPP) in Russia. The project goal is to assist the Russian regional legislators to develop professional knowledge and skills that improve their effectiveness in fulfilling their responsibilities as elected representatives and law-makers, with particular emphasis on building professional skills among regional parliamentarians, reinforcing the legislative role of the regional assemblies, strengthening relations between regional legislative assemblies and the executive branch, promoting transparency and accountability, and exposing the regional law-makers to the cumulative experience of older, more established parliamentary democracies by providing them with an opportunity to hear first-hand how parliamentarians in other democracies function.	<ul style="list-style-type: none"> • Four seminars for regional legislators, Federation Council members and members of the bodies of local self-government were organized in Moscow (Central Federal Circuit) on October 6-7, 2005, St. Petersburg (North-Western Federal Circuit) on February 16–17, 2006, Samara (Volga Federal Circuit) on June 29–30, 2006 and Novosibirsk (Siberian Federal Circuit) on December 8–9 2006. The following issues were discussed at the seminars: Problems in the provision of basic social services—education, health, housing, utilities, social support; the issues concern the legislative base for these services, how they are organized, how they are funded, and how their effectiveness is evaluated; How the powers of large administrative centers and capital cities are organized, both formally and in practice; and The systematization and codification of regional legislation. • Fifth regional seminar “Regional Electoral Legislation and Its Influence Over the Activities of Regional Legislative Bodies” conducted in Ekaterinburg (Urals Federal Circuit) on March 23-24, 2007. • Final Conference for the Project took place on November 30, 2007 in Moscow. The main objective of the conference was to evaluate the results of the project and to develop new cooperation programs for regional legislative assemblies. Representative of Moscow, St. Petersburg, Samara and Kazan legislative assemblies and also experts from the US and the Netherlands took part in the conference. • For Component I, Mr. F. Verkade, advocate-general at the Supreme Court of the Netherlands and expert on intellectual property law participated in a conference on Russian civil law
Strengthening the Legislative Framework of Russia (Civil	January 2006 – July 2008	Operational	Anne-Marie Heemskerk senior project manager, Center for International Legal Cooperation	This project is based on a long term Dutch-Russian cooperation to support the development and the implementation of the Russian Civil	<ul style="list-style-type: none"> • For Component I, Mr. F. Verkade, advocate-general at the Supreme Court of the Netherlands and expert on intellectual property law participated in a conference on Russian civil law

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p>Law Harmonization and Administrative Procedure Law at the Arbitrazh Courts in Russia) Project code 31195</p>			<p>Visitors: Einsteinweg 2 P.O. Box 65, 2300 AB Leiden, The Netherlands Tel: + 31 71 524 0952, Fax: +31 71 524 0950 Secretariat: + 31 71 5240940 E-mail: heemskerk@cilc.nl M.V.Gorbunov, Research Center for Private Law, Moscow, Tel: +7 495 606 3685, E-mail: 2065652@mail.ru</p>	<p>Code. As a result of this cooperation excellent relations were established between those Dutch lawyers who were responsible for the development of the new Dutch Civil Code and their esteemed colleagues of the Russian working group on civil law. This new cooperation program focuses on civil law (1), namely corporate law, the law on goods and the law on obligations, and in addition on administrative procedural law (2) in cases heard by the arbitration courts.</p> <p>The project activities are as follows:</p> <ul style="list-style-type: none"> • Expert meetings in Russia and the Netherlands to discuss legal concepts of civil law. • Expert meetings in Russia and the Netherlands to discuss legislative drafts • Conference to discuss concepts of law with a wider audience <p>Written legal opinions prepared by Dutch lawyers</p>	<p>organized in Moscow (25-26 April 2007) by the Research Center for Private Law and the Supreme Arbitration Court.</p> <ul style="list-style-type: none"> • On the occasion of a visit of Prime-Minister J. P. Balkenende to Moscow in November 2007 a round table meeting was organized with some of the Russian key players in the work on the civil law, including Professor V.F. Yakovlev, advisor to President Putin. After that the Prime Minister addressed an audience of students of the Private Law School and handed out three Dutch scholarships to selected students. This ceremony was followed by a guest lecture by Professor Hans Nieuwenhuis on fundamental values in private law. • Supreme Arbitration Court (SAC) arrived in the Netherlands on the 9th of July 2007, to learn more from the Dutch system of court procedures and ADR in tax disputes. The Russian working group was led by Ms. Tatyana Andreyeva, Vice-President of the SAC since April 2007. The delegation visited the tax administration of the Ministry of Finance in The Hague and discussed procedural rules, property and non-property claims. Special attention was given to alternative means of dispute resolutions, pre-trial and court-annexed mediation in particular. • A next visit to Moscow took place on 27-30 November, 2007. Possible tax reforms with a new concept law were discussed. • In February 2007 CILC conducted a first mission to Moscow. During the first Steering Committee meeting in Moscow, LS, PILI and CILC set out the course of the project. • A first study visit to the Netherlands was organized in August 2007. A delegation of the FCL and the Federal Registration office of the Ministry of Justice of the Russian Federation was introduced to the main office of Dutch Bar Association (NOVA), the Legal Aid Board, a selected legal aid bureau and a law firm
<p><u>Improving access to legal assistance for Russian citizens</u> Project code 31196 Overall project value (EUR) € 632.333</p>	<p>February 2007 – February 2010</p>	<p>Operational</p>	<p>Anne-Marie Heemskerk senior project manager, Center for International Legal Cooperation Visitors: Einsteinweg 2 P.O. Box 65, 2300 AB Leiden, The Netherlands Tel: + 31 71 524 0952, Fax: +31 71 524 0950 Secretariat: + 31 71</p>	<p>The overall objective of this project is an improved access to legal assistance for Russian citizens. As an intermediate result this project also aims to raise the degree of confidence of the population in the professional abilities of the regulated legal profession and the confidence in the legal aid structures as elements of available and effective justice.</p>	

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
			5240940 E-mail: heemskerk@cilc.nl Dmitry Shabelnikov Public Interest Law Initiative (Moscow Office) +7 499 978 8127, Dshabelnikov@pili.org Alexandr Kvoshchinsky, Legal Studies, Tel: (+7 495) 739 51 41, ax@legalstudies.ru	<p>The specific objectives of the components are:</p> <p><u>Component I: Strengthening the Russian Bar</u></p> <p>The objective of component I is to assist the Russian Bar in the elaboration and implementation of adequate regulations and to strengthen its position in the operation of the legal profession as one of the crucial elements in civil society.</p> <p>This will be achieved by the introduction and implementation of a properly functioning system of corporate legislation on the advocacy with binding effect to all members based on a European best practices and comparative research, and strengthening the role of the Federal Chamber of Lawyers as an independent regulator of the legal profession in Russia and its civil society</p> <p><u>Component II: Strengthening Legal Aid Mechanisms</u></p> <p>The objective of component II is to assist in the further development of a just and effective legal aid system in the Russian Federation. This will be achieved by the formulation and implementation (pilot based) of a clear and comprehensive policy for legal aid reforms in Russia based on a consensus among the stakeholders, amongst them the Federal Russian Legal Bar, the Federal Registration Service (falling under the Russian Ministry of Justice), the judiciary and law enforcement agencies,</p>	<p>complying with the directions of the best legal practices and financial management as defined under the quality mark system.</p> <ul style="list-style-type: none"> • In component I identification of needed legislation and regulations of the Netherlands Bar Association has taken place in close co-operation with Dutch Nova experts. The legislation has been translated and will be the basis of drafted legal opinions by FCL experts. • An analytical report is being prepared on the current state of management of the FCL in order to strengthen the role of the FCL as an independent regulator of the legal profession in Russia. • In the second component, research is carried out, in consultation with a Dutch legal expert, on the planning of the Federal financial legal aid budget and expenditure in the current system. In co-operation with the FCL and the regional bars statistical and financial information will be collected. Recommendations to improve the budget management will be delivered. • A best international practice is determined on the quality of legal aid by comparative researches on particular issues between the Russian, Dutch, and other legal aid systems. It is expected that the paper will be finalized this year, after which it will be discussed at a roundtable meeting in Samara with the local bar, state legal bureaus, local government and Federal Registration Service representatives, as well as other stakeholders.

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Strengthening the potential of the Ombudsman Institute and the Commission for Human Rights: boosting the struggle against racism and discrimination in the Russian Federation</u></p>	1 July 2005 - 30 November 2007	Completed	<p>Renate Hartman Netherlands Helsinki Committee Laan van Meerdervoort 70 in The Hague (rhartman@nhc.nl)</p>	<p>Russian Federation Ombudsman's Office, NGOs, and others; The overall objective of the project is to counter discrimination of ethnic and other minorities in the Russian Federation. In order to contribute to this objective the potential of the Ombudsman Institute and the Commission for Human Rights will be reinforced by the following activities: 1. Research on the encounters of ethnic discrimination and racism; 2. A training program for the Ombudsman Institute and the Commission for Human Rights will be designed and implemented; 3. The cooperation of the Ombudsman Institute and the Human Rights Commission with other government structures and NGOs will be structured.</p>	<ul style="list-style-type: none"> • Research on the encounters of ethnic discrimination and racism was prepared by the Committee experts and presented to Project Partners • A training program for the Ombudsman Institute and the Commission for Human Rights was designed by the experts of the Office of the Netherlands Ombudsman, Commission for Equal Treatment and National Bureau against Racial Discrimination and implemented in Partner Organizations • The cooperation of the Ombudsman Institute and the Human Rights Commission with other government structures and NGOs was established and structured.

J. United States: US Department of Justice

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<u>Support to the reform of the criminal justice system in Russia and assistance to increase the level and quality of U.S.- Russian law enforcement cooperation</u>	Project launched in 1995	Operational	<p>Thomas Firestone, Resident Legal Advisor US Embassy, Bolshoy Devyatinskiy Pereulok 8 121099 Moscow Tel: 728-5073 Fax: 728-5072 Mobile: 139-1468 E-mail: firestoneta@state.gov E-mail: tfirest852@aol.com</p> <p>Terry Kinney, Resident Legal Advisor US Embassy, Bolshoy Devyatinskiy Pereulok 8 121099 Moscow Tel: 728-5000 Mobile: 997-2446 E-mail: kinneytm@state.gov</p>	The main objective is training prosecutors and other law enforcement personnel on both sides of the Atlantic to work more effectively on matters on common interest. Past training programs have focused on criminal procedure reforms, organized crime, public corruption, money laundering, complex financial crimes, narcotics and human trafficking. Future programs are likely to be expanded to include even greater emphasis on providing Russia's criminal justice practitioners with skills necessary to help them adapt to the sweeping changes currently underway	<ul style="list-style-type: none"> • In 2001-2002 the Project supported the development of new Criminal Procedure Code of the Russian Federation including involvement of DOJ experts. • In 2003-2005 the Project supported monitoring of the implementation of the new CCP. As a result of the program a number of seminars dedicated to the implementation issues were held in all federal districts of Russia, five laws amending the CCP according to the recommendations developed at the seminars were adopted, several surveys on perception of the new Code took place. The final findings were presented at All-Russia Conference held at the Moscow State Law Academy and the conference materials published on CD. • Training seminars for prosecutors on criminal procedure reforms, organized crime, public corruption, money laundering, complex financial crimes, narcotics and human trafficking took part in all the federal districts of Russia. US professors and DOJ experts took part in the seminars. • Study tours for Russian judges and prosecutors to the US were organized. • Seminar on the development of international legal cooperation under the framework of international legal assistance between USA and Russia took place in St. Petersburg in June, 2007 • Series of seminars on protection of intellectual property for the prosecutors are supported under the project

K. Ford Foundation

Project	Duration	Status	Contact Person	Objectives	Achievements/Results
<p><u>Human Rights and Justice</u> Amount: \$7-10 million per year</p>	Since 1990	Operational	<p>Borislav Petranov, Program Officer, Human Rights and Justice Tverskaya 16/2, Fifth Floor, Moscow 125009 Moscow Tel: 935-7051 E-mail: bpetranov@fordfound.org</p>	<p>Strengthening the non-governmental human rights infrastructure - Support for key Russian human rights organizations, providing leadership or fundamental services to the whole human rights community. Building up the system of human rights remedies - Support for work to help remove the key impediments to practical implementation of human rights, such as lack of access to rights and remedies; arbitrary law-enforcement and discriminatory norms and practices.</p>	<ul style="list-style-type: none"> • The Program is currently providing support to such NGOs as “Memorial”, “Foundation for the Protection of Free Speech”, “Demos”, women organizations. • It financed training of judges programs for those judges who were to work with jurors. • The Program also supported applied research in the field of legal reform and publication of the results of such research activities. • The Program supported series of regional seminars and publication of a journal on constitutional reform in Russia. • Program supports different activities in the field of access to justice
<p><u>Judicial reform in modern Russia - institutional-societal analysis of Transformation: Assessment of Results and Future Perspectives</u> Budget:\$500000</p>	September 2006 – September 2008	Operational	<p>Borislav Petranov, Program Officer, Human Rights and Justice Tverskaya 16/2, Fifth Floor, Moscow 125009 Moscow Tel: 935-7051 E-mail: bpetranov@fordfound.org Georgiy Satarov, Director, INDEM Foundation Bolshoy Zlatoustinsky per. 8/7, 2nd Floor, Offices 1-8 101100, Moscow Tel: 624-24-09</p>	<p>The purpose of the present project is to elaborate and put forward the fundamentally unique analysis of the status of the Russian judicial system, to study and analyze the backgrounds and the way of its development and to give the characteristic of its institutional drift Within the framework of the present project the Contractor intends to present a different view on the Russian judicial system and to work out the methodic recommendations on its adjustment and improving. The focal points of the project shall be</p> <ul style="list-style-type: none"> • Institutional development of the Russian judiciary; • Current state of the Russian judiciary; • Functioning of judiciary in two Western countries 	<ul style="list-style-type: none"> • Analysis of the judicial system of the USSR • Interviews with experts • Analysis of the results of these interviews • Preparation of the report dedicated to the status quo of the Soviet system before the collapse of the USSR • Research and analysis of the judicial system of the Russian Federation. • Preparation of the preliminary report on the Russian judiciary • Round tables and seminars dedicated to discussion of the results of the first stage of the project • Philological analysis of the judicial reform on the basis of the publications in mass media and analysis of the fiction writings was conducted. • Questionnaire for in-depth interviews of experts on the USSR court system was developed. • Several pilot interviews were conducted. • Case study in order to reveal most common shortcomings in the judicial system completed. • Questionnaire for in-depth interviews of experts

- (Germany and USA);
- Transformation of judiciaries in several transition countries.
 - on Russian court system was developed.
 - Questionnaire for experts' surveys was developed.
 - Several in-depth interviews were conducted.