

Report of the Chief Justice of the Supreme Court of Russia Vyacheslav M. Lebedev
at the 18th Meeting of Chief Justices / Chairmen of Supreme Courts of SCO Member States
11 March 2023

Session 2: "Access to Justice" (Justice should not be limited to privileged):
Issues, Initiative, and Prospects

Honourable Chief Justice Chandrachud,

Distinguished participants of the Meeting,

Court protection as an institution is enjoying increased demand in Russia. Last year, the courts considered over 40 million cases in first instance only, which is a million more than in 2021.

In conditions of high judicial workload, the issue of facilitating access to justice takes on particular significance, and it is one of the priorities in the lawmaking activities and application of law by the Russian Supreme Court.

This work addresses all the stages of court proceedings and aims in particular at making the procedure of applying to court faster and simpler.

Following the legislative initiative of the Russian Supreme Court, measures have been put in place aimed at improving the territorial accessibility of justice in socially significant categories of cases.

It is now possible to state claims at the plaintiff's place of residence, in particular as regards cases on restoration of pension, housing and labour rights, customer protection and recovery of alimony.

On 8 November last year, the Plenary Session of the Russian Supreme Court introduced to the State Duma a draft federal law that will make it possible to state claims pertaining to social welfare payments and benefits at the plaintiff's place of residence.

It often happens in consumer protection and debt collection cases that the citizens' access to justice is obstructed by the provisions of agreements on jurisdiction, stipulating that such disputes are to be resolved in courts located far away from one's place of residence.

That's why the Russian Supreme Court suggests to abolish the institution of contractual jurisdiction in civil proceedings.

In order to bring justice closer to the place of residence or location of participants of proceedings, remote court offices are created in certain distant areas.

The restoration of justices of the peace as an institution played a major role in improving territorial accessibility of justice in Russia. Justices of the peace perform their powers within the territories of judicial sub-districts with populations from 15,000 to 23,000 people. Acting as courts of first instance, they consider more than 70 % of the total amount of cases received by Russian courts.

Over the last 5 years, four federal laws pertaining to the improvement of their work have been adopted upon the legislative initiative of the Russian Supreme Court. Upon approval of the Supreme

Court, five federal laws regarding the increase of the number of judicial sub-districts have been adopted.

Broad access to justice is also ensured through the use of modern technologies in court proceedings: last year, Russian courts received more than 5.5 million documents in electronic form, which is 26 % more than in 2021.

It has recently become possible to apply to the courts through multi-functional state and municipal services centres – last year, over 300,000 thousand citizens enjoyed this new feature.

Russian procedural legislation stipulates an exhaustive list of grounds on which the court may refuse to accept a statement of claim, and the Russian Supreme Court has on numerous occasions brought it to the attention of the courts that these grounds are not subject to loose interpretation.

As far back as 1909, Aleksandr Borovikovsky, a famous Russian judge and legal scholar, stressed that the courts should discern between those unwilling and unable to protect their rights, giving the following advice: "Stay indifferent to the unwilling, but help those who do not have the skills. Such is the sacred obligation of a judge".

Taking into account that most citizens seeking court protection are not professional lawyers, judicial practice prohibits a formal approach to the issue of accepting statements of claim and appeals for proceedings.

In this regard, last year Russian courts satisfied 35 % of citizens' motions for restoration of procedural terms, missed for good reasons.

Moreover, the courts are implementing the legal standing of the Russian Supreme Court that if a citizen chooses an improper legal remedy, this does not constitute grounds for refusing to accept a statement of claim, returning it or leaving it without action. On the stage of preparing the case for trial, the court should suggest discussing the issue of legal qualification of the parties' legal relationships and should of its own accord determine which legal norms are subject to application in resolving the dispute.

The court's active role is especially needed in administrative judicial proceedings, characterized by legal inequality of the parties, since the administrative plaintiffs are not vested with public powers – unlike the administrative defendants.

That's why in administrative cases, Russian courts determine the facts at issue and request to present evidence on their own initiative, rendering assistance to the citizens in realizing their procedural rights.

The exclusion of excessive court costs pertaining to application to court and participation in the trial is a socio-economic criterion of accessibility of justice.

Taking into account the citizens' property status, Russian courts actively use the provisions of legislation regarding relief from payment of the state fee, decrease of the fee, as well as its deferral and payment in instalments.

In certain categories of cases, the law relieves the citizens from paying the state fee; this includes cases on protection of the rights and lawful interests of children, on protection of labour rights and consumer protection cases, cases on restitution of damages caused by crimes.

In administrative judicial proceedings, citizens recognised as group I and II disabled persons, public associations of disabled persons, veterans of the Great Patriotic War, military action and military service veterans, as well as recognised low-income citizens are relieved from the obligation to restore the administrative defendant's court costs if the administrative claim is not satisfied.

Broad opportunities of remote participation in court sessions are being implemented in Russia. Last year, the courts considered over 500,000 cases with the use of video conferencing and more than 460,000 cases with the use of web conferencing.

Over 25 million SMS notifications about the time and place of trial were sent to the participants of proceedings, along with 7 million e-mail notifications.

Last year, the Russian Supreme Court introduced to the State Duma draft federal laws regarding the further proliferation of modern technologies in court proceedings.

It is a well-known maxim that justice delayed is justice denied.

In this regard, accessibility of justice is also ensured through compliance with the reasonable time of proceedings. Last year, Russian courts considered over 99 % of cases within the stipulated procedural terms.

In administrative judicial proceedings, 5,700 cases regarding compensation for violation of the reasonable time of trial and of enforcement of judicial acts were considered, and 86 % of claims were satisfied.

Another criterion of accessibility of justice is the broad possibility of appeal. Russian courts of cassation – both general jurisdiction courts and commercial courts – operate on the principle of unreserved cassation, whereby cassation appeals are considered in court sessions, to which the parties are invited.

Accessibility of justice is harmoniously linked to accessibility of information about the activities of the courts.

Following the legislative initiative of the Supreme Court, 9 federal laws were adopted, aimed at strengthening the legal guarantees of the open nature of trial. One of them is Federal Law of 22 December 2008 "On Ensuring Access to Information about the Activities of Courts in the Russian Federation".

Pursuant to this law, obligatory online publication of judicial acts is taking place, and "Justice" State Automated System currently holds over 90 million court acts.

Court websites offer up-to-date information about the progress of cases, the time and place of court sessions, as well as information about the court structure and instructions for sending procedural documents.

Distinguished participants of the Meeting,

I am confident that the discussion on facilitating access to justice will help the improvement of legislation and the practice of application of law, promote the unobstructed access of citizens and businesses to court protection.

Thank you for your attention!