LEGAL AID IN CIVIL CASES IN RUSSIA

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Introduction

The paper concerns two issues of rendering legal aid to citizens. Firstly, the right to legal aid within the legislation and judicial practice of the Russian Federation and practice of the European Court of Human Rights. Secondly, the working methods of human rights defenders in respect of rendering legal assistance to citizens in cases where the right to legal aid does not apply in domestic law or practice: in particular, efforts being made to draw the attention of Russian courts to decisions of the European Court of Human Rights, and, in so doing, to further implementation of the Convention for the Protection of Human Rights and Fundamental Freedoms in Russia.

Legal aid in civil cases as a right under Russian law

The large majority of Russian citizens lack effective access to legal services. Only a minority have heard of the possibility to obtain legal aid from civil practice counsels. Those who have actually attempted to obtain legal aid have discovered that this 'possibility' is often illusory in practice. The problems are two-fold: firstly, many lawyers are not willing to provide pro bono services, and secondly, the relevant legislation has the effect of obstructing, rather than facilitating, citizens' access to lawyers.

The Law on "Advocate Activity and Advocacy in the Russian Federation"[452] guarantees free legal aid for Russian citizens and their family members who fall within one of the eligibility categories set out in Article 26, which states as follows:

'1. Legal aid to citizens of the Russian Federation whose families' income per capita is lower than a subsistence minimum set in the subject (regions) of the Russian Federation under the federal legislation as well as to single citizens of the Russian Federation whose incomes are lower than a value specified, shall be rendered free of charge in the following cases:

452) Federal Law No. 63-FZ of 31.05.2002.

1) to plaintiffs - in respect of cases concerning alimony payment, compensation for harm inflicted by the death, maiming, or other labour-related injury;

2) to veterans of the Great Patriotic War - in respect of any non-commercial matter;

3) to citizens of the Russian Federation - when preparing applications for pension or other social service benefits;

4) to citizens of the Russian Federation who are victims of political repression - in respect of matters connected with rehabilitation'.

Unfortunately, the law does not stipulate sources of funding for pro bono services rendered by a lawyer to those categories of persons eligible to receive legal aid. As a consequence, indigent citizens are in practice denied the possibility of enjoying the right to legal aid that they have under Russian law.

While article 26(2) of the law contains a list of the documentary materials required for citizens of the Russian Federation to obtain legal aid, the procedures for their submission are to be found in other Russian laws and regulations, including regulations adopted locally.

For example, the law of Sverdlovsk region of 22.12.2003, entitled 'List of Documents Required for Obtaining Free Legal Aid on the Territory of the Sverdlovsk Region by Certain Categories of Citizens of the Russian Federation and Procedure of Their Submission' provides[453] that plaintiffs in cases in courts of first instance regarding alimony payment, compensation for harm inflicted by the death of a wage-earner, or for injury or other health condition related to employment, shall submit 'the decision by the judge of the court of first instance on initiation of a civil case in the court of first instance'.

What does this provision mean in practice? In order to obtain legal aid a citizen shall prepare a lawsuit in such a way that it is eligible for consideration by court. Those who are familiar with the Russian court system will know that courts often refuse to accept cases, or find reason to strike out a

453) At article 3(2).

case on contrived grounds. Without the assistance of an attorney, it is unlikely that an applicant will be able to prepare an application that meets the eligibility requirements. An applicant can challenge a court's decision on admissibility by appealing to a higher court. Here, a litigant will also need a lawyer, but as is evident from the provisions of the Legal Aid Law in force in Sverdlovsk, it is not possible to obtain legal assistance free of charge. Of course, if a person can read the law and correctly follow the required procedures, he or she will not need a legal representative! But in almost all cases, an unrepresented applicant will find that their application is ruled inadmissible by the judge or court assistant, with the advice: 'we are unable to assist you in preparing your application: go to a lawyer.' In practice therefore, access to justice and the right to legal aid, which are guaranteed by law, are in reality illusory and unobtainable.

A provision of the Sverdlovsk Legal Aid Law, which was creating obstacles for justice to be achieved, was considered by the Charter Court of Sverdlovsk region on 19 October 2004. The interests of the female applicant were represented not by an advocate but by representatives of the human rights organization Sutyajnik.[454] The court found that article 3(2) of the law contravened articles 20(1)(B) and 63 of the Charter of the Sverdlovsk Region, since it infringed upon the right of poor citizens to obtain legal aid at the pre-trial stage of criminal proceedings, and as such restricted indigent citizens' access to justice.[455]

The court stated that the word 'plaintiff', which comes from civil procedure law, must be determined by that body of law and not by legislation adopted by a regional parliament. The regional parliament may not legislate on how an applicant acquires the status of a plaintiff, since this would be an encroachment on the competence of the federal legislator, the State Duma of the Russian Federation.

Furthermore, the courts do not deliver a document called 'the decision by the judge of the court of first instance on initiation of civil case in the court of first instance'. The courts deliver decisions on 'admissibility of the law

454 The full title of the organization is the Urals Centre for Constitutional and International Human Rights Protection of the Non-Governmental Organization Sutyajnik. More details about the organization can be found at http://www.sutyajnik.ru.

455) Court decision accessible at: http://www.sutyajnik.ru/rus/cases/judgements/ust_sud/shavchuk_v_obldumi_26_10_04.htm.

suit for consideration'. Moreover, under the federal legislation plaintiffs are only given copies of decisions on admissibility. So pursuant to the law of the Sverdlovsk region the plaintiffs seeking legal aid shall submit to an advocate the *original of a non-existing court decision*.

As a consequence of the Sverdlovsk Charter Court judgement, 'the decision by the judge of the court of first instance on initiation of civil case in the court of first instance' has now been removed from the list of documents required by indigent plaintiffs in Sverdlovsk region in order to obtain legal aid. As such, they may now approach an advocate and ask for assistance in preparing a lawsuit.

The former procedure for obtaining legal aid, whereby very few applicants for legal aid were ever successful, was advantageous for both those advocates who did not wish to provide legal aid services and for the regional authorities: The advocates were rarely required to provide legal aid and did not need to obtain reimbursement for their expenses from the regional administration, and the authorities would very rarely be required to pay compensation.

The Russian Experiment with legal aid in civil cases

In 2005, the Government of Russia approved the Regulation 'On Conducting Experiment Concerning Creation of State System of Rendering Free Legal Aid to Poor Citizens' (the Regulation).[456] By virtue of the Regulation, legal bureaus were established in 10 regions of the country in 2006. The function of the bureaus is to provide legal aid to poor citizens in civil and criminal cases.

Under the regulation, only those citizens whose per capita income is lower than the minimum subsistence level set by the region of the Federation in which they are living are eligible to receive legal aid. For example, in the third quarter of 2005, the minimum subsistence level for an able-bodied citizen in the Sverdlovsk region was set at 3,060 rubles (just over 100 USD). Thus, only those Sverdlovsk residents whose income is lower than 3,060 rubles would be eligible to receive legal aid.

People who meet the eligibility requirements can obtain oral or written ad-

456) The document is available for download at www.sutyajnik.ru/rus/cases/law/bespl_ur_pom.htm.

vice on any legal matter at the bureaus. The bureaus can also assist clients in drafting legal documents, in making complaints and petitions, and can provide legal representation in civil proceedings and represent citizens' interests in local government bodies and local associations. Nevertheless, the bureau system has a number of serious shortcomings:

The regulation provides that bureaus may enter into legal service provision contracts with private law firms, either on a one-off basis or as part of a general service contract. Bureaus cannot enter into contracts with lawyers attached to human rights organizations, even though the law does not require that a person be an advocate in order to provide legal advice, to draft legal documents or to participate in civil proceedings. Thus, human rights organizations, and the lawyers working for them, are excluded from the operation of the regulation.

A further problem with the regulation, rendering it in effect inoperative, is the amount of remuneration provided to those lawyers who take on legal aid cases. The fee payable is within the discretion of the bureau, but must not be less than ? and not more than ? of the minimum daily wage. In 2007, these figures were 200 and 400 roubles respectively. By comparison, a lawyer in private practice could charge as much as 5000 roubles simply for familiarizing him/herself with the case. Given this disparity, it is not surprising that very few private firms are willing to take on work on behalf of the bureau. Since lawyers from human rights organizations are ineligible to enter into service contracts with the bureau, the consequence is that almost no bureau legal aid clients can obtain legal representation in practice.

Nevertheless, the regulation remains in force - in late 2008 it was extended again for a further one-year period.[457]

Legal aid in civil cases as a right under the European Convention on Human Rights

The inability of legal aid clients to obtain legal representation in practice is in conflict with Russia's international obligations under the European Con-

457) For further analysis of the Russian Federation's State legal aid bureau experiment, please refer to the author's radio interview 'On conducting experiment concerning creation of state system of rendering free legal aid to poor citizens', broadcast on Radio Liberty on 29 August, 2005.
www.sutyajnik.ru/rus/library/interview/2005/o_provedenii_eksperimenta.htm.

vention on Human Rights (the Convention), which Russia acceded to in 1996.

Even if an indigent applicant has formal access to a court, s/he will be unable to present her/his case properly and effectively if s/he cannot obtain legal representation. The federal law 'On Advocate Activity and Advocacy in the Russian Federation' contains an exhaustive list of those categories of persons and types of cases in which free legal counsel may be provided. However, it is obvious that legal aid is also needed by other categories of citizens or in other types of cases that are not listed in the 'Advocate Activity and Advocacy' law.

By way of example, a female applicant M, 58 years of age without any legal education, had no choice but to represent herself in a complicated case in the Arbitration Court involving incorporation of and membership in a commercial organization. A team of three lawyers and two company advisors represented the respondent in the case, a corporation.

In the interpretation of the European Court of Human Rights, it constitutes a violation of the Convention if a person cannot afford to engage a lawyer and is therefore unable to exercise effectively her/his right of access to justice. In the case of *Airey v Ireland*[458] the court held that the respondent had an obligation in the interests of justice to facilitate legal representation for the applicant in a divorce matter in which she was one of the parties, due to the complexity of the facts and the emotionally charged nature of the proceedings.

In the case of *Steel and Morris vs United Kingdom*, the European Court held that legal aid should have been provided in an extremely complicated civil case where one party was unable to pay for legal representation while the other was a commercial organization with the ability to hire an entire legal team.[459]

Based on the existing European case law, let us consider indigent applicant M's case, which is now on appeal to the European Court of Human Rights, in detail:

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458) Airey v Ireland, Application No. 6289/73, judgement of 9 October 1979.

459) Steel and Morris vs UK, Application No. 68416/01, judgement of 15 February 2005 para50.

A factually and legally complex matter

The case involves the restructuring of a legal entity and the determination of the extent of participation of the plaintiff in the legal entity. It is an extremely complicated matter due to the number of procedural and substantive laws addressing this issue and the lack of clarity as to how they should be applied in practice. Since the disintegration of the former USSR, the law on Legal Persons and Entrepreneurial Activity has been subject to major revisions and in 2002, a new Arbitration Procedural Code was adopted.

The case of M commenced in a Court of General Jurisdiction, which at the time had the authority to receive the application, but following the adoption of the new Arbitration Procedural Code in 2002, it was transferred to the Court of Arbitration. When the case was transferred, almost three years had elapsed since the application was filed. In the course of the proceedings, there were five court sessions in the Court of General Jurisdiction and 36 in the Arbitration Court. Where disputes regarding legal entities come before the court, the parties almost invariably have legal representation. In this case, three lawyers and two company advisors represented the respondent. The parties had filed over 1000 individual documents with the court.

High cost of advocates' services in arbitration cases.

Applicant M could not afford to pay for the services of an advocate to represent her in the proceedings. According to information published in the article 'Lawful Millions'[460], Russian lawyers do not yet match their foreign counterparts in terms of numbers of clients, but they certainly do with respect to income generated. Fees for conducting an arbitration case can range from 10,000 to 50,000 US dollars. In the case of M, given the complexity of the matter and the fact that over 40 court sessions were convened during the proceedings, the cost of engaging a lawyer could have been in excess of 40,000 USD.

Applicant's income was insufficient for her to pay for counsel

The applicant could not afford to pay for the services of counsel due to her comparatively low income. The average monthly salary in Russia in 2006 was 3,000 roubles (a little more than 100 USD). In addition to the costs of

460) Forbes Magazine, January 2006, at p. 63.

engaging a lawyer, the applicant, having filed the application, was obliged to pay for court expenses at all stages of the proceedings. Furthermore, the applicant was required to pay a state duty, which she could not afford, and she had therefore petitioned to the court for a delay in making the payment.

Pursuant to Article 26, 'Rendering free legal aid to citizens of the Russian Federation,' of the 2002 Law 'On Advocate Activity and Advocacy in the Russian Federation' the applicant was not eligible for free legal representation. There is no discretion available in the application of article 26, irrespectively of the complexity of the case in question. .

Being unable to pay for legal counsel, the applicant could not find a lawyer willing to represent her in court. Given that the respondent in the case had a team of three lawyers and that the case involved complicated legal issues, it is arguable that the failure to provide the applicant with legal aid amounted to a restriction of her right of access to justice, in contravention of article 6(1) of the European Convention.

The applicant was not capable of representing herself in the proceedings

The applicant was a physical education teacher, with no legal training or experience. She had a strong emotional involvement in the case, because she had devoted most of her working life to the activities of the legal entity until its recent reorganization, and this made it more difficult for her to represent herself in the proceedings. The stress of the court sessions and of responding to the submissions of the respondent's legal team, and the presence of the senior representatives of the company, including the company director, resulted in her suffering a nervous breakdown. She lost the case, but has filed an application with the European Court, which is currently pending.[461]

Activities of human rights defenders to provide legal aid to citizens in cases where they are not eligible for state-funded legal assistance

Entry of the Russian Federation into the Council of Europe and obligation to apply the Convention within the frameworks of the national legal system

461) More information on the case of Mikhailova vs Russia is available on the site of the NGO 'Sutyajnik': http://www.sutyajnik.ru/cases/46.html

On February 28, 1996, the Russian Federation was admitted into membership of the Council of Europe, even though its national law was not (and is still not) in compliance with the mandatory requirements for member states. A 1994 report prepared by a group of eminent lawyers for the Parliamentary Assembly of the Council of Europe came to the conclusion that the legal order of the Russian Federation was not in compliance with the standards of the Council of Europe as expressed in its statute and developed by the institutions of the European Convention for the Protection of Human Rights[462]. A 1996 memorandum prepared by the Legal Department of the Russian Ministry of Foreign Affairs of the Russian Federation, just prior to the country's accession to the organization, reached the same conclusion.[463]

Consequences of Russia's accession

Russia's accession to the Council of Europe under such circumstances is troubling because, inter alia, 'given Russia's lack of experience in protecting human rights at the level of municipal law, it is likely that a great many violations of European human rights law will be committed there, and that they will not be remedied domestically.'[464]

Quality of the application of the Convention in Russian courts

Pursuant to article 1 of the European Convention, the Russian Federation has assumed an obligation to provide anybody under its jurisdiction with rights and freedoms determined in section 1 of the Convention. When analysing the court practice, one gets the impression that in Russia this obligation is generally understood as acknowledgement by the Russian authorities of the powers of the European Court to consider applications claiming violations of the provisions of the convention committed by the Russian Federation. In other words, there is a tendency in Russia to view

462) Council of Europe, Parliamentary Assembly, Report on the Conformity of the Legal Order of the Russian Federation with Council of Europe Standards prepared by Rudolf Bernhardt, Stefan Trechsel, Albert Weitzel, and Felix Ermacora, 7 October 1994. 15:7 Human Rights Law Journal (1994) p. 287; ???. ??: M. Janis, Russia and the 'Legality' of Strasbourg Law. European Journal of International Law (1997) p. 93.

463) European Court of Human Rights and Protection for Freedom of Speech in Russia: precedents, analysis, recommendations / under editorship of G. V. Vinokourov, A.G. Richter, V.V. Chernyshev. Institute of Informational Law, 2004 - V. 2 - (Journalism and Law; Issue 43) Electronic source: www.medialaw.ru/ articlelO/7/2.htm.

464) See M. Janis, Russia and the 'Legality' of Strasbourg Law at p. 98.

ratification of the convention as the recognition of the right of Russian citizens to 'write to Strasbourg', as a panacea for all woes[465], but without there being any clear connection with the judgements of the court and Russian law and judicial practice. This is in conflict with the basic idea of international human rights law, which is that human rights 'begin at home.'[466]

What this means in practice is that Russian judges are unwilling to apply the Convention in their judgements. Of 3,911 court decisions of the Supreme Court of the Russian Federation as of September 2004, only 12 mentioned the Convention: in 8 cases the Supreme Court made an assessment of whether one or more acts of a party to the proceedings were in contravention of the Convention, and in 4 cases the court made reference to submissions by the parties citing the Convention, but did not proceed to make its own evaluation of the provisions in question. Even in those 8 cases where the court has directly applied the Convention, the court erred in its judgement by failing to consider the European Court's case law when interpreting the content of the Convention.

For example, in one case the Supreme Court applied article 14 of the Convention as an independent article, without reference to the European Court's case law or to other, related, provisions of the Convention. The practice of the Supreme Court in applying the Convention is generally unsatisfactory. This conclusion is made based on an analysis undertaken by the author of the practice of the Supreme Court during September 2002, looking at decisions of the court of first instance, the court of cassation (appeal), and the extraordinary appeal instance *(nazdor)*. The situation is just as bad if not worse as regards subordinate courts and courts of arbitration. The only bright spots are in the practice of the Constitutional Court and in the judgements of some judges of the federal district courts.[467]

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465) See A. V. Demeneva, European Court: Panacea From All Woes? Judicial Protection of Citizens' Rights in its Best Forms: Materials of scientific practical conference, under editorship of A.L. Burkov – Yekaterinburg, Publishing House of the Urals University, 2003, p. 36. Available also at www.sutyajnik.ru/rus/library/sborniki/sud_zaschita.pdf.

466) K. Boyle Application of International Obligations in the Field of Human Rights at National Level: Course of lectures on 'International Law for Protection of Human Rights' under Essex University Master's programme 2003–2004 (unpublished).

467) For more detail in Russian see Application of the European Convention on Human Rights in Russian Courts / under editorship of A. L. Burkov - Yekaterinburg: Urals University Press, 2006, p. 264 (International Human Rights Protection; Issue 6), www.sutyajnik.ru/rus/library/sborniki/echr6 and in English Anton Burkov, Impact of the European Convention for the Protection of Human Rights and Fundamental www.sutyajnik.ru/rus/library/sborniki/ibidem

The situation in relation to domestic application of the Convention by the Supreme Court did not change noticeably after 10 October 2003, the date of the promulgation of the Regulation No. 5 of 10 October 2003, 'On the Application by Courts of General Jurisdiction of the Generally Recognized Principles and Norms of International Law and the International Treaties of the Russian Federation'[468] (the 2003 Regulation) by the Plenum of the Supreme Court. As in the case of the first period under scrutiny, the author, using data from the Supreme Court's website,[469] analysed the jurisprudence of the Supreme Court in civil cases as a court of first instance, second instance and extraordinary appeal instance. The overall number of judgements under scrutiny within the study period, 1 August 2004 to 20 December 2007, was 3,723.

The approach taken by the Supreme Court to the application of the Convention following the promulgation of the 2003 Regulation can be characterized as follows:

1) As was the case prior to the 2003 Regulation, there are very few references to the Convention to be found in the court's judgements. Only 32 out of 3,723 judgements during the period under examination refer to the Convention. Of course, it would not be relevant for the court to refer to the Convention in every decision. Many of the cases considered by the court are not related to human rights law. But in making an assessment as to what percentage of cases one might expect that the Supreme Court would take the Convention into account, one must bear in mind the court's jurisdiction.

As a court of first instance, the Supreme Court functions in a similar way to the Constitutional Court, which conducts judicial review of government actions. Under article 27 of the Civil Procedure Code, the Supreme Court most often considers applications (*zaiavleniia*) by physical or legal persons against acts of state organs, such as the President of the Russian Federation, the Houses of the Federal Assembly (parliament), the Government of the Russian Federation, or other federal authorities, where such authorities are alleged to have violated 'rights and freedoms and legal interests of these citizens and organizations'. The Supreme Court also considers cases of dissolution of political parties and Russian

468) Bulleten' Verkhovnogo Suda Rossiiskoi Federatsii 12 (2003).
469) www.supcourt.ru.

or international non-governmental organizations. As a court of second instance, the Supreme Court considers *inter alia* appeals against judgements delivered by courts of regions of the Russian Federation concerning normative acts of regional state organs (ref. article 26 of the Civil Procedure Code). In cases where one of the parties is a private or legal person and the other is a state organ, the Convention is particularly likely to be relevant.

The Supreme Court, as a court of cassation and extraordinary instance, reviews lower courts' decisions from the point of view of whether fair trial guarantees have been respected (that is, whether or not there has been a violation of procedural norms). Taking this into account, it is submitted that 32 instances of application of the Convention out of 3,723 cases do not suggest that there has been any significant application of the convention by the Supreme Court. The situation is even worse when one examines individual cases and observes how reluctant the court is to take into account the case law of the European Court where the Convention clearly did apply.

2) Only in those cases where a national court actually refers to the jurisprudence of the European Court is it possible to say that the court has genuinely applied the Convention in reaching judgement. So let us look at those 32 instances where the Supreme Court mentioned the Convention to see whether the Supreme Court also considered the case law of the European Court, and if so, to what extent. There are a small number of cases post-promulgation of the 2003 Regulation where the Supreme Court referred to the European case law. In six out of 32 of the judgements mentioned above, one can find a discussion in the Supreme Court judgement not only of provisions of the Convention but also of the way in which these have been interpreted by Strasbourg. Six cases out 3,723 judgements examined are not very many, but it is still a positive development, given that there are no considerations of Euroepan case-law at all in the pre-2003 judgements.

But this is only a start. The Supreme Court clearly needs to be much more active in its consideration of the European Convention, as interpreted by the judgements of the European Court, if the Convention is to be incorporated into domestic judicial practice.

It is in this judicial setting that human rights lawyers in Russia are seeking to present submissions based on the provisions of the Convention and the

case law of the European Court. The following paragraphs of this article describe the experiences of one Russian non-governmental organization, 'Sutyajnik', in providing legal aid in matters for which there was no existing legal jurisprudence in Russia.

The Urals Centre for Constitutional and International Human Rights Protection of the NGO 'Sutyajnik' has been attempting to solve the problem of the non-application of the convention by Russian Courts by carrying out strategic litigation. The litigation conducted by Sutyajnik has two goals: firstly, to secure the application by Russian Courts of the principles of the Convention as interpreted by the European Court in Strasbourg; and secondly, to educate Russian judges, lawyers, and human rights defenders on how to apply the international guarantees in individual cases.

When Sutyasjnik first commenced operations in 1996, none of the organization's lawyers, not to mention Russian lawyers in general, was familiar with the Convention or how to apply it in Russian law and practice. European human rights law was not taught in law faculties, and there were no Russian-language textbooks or guides on the Convention, its interpretation or application. The only way to learn about the Convention was through self-tuition. One of the first steps taken by Sutyasjnik and human rights activists in the Urals region was to start a campaign for legal education on the Convention, which gained the support and involvement of experts from the Commission of Human Rights of the Council of Europe, the London-based organization *Interights*, and the Human Rights Centre at the University of Essex, UK.

As mentioned above, Sutyajnik has sought to promote the application of the Convention in Russia by filing lawsuits on behalf of legal aid clients in a variety of different Russian courts. In each lawsuit undertaken, Sutyajnik prepared a case memorandum which included a section devoted to relevant provisions of the Convention and case-law form the European Court.

Monitoring of court decisions made by Russian courts has shown that the main reasons for non-application of the Convention are a) lack of awareness on the part of judges and lawyers of the Convention; b) lack of experience on the part of judges in applying international law in domestic court judgements. As the Convention becomes better known in the legal community, judges are likely to refer to it more often in their judgements, even

if in a rather primitive manner, which over time could have a positive impact.[470]

In addition to strategic litigation, Sutyajnik has been carrying out a number of other activities aimed at promoting the standards of the European Convention:

1) Training seminars for lawyers, government employees, non-governmental organizations, trade unions and law students;

2) Publishing articles in newspapers and legal journals;

3) Publishing brochures and books for distribution among judges, lawyers, public officials and members of the public;

4) Hosting press conferences, round-table discussions on new judgements of the European Court, particularly on those cases involving the Russian Federation;

5) Participating in conferences and seminars;

6) Development of a special website, 'We learn about the European Convention,'[471] designed for use by school students and members of the public. Visitors to this website can access information on the convention, on the case-law of the European Court, on relevant Russian laws and on decisions on Russian Courts where the convention has been applied; and

7) Advising and assisting clients in preparing and filing applications with the European Court.

The quality of legal education in Russia, particularly as regards international law, is generally unsatisfactory. Many judges in the Commonwealth

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470) For more details in Russian see Application of the European Convention on Human Rights in Russian Courts, under editorship of A. L. Burkov - Yekaterinburg: Urals University Press, 2006 p. 264 (International Human Rights Protection; Issue 6), www.sutyajnik.ru/rus/library/sborniki/echr6 and in English Anton Burkov, Impact of the European Convention for the Protection of Human Rights and Fundamental Freedoms on Russian Law (Stuttgart: ibidem-Verlag, 2007), www.sutyajnik.ru/rus/library/sborniki/ibidem

471) www.sutyajnik.ru/rus/echr/school.

of Independent States were educated and formed their systems of values during the Soviet era. In many CIS countries, international law and human rights law are not included in the basic programme of legal education and practical training for lawyers and judges. According to the representative of the Russian Federation in the European Court of Human Rights 'education courses read in our higher education establishments either have no information on the European Court at all or they have it in insufficient quantity.'[472] Knowledge of the field of international law is rarely assessed in bar or judiciary entry examinations.

Textbooks and manuals for studying and applying the convention are not readily available, and even those that do exist are often of poor academic quality. One exception is the series of publications on international protection of human rights prepared by the Urals Centre for Constitutional and International Protection of Human Rights.[473]

Conclusion

As demonstrated by a review of recent judicial practice, current Russian legislation and practice on legal aid in civil cases is not flexible enough to meet the requirements of the European Convention on Human Rights. At the present time, these gaps in legal aid accessibility are being filled by human rights organizations offering free legal services and legal awareness programmes. The ongoing work of human rights and community legal services organizations, encompassing not only legal advice and representation but also legal education and dissemination of information about the standards of the Convention and the judgements of the European Court, is essential if Russian advocates and judges are to refer more frequently to the case-law of the court in their submission and judgements, or if the principles of the Convention, still so unfamiliar to Russian citizens, are to be fully incorporated into Russian law and judicial practice.

472) P. A. Laptev, Legal Positions of the European Court of Human Rights and Penitential Reform of the Russian Federation, 4 Human Rights 2006, p. 12.
473) http://sutyajnik.ru/rus/library/sborniki/echr6/