

By the Judgement of 2 March 2021 No. 4-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 52, Para. 1 of the Family Code of the Russian Federation, Article 134, Section 1, Para. 1 and Article 220, Para. 2 of the Civil Procedure Code of the Russian Federation

The challenged provisions, in their interconnection, were the subject of consideration to the extent that on their basis, the issue of the list of persons entitled to challenge the record of the child's father in the book of births, if the latter was made in violation of the requirements of the law, is resolved.

The challenged provisions were recognised as inconsistent with the Constitution of the Russian Federation to the extent that, within the meaning given to them by judicial interpretation, they serve as a basis for refusing the heirs of a person recorded as the child's father in the birth register in violation of the requirements of the law (in the absence of his will, on the basis of forged documents, etc.), in accepting a statement of claim for the annulment of such an entry, and if proceedings in the case are initiated – to terminate the proceedings without considering it on the merits.

Until the appropriate legislative changes are made, the courts of general jurisdiction have no right to deny the heirs of a person recorded as the father of a child in the register of births in violation of the requirements of the law in accepting a statement of claim to annul such an entry, and if proceedings are initiated, to terminate the proceedings without its consideration on the merits.