

**By the Judgment of 8 April 2021 No. 11-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 116<sup>1</sup> of the Criminal Code of the Russian Federation.**

This provision was subject of consideration insofar as it served as basis to resolve the issue of bringing to liability for beatings inflicted by person with criminal conviction for committing actions foreseen by the same provision.

The challenged provision was recognised as inconsistent with the Constitution of the Russian Federation to the extent that it does not ensure proportionate criminal legal protection of the right to personal inviolability and the right to protection of personal dignity from violence when beating was inflicted or other violent acts inflicting physical pain were committed by person with criminal conviction for the same offence or offence with similar *corpus delicti*, leading to unsubstantiated difference between those who suffered from unlawful encroachment, and put persons with criminal convictions in privileged position as compared to persons subjected to administrative punishment.

Until necessary legislative amendments are made the current wording of Article 116<sup>1</sup> of the Criminal Code of the Russian Federation shall remain in force.

The Constitutional Court specially noted that the applicant has a right to appeal to a court in order to invoke compensatory remedy with regard to law-enforcement decisions made in her case that were based on the challenged provision. The form and amount of compensation, as well as grounds for its application (in accordance with item 6 of the reasoning part of the Judgment) shall be identified by the court which considered in first instance the concrete case where said provision had been applied.