

**By the Judgment of 19<sup>th</sup> April, 2016 No.12-II/2016 the Constitutional Court resolved the question of the possibility to execute in accordance with the Constitution of the Russian Federation the Judgment of the European Court of Human Rights of 4<sup>th</sup> July, 2013 in the case of *Anchugov and Gladkov v. Russia*.**

The subject-matter of consideration was the question of the possibility to execute in accordance with the Constitution of the Russian Federation, including its Article 32 (Section 3), the Judgment of the European Court of Human Rights in the case of *Anchugov and Gladkov v. Russia*, passed on the basis of Article 3 of Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms in its interpretation by the European Court of Human Rights.

The Constitutional Court has recognized as impossible execution of this Judgment of the ECtHR with regard to measures of general character, contemplating making amendments to Russia's legislation (and thereby alteration of the judicial practice based on it), which would allow to restrict in electoral rights not all convicted persons serving sentence in places of deprivation of liberty under a court sentence, so far as the prescription of Article 32 (Section 3) of the Constitution of the Russian Federation, having supremacy and supreme legal force in Russia's legal system, with all certainty means an imperative ban, according to which all convicted persons serving sentence in places of deprivation of liberty defined by the criminal law have no electoral rights with no exception.

The Constitutional Court has recognized as possible and realizable in Russia's legislation and judicial practice execution of this Judgment of the ECtHR with regard to measures of general character, ensuring justice, proportionality and differentiation of application of the restriction of electoral rights, so far as in accordance of Article 32 (Section 3) of the Constitution of the Russian Federation and the provisions of the Criminal Code of the Russian Federation concretizing it, as a general rule, the penalty in the form of deprivation of liberty and thereby deprivation of electoral rights of convicted persons having committed crimes of small gravity for the first time is excluded, and for crimes of medium gravity and

grave crimes deprivation of liberty as a stricter kind of penalty from the number of those envisaged by the Particular Part of this Code for the commission of a respective crime, is prescribed under a court sentence and, consequently, entails disenfranchisement only in the event if less strict kind of penalty cannot ensure achievement of goals of the penalty.

The execution of the said Judgment of the ECtHR with regard to measures of individual character, which are stipulated by the operating legislation of the Russian Federation, in respect of citizens S.B. Anchugov and V.M. Gladkov has been recognized as impossible, since these citizens had been sentenced to deprivation of liberty for long terms for the commission of particularly grave crimes and therefore could not count, even according to criteria elaborated by the European Court of Human Rights, on access to electoral rights.