

**By the Judgment of 6 June 2017 No. 15-II/2017 the Constitutional Court appraised constitutionality of Item 1 of Section 3 of Article 31 of the Criminal Procedure Code of the Russian Federation**

The contested provision was the subject-matter of consideration insofar as in the interconnection with Section 2 of Article 57 and Section 2 of Article 59 of the Criminal Code of the Russian Federation, according to which life imprisonment or death penalty are not prescribed to women, it excludes the possibility to consider a criminal case on the crime envisaged by Section 5 of Article 228<sup>1</sup> of the Criminal Code of the Russian Federation by the Supreme Court of a republic, territorial, regional or other court of equal level with them with regard to cases when a woman is charged with the commission of such a crime.

The Constitutional Court has recognised the contested provision as not conforming to the Constitution of the Russian Federation to the extent to which it excludes the possibility to consider by a court of the said level criminal cases on the charge of women over 18 with the commission of this crime, whereas criminal cases on the charge of men with their commission in the same conditions are subject to consideration by a court of this level.

The Constitutional Court has pointed out that a criminal case on the charge of a woman with any of the crimes, for the commission of which respective Article (Section of an Article) of the Criminal Code of the Russian Federation envisages death penalty or life imprisonment, – whereas a criminal case on the charge of a man with the commission of such a crime in the same conditions is subject to consideration by the Supreme Court of a republic, territorial, regional or other court of equal level with them, – must also be considered by a court of this level.

The Constitutional Court has determined the order of execution of this Judgement.

Criminal cases on the charge of women with the commission of crimes envisaged by Section 2 of Article 105, Section 4 of Article 210, Section 5 of

Article 228<sup>1</sup>, Section 4 of Article 229<sup>1</sup>, Articles 227, 295, 317 and 357 of the Criminal Code of the Russian Federation, if court sessions on these criminal cases have not been appointed by the moment of entry of this Judgment into force, are subject to consideration by the Supreme Court of a republic, territorial, regional or other court of equal level with them. Jurisdiction and composition of a court on criminal cases, court sessions on which have already been appointed by this moment, are not subject to alteration, including within the framework and on the outcome of their consideration in the appellate, cassation and supervisory procedure.