

By the Judgement of 25 June 2020 No. 29-II the Constitutional Court of the Russian Federation appraised constitutionality of Article 21, Section 1 of the Federal Law “On the Procedure for Leaving the Russian Federation and Entry into the Russian Federation”.

The challenged provision was the subject of consideration to the extent that, on its basis, the issue of the possibility of traveling outside the Russian Federation of a minor accompanied by one of the parents with whom the minor legally resides and who previously in an established order disagreed with travel of his or her child abroad.

The challenged provision was found to be inconsistent with the Constitution of the Russian Federation to the extent that, in the sense given by law enforcement practice, it, allowing the court to decide on the possibility of the minor leaving the Russian Federation accompanied by one of the parents only for a specific trip (to a certain country and within a certain period), and, moreover, acting in a system of legal regulation that excludes the resolution of this issue in an extrajudicial procedure if the parents reach mutual agreement, fully applies to that of the parents with whom the child legally resides and who previously established an order disagreeing with travel of his or her child abroad.

Prior to the entry into force of a new legal regulation, courts cannot be limited in their ability - with strict observance of the legal positions expressed in this Judgement - to resolve the issue of a minor leaving the Russian Federation not only in respect of a specific trip, but also in a wider manner.