

By the Judgement of 24 February 2022 No.8-II the Constitutional Court of the Russian Federation assessed constitutionality of Article 53.1, part 7 of Criminal Code of the Russian Federation

The said provision became subject to examination insofar as within the current legal framework it serves as a basis for the court's refusal to replace the unserved part of a penalty in the form of imprisonment with forced labor for men who have reached the age of sixty.

The challenged provision was recognised as contravening the Constitution of the Russian Federation to the extent that it, while excluding the said substitution for a convicted man solely because he has reached the age of sixty, with all the other statutory conditions necessary for substitution, is not balanced by guarantees that other options for mitigating the punishment of such a convicted man may be applied.

Until appropriate changes are made to the current legal regulation such a convicted person cannot be refused a substitution the unserved part of a penalty in the form of imprisonment by forced labour only on the basis of the specified age, provided that all other legal conditions that are necessary for substitution of punishment exist and there is no possibility to apply other methods of mitigation of punishment, and the state of his health, taking into account the perspectives of his dynamics for the period of possible serving this type of punishment, allows him to perform the labor function while forced labour.