

# THE PRISON SYSTEM IN THE RUSSIAN FEDERATION

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The prison system in the Russian Federation is known as the sentence enforcement system. It is a complex of governmental, legal, socio-economic and other institutions which are all part of the Ministry of the Interior.

The system includes 513 correctional labour colonies, 160 pre-trial detention centres, 14 prisons, 59 educational labour colonies for juveniles and 104 institutions for alcoholics. The system has in its care 574,500 convicted prisoners. Included in this number are 19,100 women and 19,200 juveniles. 35,700 persons are confined in corrective labour inspectorates. There are also 138,000 pre-trial prisoners<sup>1</sup>.

Most convicted prisoners have been found guilty of serious crimes. Almost 25 per cent have committed premeditated murder or serious assault. Twenty per cent have committed armed robbery, robbery or rape. Over 60 per cent are recidivists. Over 45,000 of these are regarded as being extremely dangerous. The number of persons who are racketeers or who belong to Mafia-type organisations is growing rapidly. This difficult mix of prisoners can lead to dangerous situations in prisons. Prisoners are at risk from each other and additional crimes are committed in penal establishments.

The prison system in the former Soviet Union was set up as an integral part of the national economy. It was highly centralised and hierarchical. Little attention was paid in this system to the reform of prisoners.

For many years little was done to improve physical conditions in prisons. On the premise that crime would quickly be eradicated, the leaders of the country saw

little need to allocate funds to build new colonies and prisons. This has led to problems of significant overcrowding at a time when all the forecasts are that the number of people in prison is likely to increase because of the growing crime rate.

Until recently great secrecy surrounded all penal establishments. The recent growth of democracy in Russian society and the implementation of principles of social justice have obliged the prison service to recognise the human, civil and legal rights of prisoners. The previous structure of the prison service did not meet the standards which are now required of public organisations. It retained many of the negative features of the notorious Gulag system<sup>2</sup>. These included an over-abundance of pointless petty regulations, priority given to economic interests, an emphasis on ideology and poor material conditions.

## Setting the Agenda for Reform

The first task in reforming the prison system in Russia was to set realistic objectives for the service. Article 20 of the present Penal Code of the Russian Federation describes the aim of punishment as being 'to correct and re-educate convicts, to show them the value of work, to make them law-abiding and public spirited and to deter convicts and all others from committing future offences'.

Such far-reaching objectives are not practical. For example, it is not realistic to expect that corrective labour in a prison setting will 're-educate' a prisoner. The new draft of the Penal Code excludes this notion of 're-education' as an objective of

1. In addition there are approximately 113,000 prisoners detained in 218 forest zone colonies, which are administered by a separate department of the Ministry of the Interior.

2. Gulag is the acronym for Glavnoye Upravlenie Lagerei, the Central Administration of Camps.

imprisonment. But Article 40 of the new draft retains the reference to encouraging prisoners to adopt 'an honest attitude towards work and to obey the law'.

The following principles underline the proposed reformation of the prison system:

- treating prisoners as human beings
- a strict observance of the human rights of prisoners
- encouraging prisoners to lead law-abiding lives
- treating different categories of prisoner according to their status

This last principle means that prisoners who continue to behave unlawfully while in prison will be segregated from others and will enjoy a very limited range of privileges. The majority, who behave in a law abiding manner, will enjoy extensive privileges. These will include:

- the creation of normal conditions of imprisonment
- the implementation of measures for the social rehabilitation of offenders

If we can achieve these objectives, we will have gone a long way towards implementing the international norms and guidelines for the treatment of prisoners.

### **Encouragement not Coercion**

The reform of the prison system cannot happen without significant changes in legislation. The drafts of a new Penal Code and a new Sentence Enforcement Code have already been published. Unfortunately it will take some time to complete this legislative process. However, it is clear that the new national prison policy will concentrate less on coercion and more on encouraging prisoners to lead law abiding lives.

Already changes have been introduced. Since 1 January 1992, prisoners have been paid the full rate for their labour. The previous 50 per cent deduction has been abolished. On 9 July 1992 the Russian Federation adopted a law 'On the changes and amendments to the tax system of Russia (No 3017-1)'. This included a provision that prisons and correctional institutions would only be required to pay a percentage of the normal tax to central government. We hope that in future we will be excused payment of all tax, not only to central government but

also to regional administrations. There are already indications that local administrations are adopting a more positive attitude to correctional labour systems. This has happened, for example, in the regions of Yakutia, Khakassia, Buryatia, Kemorovo, Jaroslavl, Samara, and Krasnoyarsk.

The new economic reality has meant that we have had to reform the method of production in the prison system. To help us to do this, we have proposed that the Supreme Soviet should adopt a resolution 'On some characteristic features of work in correctional institutions'. We have also been able to influence draft legislation on anti-monopoly activity, on bankruptcy and on tax policy.

### **Prisoners' Rights**

On 12 June 1992 a law 'On amending and supplementing certain chapters in the Correctional Labour Code of the Russian Federation, the Penal Code and the Criminal Proceedings Code' was adopted. This is an important piece of legislation which defines the general policy for reforming the prison system. It is aimed at increasing the efficiency of the prison system, at respecting human rights and at bringing Russian laws into line with the international norms and guidelines for the treatment of prisoners. Its adoption has meant a complete re-assessment of how the various parts of the prison system operate.

For the first time the right of prisoners to freedom of conscience and free observance of religion has been recognised. Ministers of religion now have free access to prisons and are entitled to conduct religious services. Rooms have been set aside as places of prayer and in some labour colonies churches have been built. Provision in this respect is not always easy since there are forty different religious denominations in Russia.

Prisoners also have a right to personal safety. This means that the prison administration must act as soon as a prisoner complains that his or her life is in danger. This normally means a transfer to a safer environment.

### **Accountability**

There is increasing provision for public oversight, for example, by people's deputies, of the prison administration. Local councils may appoint representatives who

can meet with prisoners to listen to their complaints and familiarise themselves with prison regulations. Prison staff are also required to carry out their duties in a professional manner, to act humanely in their dealings with prisoners and not to humiliate them.

Time spent in prison is now taken into account when calculating pension rights. All prisoners are now given time off work. For some categories of prisoner this takes the form of leave outside the institution. Immediate home leave is given in the case of a family emergency.

The previous restriction which prohibited prisoners receiving parcels from home until they had served half their sentence has been abolished.

Special provisions are made for women prisoners. Those who have children in the nursery of the colony receive a special allowance.

Dietary punishments have now been abolished.

The following categories of prisoner are entitled to free food, clothing, underwear and shoes; juveniles, disabled prisoners, women after the first four months of pregnancy, women who cannot work because they have babies in the nursery of the colony, men over the age of 60 and women over the age of 55 who do not work and those who are unable to work because of their physical condition.

The frequency of short term and long term visits has been increased<sup>3</sup>.

An increasing number of prisoners are allowed to move about unescorted. These may live outside the secure perimeter of the colonies.

There is now no limit to the number of letters or telegrams which a prisoner may send. They may also have access to telephones. Restrictions on visits or parcels are no longer imposed as punishments.

Convicted women prisoners may now wear their own clothes.

Convicted persons may now use their own resources to pay for additional medical treatment and to take out insurance. Like all other Russian citizens they also received privatisation vouchers.

The new law has confirmed that convicted prisoners are obliged to work. This

may be in state-owned enterprises, or on a contractual basis with other companies or on individual work. Previously there was no minimum wage for prisoners. Those who meet pre-assigned work quotas are now entitled to be paid at least the minimum labour rate.

Attempts are now being made to give prisoners a greater sense of personal responsibility, to encourage them to deal with their personal problems and to organise their daily activities. Prisoners are also encouraged to set up funds in each prison for cultural and welfare activities and to help them when they are released.

Arrangements are in hand to set up a psychology service within the prison system. Psychologists receive full time and part time training in the High School of the Ministry at Ryazan and some are already at work in colonies.

### **Improved Conditions Lead to Stability**

Taken together, these initiatives have helped to make our prisons more stable. The number of escapes has gone down this year. There have been few incidents of hostage taking and the number of killings has also decreased. A great deal of creative work has been carried out in prisons in regions such as Rostov, Chelyabinsk, Ulianovsk, Kaluga, Oryol, Yaroslavl. This work has shown the benefits which can flow when there is trust and dialogue with prisoners. They have a greater social awareness. The environment in the prison has improved. Prisoners may also make external contacts which can help them on release.

The draft Penal Code has abolished exile and deportation as punishments. Almost 60 per cent of the offences in the draft code can be punished without imprisonment. A significant number of offences have been decriminalised and approximately 90 per cent of the articles in the draft Penal Code are concerned with humanising the system.

It is proposed to have limited forms of imprisonment as well as conditional release. In each region there will be colonies for the different category of offender. This means that they will be able to serve their sentences close to their homes.

3. A short term visit usually lasts for three or four hours and is taken in the prison or colony visiting room. A long term visit will last up to 72 hours. In this type of visit the prisoner and his or her family will live in a small self-catering flat within the prison perimeter.

### **Allocation Policies**

In implementing these reforms we were at pains to change the structure of the labour colonies. In future we plan to allocate prisoners according to their individual needs rather than by type and length of sentence. This will prevent the former practice of allocating prisoners across the entire country. This served largely to confirm them in their criminal ways, to make new contacts, to share criminal experiences and indeed to spread crime even more across the country. At the same time, it made it difficult for families and friends to visit and increased the likelihood that prisoners would attempt to escape.

As a first step to that end, the Law of 6 August 1992 'On the Unification of Reinforced and General Regimes in Correctional Labour Institutions' provided for a single type of establishment for all convicted prisoners. Before this law came into force, prisoners were liable to be allocated to a colony in any one of Russia's 57 regions. This will no longer happen. Instead, there will be an ordinary, a simplified and a strict regime within each colony. Prisoners will progress through each regime and can expect to spend the last part of their sentences in a regime outside the secure perimeter. This will help their re-integration into society.

### **Minimum Standards**

In our view the draft Penal Enforcement Code meets all the basic requirements of international standards, both in terms of crime control and of the humane treatment of offenders. In this respect it is important to bear in mind a distinction which is often overlooked by the mass media and some human rights organisations. There are two kinds of international norms: those which are obligatory and those which are recommended. There can be no exception to the obligatory norms. They must be included in national laws and implemented without delay. A good example of this type of norm is the UN Declaration on the Protection of All Persons from being Subjected to Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment (1975) and the Convention on the same subject which was adopted by the United Nations in 1984. This norm admits of no exception at any time.

An example of a norm which is

recommended would be Article 9 of the UN Minimum Standard Rules for the Treatment of Prisoners. This requires that each prisoner should have a separate cell or room to sleep in at night. However, paragraph two in the Preliminary Observation on these Rules notes: 'In view of the great variety of legal, social, economic and geographical conditions of the world, it is evident that not all of the rules are capable of application in all places and at all times'. The minimum standard about single cell accommodation could not be met in Russia, either now or in the near future, although we recognise it as something to be aimed for.

### **Resource Constraints**

We are also restricted because of shortage of physical and technical resources for the prison system. Most of our prisons and colonies need major reconstruction but this can only be done at huge expense and over a long period of time.

We recognise that the draft Code includes some regulations which are at odds with the way we want our society to develop. As well as increasing privileges for prisoners in order to encourage good behaviour, the new legislation also reinforces some punitive measures. Recently our prisons have been destabilised by a number of hostage taking incidents, by escapes and by other disruptive incidents. Our legislators have accepted the need to ensure good order in all prisons. For example, the penalty for hostage taking has recently been increased to 15 years imprisonment and that for escape to eight years.

### **Purpose of Imprisonment**

The new legislation has to take account of existing discrepancies between the Russian Constitution and the international treaties and covenants signed by Russia or the former Soviet Union. Over the last few decades the legislation dealing with prison and related matters has not always been in accord with the national constitution. An important first step was made with the adoption on 21 July 1992 of the law 'About Institutions and Bodies Enforcing Custodial Sentences'. This new legislation was based on the principles of legality, humanity and respect of human rights. The objectives of the prison system have been defined as follows:

1. To enforce the sentence of imprisonment or capital punishment.
2. To ensure that there is good order in prisons so that prisoners, staff and all other officials shall be physically safe.
3. To provide work for prisoners as well as education and training.
4. To provide health care for prisoners.
5. To assist in any necessary investigation.

The penal system is based firmly on the constitution of the Russian Federation and other legislative acts. From time to time in the past the Ministry of the Interior has had problems in negotiating with local authorities when setting up correctional labour institutions, especially prisons and colonies for particularly dangerous offenders and for prisoners suffering from tuberculosis. Now such matters fall to be decided by the government of Russia.

For the first time the financial arrangements for the prison system take account of the objectives of the system. After statutory deductions the profits from the production in the colonies can now be used to improve prison conditions, to provide more work and to develop social facilities in the colonies. The arrangements for paid work for the prisoners are wide-ranging. They may work on behalf of the colony, on their own account or in other forms of business. The law now ensures that those who work in prison establishments may not profit from the work of prisoners.

### **Use of Force**

Special mention should be made of the regulations restricting the use of force, including weapons, in prisons. Staff have the right to use physical force in order to apprehend prisoners and to prevent criminal acts and administrative offences within prisons if this is necessary. In extreme circumstances tear gas and firearms may be used, for example, when staff are being attacked, when life or safety is being threatened by prisoners, when there is a danger of mass disorder, to free hostages or to recapture escaped prisoners. The use of such measures is restricted by law.

A major change is that the new law also recognises the rights and responsibilities of prison staff. The relationship between staff and prisoners is defined. This is another example of the new legal basis under which the prison system operates. These changes will help to improve the

position of staff, will allow us to recruit a high quality staff and to dismiss incompetent personnel.

The law now gives legal and social protection to members of staff and their families. Recognising the stress involved in prison work, the law grants staff certain privileges. Staff who work in direct contact with prisoners and in the most difficult conditions will receive a 50 per cent increase in salary and additional pension rights.

### **Staff Conditions**

Prison staff now have the same conditions of service as the militia. They have a right to priority accommodation, they are eligible for interest free loans, have priority listing for telephones and have the right to free use of public transport throughout Russia.

By resolution of the Supreme Soviet psychiatric labour institutions will be closed on 1 June 1994. At the same time the forced treatment and re-education of chronic alcoholics will be ended. Responsibility for the treatment of such individuals will be transferred from the Ministry of the Interior to the Ministry of Health, which is as it should be.

This same resolution also deals with the issue of guarding the perimeter of correctional institutions. Until now prison staff have been responsible for guarding the perimeter of pre-trial detention centres and prisons and a small number of labour colonies. However, perimeter security in the majority of labour colonies has been the responsibility of troops of the Ministry of the Interior. This arrangement has been less than perfect. It has led to a confusion about the limits of respective responsibilities of the two sets of staff. The escort units of the Ministry troops are below strength and this has led to a weakening in security. We also question whether it is proper that immature 18 to 20 year old youths should be given the responsibility for guarding prisoners. There have been examples of trafficking and even of prisoners being assisted in escape.

The transfer of all security responsibilities to prison staff will permit better control and will ensure that only fully trained staff will carry out this task. This is what happens in other prison systems. Such changes will require additional financing. We have to hope that the necessary resources can be found. There will also be difficulty in providing accommodation and employment

for the families of these new staff since many of the labour colonies are situated in remote areas.

### **Setting Priorities**

Some of the new legislation came into force on 24 August 1993. It will require co-operation with the Ministries of Finance, of Labour and of the Economy. Its implementation will help stabilise the situation in our prisons and will encourage us to adapt prison conditions to take account of international norms and guidelines.

In this paper I have tried to describe the main changes which are taking place in the prison system in Russia. In conclusion, I would like to underline what we see as our priorities, as confirmed by the Decision of the Board of the Ministry of the Interior on 30 June 1993.

In respect of operational matters:

- to apply the provisions of the laws of 12 June 1992 'On Introducing Changes to the Penal Code' and 'On Institutions and Agencies of Imprisonment';
- to prevent escapes and improve security;
- to introduce measures to deal with organised crime and corruption;
- to build new prisons and labour colonies in regions of Russia where none exist at present;
- to divide prisons and colonies into smaller units, to create a psychology service and to encourage prisoners to observe the law;
- to lay in sufficient supplies and sources of heat and energy for the winter

months;

In respect of industries and finance and the need to provide prisoners with work:

- to prepare work plans for each unit for 1993 to 1994 for developing industrial production, to create additional jobs and to concentrate on production of goods for the Ministry of the Interior and also for public consumption;
- to expand joint ventures between private and state owned enterprises;
- to collaborate with local authorities in developing programmes for regional employment for prisoners;
- to expand outlets for the marketing and sale of products, in both the private and the public sectors;
- to develop agricultural enterprises;
- to supervise the construction of new labour colonies and in particular of pre-trial detention centres;
- to improve control of the allocation of resources; to reduce losses, embezzlement and the waste of financial and technical resources.

In respect of personnel:

- to fill vacancies for detachment commanders, junior security inspectors and prison officers;
- to set up a comprehensive training system, initially for prison officers;
- to ensure that staff work within regulations at all times;
- to pay special attention to the social needs, particularly of retired staff and of the families of officers who have lost their lives or who have been injured. ■

## **READABLES**

*Some more items that have recently been acquired by the Prison Service College Library.*

Books from two familiar authors have been added to stock.

Desmond Morris fans will be interested to read the book of his last TV series 'The Human Animal' (BBC, 1994). For those who did not see the series, this aims to show how much human behaviour owes to our animal ancestry.

Edward de Bono (of 'Lateral Thinking' fame) has recently published 'Parallel Thinking' (Viking, 1994). This claims to

move thinking processes on from traditional Socratic thought - the search for truth - to de Bono thinking - 'design forward for value', a new method designed to deal with the complexities of modern living.

A recent addition to our management shelves is 'Gods of management' by Charles Handy (Century Business, 1991). Using four ancient gods to represent different styles of management, Handy analyses changes in work and organisation, illustrating throughout with real-life case studies and examples.