



## **2010 Mid-Year Report**

### **Thanks to the donors**

We would like to thank the Open Society Institute for its many-year institutional support of the Moscow Center for Prison Reform.

### **1. Advocacy of setting up the regionally-based systems for social adaption of former prisoners**

1. At the period from January to June 2010) MCPR continued providing social assistance to imprisoned girls in Novy Oskol juvenile colony. The girls from Chelyabinsk region were one of the primary target groups. The social work was carried out according to the MCPR established algorithm. For this period MCPR staff made two visits to Novy Oskol colony – in January and in April.

During the visits MCPR noticed that the number of prisoners in Novy Oskol has reduced significantly reached as little as 160 persons. This happened due to the reduction of the age limit after which juvenile prisoners are to be transferred to the adult colony (from 21 to 19, but most of prisoners are sent to the adult colony rights after they reach 18 year old).

Reduction of juvenile prison population is a general trend around Russia that has two consequences: a large part of juvenile prisoners are found ourselves in the adult colonies and subject to negative influence of hard core criminals and prison subculture; the juvenile colonies currently are filled only by 21.6% of their capacity – the latter is used by the Russia Prison Service as an argument for reduction of the total number of institutions for juvenile. Out of 62 now functioning juvenile colonies the Service is going to leave only 33 to reorganize them into “Educational centers” that would include all the types of regime. The emptied colonies are supposed to be transformed into women’s colonies and colony settlement – women’s colonies are currently overpopulated and the female prison population is the only category of prisoners that has been lately growing. Small number of NGOs and some state public and human right structures have voiced its protests against reduction of juvenile colonies (MCPR has applied to the Russian Ombudsman and to the RF President), but no indication so far that our voice is heard. The main reason why the system wants to pack the juveniles together and to use their colonies is to economize, to save the money. The reason why we do not want them to do so, is that our belief that this move would be violation of their rights to get visitation from and maintain the link with their relatives – which is very important in their age – (2) that to provide personal development programs is better in small groups, (3) that the juvenile offenders dispersed location reduce negative influence of criminal culture and, finally, the new Prison

Service concept of the large complex centers for juvenile offenders is dangerous because such places would be rather become is rather become places of violence and terror that is difficult to run – much more and more competent staff is needed and special forces should be nearby and permanently on alert because the danger of incidence will be much higher places where the central part is going to be notorious SIZO and a prison (not colony) which is harsher regime in our country.

Comparative table of the transfer to the adult colonies from few juvenile colonies.

Breakdown by year

Year	The number of persons transferred to the adult colonies / % of the total number of prisoners as July each year		
	Novy Oskol JC	Atlyan JC	Chelyabinsk JC
2010	91 / 60%	40 / 32%	
2009	56 / 28%	40 / 22%	93 / 68%
2008	36 / 13%		

In spite of reduction of the number of prisoners in Novy Oskol, our social consultations are popular with prisoners not less than ever – 25-35% out of all prisoners or 40-50 in number – come to receive our advice or ask for assistance. A new tendency in the problems breakdown is that a portion of those who cannot receive passport even with the help from the colony social worker has increased – one of the common reasons is high difficulty with confirmation of the Russian citizenship. We have dealt with 4 complicated case related to passports and citizenship. By now only one case has completed successfully.

2. Within advocacy line of work three MCPR staff members undertook a long trip around Chelyabinsk region having visited four places – Magnitogorsk, Zlatoust, Chelyabinsk, Miasskoe – where we held meetings with the authorities and released girls and their families.

In Public-political center in Magnitogorsk we has two meetings with the members of United Russia party and senior teacher of the Magnitogorsk State University to discuss practical possibilities of involvement of the university (students and teachers) in the process of social assistance of young prisoners and their reintegration in society after release – what contribution they can make, what questionnaires need to be developed in order to study the problem of young prisoners and their families so that to submit results of the research to the authorities of local and regional level (the governor of the region) having in mind including the activities on social assistance into the regional programs and the budget.

MCPR staff accompanied by the UR member and by the Director of the local organization “Civic initiative” (running also social bureau for prisoners living with HIV) visited family run orphanage founded by a Swiss man 15 years ago and at present being a roof for 4 families bringing up 25 children, their own and ‘difficult children’ taken from the ‘state run orphanage’. One of these children is a girl who by right before the dates of our visit returned from Novy Oskol colony. We met her and assisted in communication with the director of the Civic initiative social bureau because she had unsolved problem regarding her house. Out of 25 children residing in this orphanage at least 2 have had problem with law – the second is a boy who cannot resist from stealing. These problems and also the problems that are faced by the children after reaching

18 years old and leaving from the house were the issues for a long discussion together with Swiss and Russian adopting parents and United Russia and the NGO representatives.

We made an agreement with the NGO Director regarding providing social and legal aid to those released. One of our clients has been now using services of their lawyer free of charge. Their assistance will also be important for the family orphanage as well.

While to Chelyabinsk we visited the auld female colony having held group discussions and providing individual consultations on social and legal issues to the girls transferred from Novy Oskol. Apart from the former Novy Oskol girls, two adult women requested for assistance related their resettlement after release – no housing, it will be impossible to register themselves at the area of residence and consequently to find job etc.

During our visit to Chelyabinsk one of our clients, a girl prisoner, was released and we met her at the prison gate and accompanied until the moment she was received in the social hostel (she was an orphan) – we saw what obstacles some released persons met in practice to make all the necessary arrangements needed after release. In this particular case, if not us who were struggling with the bureaucrats for her, the girl would go to her just released co-inmate – drug dealer – and be lost for society. Of course, no guarantee yet that we saved her for ever.

This was a girl from Chelyabinsk orphanage and her main (visible) problem was accommodation. Before we met her coming out of the colony we went to the center of postpenitentiary assistance to the orphans where the colony could forward her if she had a passport. But because she had not, she had to confirm her Russian citizenship through the court, and before it's done she was sent to the center for those without certain place of residence, so called BOMZh Center. When we with came to the Center it was found out the document about her state of health issued by the colony medical service was incorrect filled in and the Center refused to take her. She could go to sleep and live on the street, she could go to her co-inmate inclined to drugs and alcohol and being a repeat offender, sentenced for drug dealing. We called to the colony and had a long and very hard talk with the colony deputy head, in the end of which we succeeded. Now the girl can live there until she was not provided with housing in two month (which is within the current law). We went to the district administration responsible for providing orphans with permanent accommodation. That was the scheme we were making her to implement with our assistance. ..Then we went to Moscow, tried to contact with the girl, but were told that she left the center, was seen drunk, take a way of life of her "friends" and did not do anything to receive passport. Now it is impossible to define where she is residing and maintain contacts with her in order to inform her about providing her with a flat or room.

This is not a single case which demonstrates probably one of the reasons why it is difficult to find volunteer to provide social aid and assist in resettlement.

Under our previous projects supported by OSI in Chelyabinsk region we have established working contacts members of the regional Public Chamber, with a teacher of the Social Faculty of Chelyabinsk State University. We have not achieved those results that we were aiming at ideally, but our efforts were not useless. We would raise a problem, giving details and showing the need to solve it. Irina Gekht, the teacher of the Chelyabinsk University and local public figure who used to be a member of the regional Public Chamber and member of the Public Monitoring Commission, in March of 2010 was appointed deputy minister on social issues of the Chelyabinsk regional administration. Social assistance and reintegration of the youth after release fall under her responsibility now.

In Zlatoust we continued our work with the commission on juvenile affairs. This time we organized a joint visit to Atlyan – another juvenile colony in Chelyabinsk region – together with representatives of the commission for juvenile affairs, the bodies of social protection and guardianship of Zlatoust. After the break of several years this was the first visit to Atlyan of representative of the juvenile offence preventive system. They had talks with all the teenagers from Zlatoust and found out their problems. We hope this visit will result in renewing cooperation between the system, the commission and the Atlyan administration aiming at arranging continuous social assistance starting well until prisoners are released.

### **3. Assistance in developing new approaches and methods of work with offenders inside the colony and at the criminal-executive inspections (dealing with persons sentenced to alternatives to imprisonment).**

The work proposed in the project – like questionnaires for prison staff was not possible due to the very tough attitude that the new Prison Service Director took towards its staff, so for now the staff is speechless and no fruitful communication with the prison service and lower staff is possible - the prison service let it itself not to listen to NGOs, and prohibited to do so to its lower staff.

Theoretically, we have been studying the methodology of educational work and come to conclusion that the main efforts should be aimed at increasing educational and intellectual level of a prisoner. This is relevant to all the prisoners, but especially actual for the youth. This age is characteristic of active processes of personality formation, when teenager is adopting everything that the life brings to him/her. The more educational and developing programs are used while the person in prison, the more chances to reduce the rate of repeat offending. Scientists agree that the higher educational level of a person, the less risk of recidivism

### **4. Involvement in developing the system of public control for places of detention. Monitoring of implementation of legislation and conducting reforms in prisons.**

Three MCPR members are the members of Public Monitoring Commissions for the places of forcible detention and have made regular visits to the colonies and remand prisons in Moscow and Moscow regions. They also proposed a number of amendments to be introduced in the Law about Public Control over Places of Forcible Detention. Some of the amendments have been approved and came recently into effect, but some are left unwanted by legislators. This was also a part of the mission of that independent working group that was reviewing the prison reform draft concept as well as results of discussions held these last months within every Public Monitoring Commission in Russia. Since September 1 the RF Public Chamber announced selection of candidatures for the new term (increased to 3 year by the mentioned amendments).

In this report it is early to speak about the implementation of reforms because in fact the reform concept is not yet approved. Although the Prison Service have made some steps towards reforms including transfer of 150000 prisoners to separate hard criminals from those committed less serious crime and first-comers. As the Prison Service claim it was done within the current legislation and they seem to be right although human rights activists would continuously raise their voices against this move if it is done in respect to the prisoners who have managed to accommodate themselves in one colony having spent there some time – claiming that it was typically for Russian authorities inhumane action and one more demonstration of no respect to

the individual, his needs and feelings. Beatings, bullying and humiliation of prisoners accompanied this process. The voice of the human rights community was not heard, as usual, but to be true it was rather weak and organized.

Our efforts at the conceptual level

The draft concept of the announced reform of the penal system has been changed since its first draft developed a year ago and until now it's not yet approved by the government. In May it was rejected by the government because it was too costly and requested to be reviewed and changed. The new version is not yet known to the authors of the report.

The most recent version of the report as of May this year contains innovations in respect to juvenile offenders and juvenile colonies. By now in Russia there are 62 JCs three out of which are for girls. The recent version of the draft – and there are serious fears that it is going to be approved as it is – proposes in respect of those committed offence being under age to reduce 62 JCs to 33 (see also above), the remaining will be a complex institution include SIZO for juveniles, a juvenile colony, a prison type establishment, a colony-settlement (the latter two – for those reached 18 years old and a rehabilitation center for those before release.

Arguing with this concept, the Moscow Center for Prison Reform has developed recommendations suggesting to replace this section in the draft concept on juveniles with the other concept. The core of our idea is to establish additional institutions to the existing 62 colonies so that ideally in each region there would be such a number of institutions that would reflect the juvenile prison population of this particular region. Maximum capacity of the new institutions should be 30 – 40 offenders. In addition, we suggested to transfer juvenile institutions from the Prison Service of the Ministry of Justice to a special department directly responsible to the MoJ or alternatively – to the Ministry of Education. (The juvenile prison population has reduced recently from 14 thousand down to 5 thousand for the whole Russia which is the lowest percentage compared to other countries).

These and other proposals along the other lines of the draft concept were discussed at the working group of human rights organizations under sponsorship of the Institute for Human Rights and some MCPR members were involved. This working group continues its activities.

The bad side of the process is that as usual in this country some things which are expected to be unpopular are carried out without much publicity – like preparations to reduce juvenile colonies and factual closure some of them now, transfer of masses of prisoners (150 000 people by now) serving their first term from one colony to another, sometimes thousands kilometers away, making it difficult for relatives to visit their imprisoned relative and making the prisoners themselves to fight for the place under the sun in a new colony – generally very painful process, etc.

## **5. Providing support to those sentenced to life imprisonment / advocacy against the death penalty.**

Support of those serving life sentences have been provided by the MCPR through maintaining correspondence with the lifers. In the first half of 2010 we have received 245 letter from those sentenced to life imprisonment, those were sent by 135 people. Maximum number of letters received from one prisoner is 8 pieces (there was two of those).

All the letters have been answered. i.e. all the requested materials – within the permitted weight of one letter – have been sent out, including a letter itself to the prisoner. This is as a rule 36 pages of text or the brochures printed by МСРР. Those in the most demand with the lifers were the brochure on how to write an application to review the case.

The letters would come from various places, mainly, from specialized colonies for lifers. Below is breakdown by colony including addresses and the quantity of the letters.

Institution	Address	Number of letters
ФБУ ИК-18	Тюменская обл., 629420, ЯНАО, п. Харп	138
ФБУ ОИК-2, ИК-2	Пермский край ,618540, г.Соликамск, ул. Карналлитовая, 98	87
ФБУ ИК-1 "Участок ПЛС"	Мордовия, 431120, Zubovo-Полянский р-н, п. Сосновка	4
ФБУ ИК-5	Вологодская обл., 161222, Белозерский р-н, п/о Карла Либкнехта	5
ФБУ ИК-6	Оренбургская обл., 461505, г.Соль-Илецк, ул. Советская, 6	One

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One letter has come from prison hospital in Vologda and 8 letters have come from SIZO (Moscow, St-Petersburg, Yekaterinburg)

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One letter came from St-Petersburg from the mother of some Ushakova sentenced to life imprisonment; the materials for him were sent to his mother.

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Generally, all prisoners are interested in abolition of the death penalty. Especially this interest has increased after the Ruling of the Consitutional Court as of 19.11.2009 г. Apart from other things, this is connected to the fact that many persons with life sentences were pardoned by RF President between 1993 – 1999 after they had been sentenced to the death penalty.

Almost all the prisoners believe that due to the moratorium on the death penalty they will be able to bring their sentence in compliance with the new law (art. 10 of the RF Criminal Code) and the sentence will be reduced, ie this will a definite term: 15-20 years.

As it is clear, many prisoners (formerly those on death raw) in such case will be freed.

The same outcome (changing the life sentence into a definite term) is a hope of those who was sentenced to life, but in the period from 1997 till 28.07.2004 – as it is thought that for this period the life sentence allegedly could not be given because there was unclearness in wording of article 57 of the RF Criminal Code. But these are still dreams. The time will show what is going to happen.

All the prisoners also request to send legislative acts related to the decisions of the Constitutional Court, Rulings of the RF Supreme Court, various orders of the Ministry of Justice and Rulings of the RF Government, decisions of the European Court on some cases etc.

There have been almost no complains about detention conditions, moreover, many write about improvement of everyday life conditions: the cells are better ventilated; this year prisoners are allowed to watch videofilms (once a week, in Kharp); there was information from Solikamsk that prisoners were taken for a walk not in a bended pose and because of this some prisoners went out for the first time in years.

The life prisoners' complaints are as follows:

a) the lack of stationery and letter-paper, stamps and envelops;

б) no access to laws, various decisions, rulings, decisions of the European Court, etc;

в) in February 2009 a limit of the money the prisoners can spend in the prison shop was reduced to 700 rubles (beforehand it was more than 2000 Ru); that with the current prices on foods can be considered as a sneer or humiliation;

г) impossibility to obtain copies of documents on their cases from the courts not only free of charge, as stipulated by the Constitution (confirmed by the decisions of the Constitutional Court as of 13.06.2006 #272, but for the money as well after having paid state duty and for every copied page; perhaps, it is because the courts are not ready to such actions as copying and sending copies to prisoners.

д) repeated complaints about formalism of the courts' answers, about indifference, about replies besides without the point, ie there is a clear wish of the courts not to get mixed up – “it is signed and thank goodness”, what else to discuss if everything already is double checked.

е) in addition, one can say that part of the life prisoners can probably be victims of judicial errors – by indirect calculations their number can make about 5 percent of out total number of those sentenced (and those pardoned) to life; the fate of such people is a matter of concern.

## **6. Raising law awareness of prisoners and concerned groups of society.**

### **a. Materials and Publications of legal nature**

At the first stage of the project MCPR issued:

- Internal prison rules including legislative changes as of May 2010, 1000 copies. A part of the copies was delivered to SIZO Lefortovo, Moscow, during the visit to the prison as within the Public Monitoring Commission; that was appreciated by the prison deputy governor. The other part is distributed by correspondence to prisoners and prison staff.

- A collection of legislative acts regarding remand prisons. This include: Regulations for reviewing legal actions, applications and complaints from prisoners and persons in pre-trial detention. The order of making legal actions by citizens in system of the public prosecutor's office. The methodological recommendations on conduction of advocatory process, and others.

The collection is distributed by mail.

b. Consulting individual prisoners

At the e-mail address of the Moscow Center for Prison Reform we keep receiving requests, mainly from prisoners' relatives, asking us to send out brochures of the Center, to provide legal advice, to stop infinite lawlessness. Similar to that made by post, the MCPR staff gives legal advice by e-mail.

Distant consulting by ordinary mail in the first half of 2010

Letters received – 1538 (100%)

Letters answered – 1267 (82,34%)

In the first half a year RF President, law enforcement bodies, judicial community, mass media have intensively discussed judicial reform, various changes made in criminal and administrative legislation which either were submitted as draft laws to the State Duma, or were adopted in the of 2009 and came into force and were actively applied in the first half of 2010 by law enforcement bodies. A part of these changes was aimed to mitigate the criminal law for a narrow portion of offenders (like entrepreneurs, single fathers), the other part, vice versa. Was aimed at harshening punishment (that is crimes against sexual inviolability of juveniles, terrorism, and murder).

The reform of the Russian penal system has been actively discussed in mass media.

Therefore, along with the three stable during several years themes of the prisoners' letters – (1) to provide any assistance in reviewing sentence (514 letters); (2) to send various legal literature (919 letters) and (3) to provide material aid (310) – the themes raised in the prisoners' letters were defined by the above mentioned reasons. Almost in every letter directly (changes on concrete offences were indicated) or indirectly (referring to the articles in the press) they requested information about the changes in legislation.

d Raising general law awareness through the radio program Oblaka

When preparing materials and scenario of radio program Oblaka, we expand the scope of the themes devoted to the legal subject matter relating to prison issues. Those covered were problems around early conditional release, receiving parcels and packages, transfer from one institution to another, providing housing to orphans after release and others.

e. No brochure devoted to the rights of prison personnel has been yet produced during the first stage:

so far there has been no clear demand on this subject from the prison system which has been going now through the stage of reformation, instability and changes high prison authorities around Russia. At the moment the prestige of NGOs in the eyes of the new leadership of the prison system is particularly low – the new Prison Service Director publicly rejected any advice on the part of human rights NGOs having said they have sufficient number of research institutes which he can request for advice if needed.

f. Radio program Oblaka on Radio of Russia.



The program has become more active in covering urgent issues and widens its scope. The topics of the program are now made up by a team with involvement of leaders of Moscow Helsinki group, Foundation “For the prisoners’ rights”, Social Partnership Foundation, Public Monitoring Commission and all the MCPR staff. The problem of low professional and psychological-and-moral training of prison personnel was raised in the recent issue. We are going to continue to cover problems of prison staff.

e. The site (dome name) “prison.org” was stolen in the late April and returned only in the end of August which has required extremely complicated and tense negotiations. We have saved the dome name, but cannot yet return the content from the hosting, so the site has not been functioning since the mid-April till now.

## **7. Creation of auxiliary tools for crime prevention activities**

The Center got an approval for the posters that it produced, but could not run an effective advertizing campaign to “sell” it to the relevant authorizes and organizations – except few of those in different areas of Russia. This line is to be developed.

## **8. Defending prisoners’ rights with the use of professional lawyer.**

We have started this line and the lawyer we had in mind have responded very positively to a few of our requests. We will continue, but to develop this line and get it sustainable it needs some financial support.