

▶ MCPR report - 2012

Log-In ID: 40021258, July – Dec. 2012

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INTRODUCTION

The period from July to December 2012 was marked with a number of crisis situations in a few penal colonies. As a result, first deputy director of the Federal Service of Execution of Punishment (FSIN) declared that the prison reform has failed because «it had been made up without taking into account the opinion of the public, prosecutor's office, investigation committee and many shortcomings have not been taken into consideration». However, in its official statement made soon after the events, the FSIN rejected the first deputy's opinion as his «personal».

At the meantime, about a month later in his speech to the Parliament, the Minister of Justice admitted that every colony today is a closed space where «utterly unbelievable things that we do not suspect are taking place» He added that «it is necessary to make all the process of detention of a person in prison absolutely transparent and controllable, from the beginning to the end». The Minister also said that the main concept of the prison reform remains the same - the situation in prison colonies can be «cured» by turning the colonies into cell-type prisons. This concept was criticized by a number of experts who considered it essentially wrong and unrealistic for financial reasons.

Meanwhile, the draft law to introduce probation service was frozen for 2012 and only at the time of report writing there is some information it is being brought on agenda again and to be discussed with the President at the Presidential Council for Human Rights meeting.

On January 25th, the Moscow Center for Prison Reform and the community of the Russian penal reformers and human activists lost Valery Abramkin. Many people and institutions sent their condolences. Baroness Stern called Valery Abramkin «truly one of the world's great penal reformers and he should be long remembered for that.» We, Valery's colleagues and friends, thank all those who share our deep sorrow.

ACTIVITIES

MONITORING PENAL REFORMS and HUMAN RIGHTS IN PRISONS

Quite a number of legal normative acts in criminal and criminal executive sphere have been adopted in the second half of 2012. Those have increased food ratios in the isolators for temporary detention, determined the structure and staffing of «correctional centers», defined the process of interaction between the Prison Service and the Ministry of Interior in respect to the persons registered at the criminal execution inspections. The future development of the Russian judicial system was outlined in the Concept of the Federal Program «Development of the judicial system in Russia in 2013 –

2020». Prison staff training is now regulated by the Instruction on organization of professional training of the prison staff. A number of important changes were made in the drug related legislation: a new scale was introduced to define «significant, large and especially large» sizes of drug-related substances; the norms also include the list of plants containing drugs or psychotropic substances. The new rules have been made up for the proceedings and censorship of the prisoners' correspondence and communication of prisoners with the outside world. A significant change was made regarding pre-trial detention – now people can be sent to investigation isolators if they face sentence of over 3 years of imprisonment instead of 2 as before. Convicted prisoners have to be now struck off the register at their area of residence and be registered at the location of the prison colony. Human rights experts do not agree if this is a positive change or not. A promising step forward was made on providing medical care to prisoners – prison administrations are now obliged to call in an ambulance in case of need, in addition, they have to make contract with the local public health institutions on providing consultancy services that are not available in prisons.

Human rights situation in prisons has been broadly publicized particularly in internet and social media based on the finding of the public monitoring commissions. In some provinces those are especially active and hard-edged. Chelyabinsk and Sverdlovsk regions in

the Urals, Kirov in Volga region and Irkutsk and Kemerovo in Siberia are among the prison departments that have recently produced a flood of serious complaints from prisoners. Some other regions are in shadow only because of inactive or loyal public monitoring commissions and scarce and weak human rights NGOs dealing with the issue. In response to the critics, the regional prison services do not admit any allegations in mistreatment not to speak about alleged torture and make enormous efforts to oppose all the negative information about them that was made public. In turn they take legal actions against prisoners and human rights activists. The current relationship between the Prison Service and civil society is seen as an informational and legal war rather than a dialogue or interaction.

ASSISTING in ELABORATION OF THE PRISON MONITORING SYSTEM

Moscow Center for Prison Reform has been editing the web-site «Russia without Torture» www.antipytki.ru under the project sponsored by the Russian Ombudsman and the Council of Europe ([the Russian Public Monitoring Committee \(PMC\) Project](#)). Being members of the public monitoring commissions four MCPR associates have made regular visits to places of detention in Moscow and Moscow region, being involved in information exchange within the thematic Google group. An MCPR paralegal assisted the group participants with legal advice.

Among the problems indicated in the prisons by the MCPR staff involved in the public monitoring commissions: (1) lack of medical staff; (2) teeth of prisoners are not cured but only extracted; (3) there are so few convicted prisoners involved in household services in pre-trial detention centers that they have little if any chance to be released early; (4) no legal literature in the prison libraries; (5) prison staff if not provided with housing; (6) inadequate prison conditions (humidity, mold); (7) a nursery itself and the babies in the nurseries at the female colonies do not have legal status, no space for joint accommodation of mothers with their babies (the Moscow Center for Prison Reform produced a brochure on the subject - «Babies behind the bars», on took part in the round table organized by Penal Reform International, 13.12.12).

ASSISTING IN ESTABLISHING A PROBATION SYSTEM IN RUSSIA

In 2012 the draft law was not submitted to the State Duma and no particular activities have been possible to undertake.

SOCIAL, LEGAL AND PSYCHOLOGICAL SUPPORT JUVENILES AND WOMEN IN PRISON AND AFTER RELEASE

From July to December 2012 the Center made two visits to female colony in Nizhniy Novgorod region (Ardatov), one – to Ryazan juvenile (girls) colony and once we visited two colonies in Chelyabinsk – 5 colony visits total aiming at providing social counseling. In

addition, Mozhaisk juvenile colony for boys has been visited on a monthly basis for rehabilitation goals through art and educational sessions.



Mozhaisk juvenile colony, August 2012.

In each colony we gave individual consultations to prisoners on social and legal issues. In Ardatov we have covered about 300 prisoners: 50 were given personal consultations during our visit in July and 150 in December. Over 100 letters were received from this colony for the second half of 2012.



Social counseling in Ardatov female colony, December 2012.

The number of girls in Ryazan juvenile colony is going down so the number of those in real need of assistance is also reducing. At the same time the colony

administration does not welcome much our involvement. So to continue our work with Ryazan colony is problematic. Instead we are to renew cooperation with Novy Oskol girls' colony that is to be reopened after reconstruction in mid-summer.



MCPR volunteer is giving presentation on everyday life in Italy. Ryazan colony, November 2012.

We do not have enough resources to deal with women prisoners in two Chelyabinsk colonies. In addition, the regional and colony administration do not want us much either. So we can hardly continue with Chelyabinsk.



Group discussion in Chelyabinsk female colony, December 2012.

In the meantime, for the period we have achieved some success in a number of particular cases:

- 4 orphans prisoners were assisted in restoration of their right to housing;
- 4 prisoners were assisted in getting their relatives agreed on their living together with them after release;
- 2 ex-prisoners were assisted in getting accommodation in Nazorei rehabilitation center (NGO, Voronezh);
- One prisoner was helped in getting confirmation of her Ukrainian citizenship and obtaining the right to come back to Ukraine; MCPPR arranged her to be placed in Poltava (Ukraine) rehabilitation center ;
- 3 prisoners were helped with employment after release;
- Legal advice was given to 3 prisoners whose house burnt down;
- 3 prisoners were assisted to get housing that had been taken away from them by fraud;
- One prisoner was helped in obtaining passport;
- One prisoner was placed in the state-run center for social adaptation (Bugulma, Tatarstan Rep.) ;
- A number of prisoners were assisted in restoring their links with their children;
- Two prisoners were helped to restore family links.

To achieve the above we have made contacts with some state bodies and

institutions at areas of residence of the prisoners. Among those were the Ombudsmen of Samara and Nizhniy Novgorod region and that of Ukraine; the bodies of trusteeship in Chelyabinsk and Samara regions; police departments in Nizhniy Novgorod region, and the public monitoring commission of Nizhniy Novgorod region.

Our work in Ardatov women colony during and after our visits was carried out in cooperation with the social worker, psychologist and a special unit staff of the colony as well as with the social worker of the Ardatov public organization Sretenie (who would make weekly visits to the colony).

As a matter of fact, almost all the women have some problems after release and the most acute one is accommodation. Every month 3-4 released women either lost their housing in one way or another or their house had burnt down. The colony offers such women accommodation in the Center for Homeless in Nizhniy Novgorod. The women usually do not want to go there because it does not have adequate conditions and appropriate services. For example, many of the women are in need of psychological help, many have alcoholic and drug dependency. They also have a number of various legal questions regarding family relations, inheritance, etc. Settling up these problems could be possible within a specialized center for released women and we want to promote this idea among the regional authorities.

PARALEGAL SUPPORT TO PRISONERS AND THEIR RELATIVES

The total number of requests received by MCPR in July-December: 871; 716 of those were responded.

Each request usually includes a few issues.

In each response letter we usually enclose a brochure of the series Know Your Rights or a printed set of relevant information including extracts from federal laws, Government Decrees or other legislative acts. The normative materials are supplemented with the commentaries of our paralegal.

It was not rare that the answer to one prisoner was sent in 2-3 letters because of the postal limitation on the weight of one letter (100 gr).

The prisoners would appreciate clarity and a broad coverage of the informational materials produced by the MCPR. The feedback shows that the prisoners are interested to know about the changes in criminal and civil legislation even if those could not make any impact on their personal fate.

517 requests were about the possible ways to get revision of the decisions made by judicial or other state bodies.

188 letters contained requests for legal advice, complaints about unjust sentence, requests for expertise etc.

173 requests were on various aspects of the execution of punishment and serving terms.

186 prisoners have asked for material aid – from the clothes for release to envelopes and paper. Such requests

have been met by means of other grants and with the help of volunteers.

During the second half of the year media have extensively covered law making work on drug-related issues and that reflected in the number of requests made on these issues – 328.

46 requests were related to the procedures of making submission to the European Court of Human Rights.

The brochures of the series Know Your Rights enclosed in our letters to prisoners in 2012:

- «Changes in the Legislation on Drug-related Crimes»;
- «Rulings of the Plenums of the Supreme Court of the RF»;
- «The New in Legislation. Drug-Related Crimes» (2011);
- «Submissions to the European Court of Human Rights. The Talk with the Defense Lawyer Karinna Moskalenko».

In addition to the brochures, the following informational sets have been made up and distributed to prisoners:

- Decisions of the RF Constitutional and Supreme Courts on the relevant articles;
- Information on the text of the Government Decree of 20.02.2006 N 95 (ed. as of 16.04.2012) «About the order and conditions of recognition of a person as an invalid»;
- Extracts from the Internal Prison Rules;

- Extracts from the Criminal-Executive Code;
- Extracts from the Government Decree on the norms of nutrition and clothing allowance;
- About the decisions made by the Supreme Court of the RF on certain articles of the Internal Prison Rules;
- About the changes in the Government Decree of 16.04.2012 N 301 determining detention conditions, nutrition norms and the order of providing medical care to those detained by police as suspected in committing criminal offence for the period up to 48 hours;
- About the Government Decree of 23.04.2012 N 360 that determines objectives of the criminal-execution inspections regarding execution of house arrest and control over execution of corresponding bans and limitations imposed by court on persons under arrest.
- About the Government Decree of 25.05.2012 N514 approving clothing, footwear and food allowance to persons sentenced to forced labor if they lack those (came in force on 01.01.2013).

PUBLICATIONS

In the reporting period, according to the project plan and the budget, MCPR produced the brochure «Changes in the Legislation on Drug-related Crimes». The brochure was issued in the series Know Your Rights in 1000 copies and is currently being distributed.

The brochure contains a lot of information related to the changes made in legislation on crimes related to illegal turnover of drugs.



It includes:

- lists of narcotics and psychotropic substances;
- the Government Decrees on the sizes of narcotics;
- the list of plants containing drugs;
- the changes introduced in legislative acts on the issue of turnover of plants containing drugs;
- samples of applications to submit because of the changes made in order of defining the size of drugs;
- the table «Smuggling of drugs and retroactive force of the criminal law

improving the situation of persons against whom criminal proceedings are instituted».

RAISING PUBLIC AWARENESS and MCPR VISIBILITY

OBLAKA RADIO PROGRAM

In the period from July to December 2012 MCPR has produced 26 radio programs for Radio of Russia. The programs covered the following issues: medical care in prisons; mothers-prisoners with their babies; different aspects of pre-trial detention including prolongation of arrest; the problems of application of early release; the problems faced by ex-prisoners (reentry); respect of human dignity of prisoners; raising prisoners' awareness of their rights and duties as well as responsibilities as offenders; additional resources to assist public monitoring commissions over places of detention.

The radio programs were based on interviews taken by MCPR and public presentations made by a wide range of experts including prison staff, activists of non-governmental organizations, members of public monitoring commissions, ex-prisoners.

Below are examples of the radio programs:

25.09.12: Director of the Human Rights Institute Valentin Gifter talked about the resources that can be used by and for the public monitoring commissions in provinces and about the joint project of the Russian Ombudsman and the Council of Europe that focuses on providing assistance to the commissions

including through the website www.antipytki.ru.

02.10.12: Andrei Babushkin, the chairman of the public organization Committee for Civil Rights, talked on one of the most acute issues – accommodation of prisoners after release. Based on a concrete case from the MCPR practice, he explained in details what rights to housing a released prisoner had and what help must be provided by the police in such cases.

On 17.07.12 the program covered the issues relevant both to Russia and the USA – ratification of the Optional Protocol to the UN Convention against torture adopted 10 years ago but not ratified by neither of two.

CONTRIBUTING TO THE JUVENILE CRIME PREVENTION SYSTEM

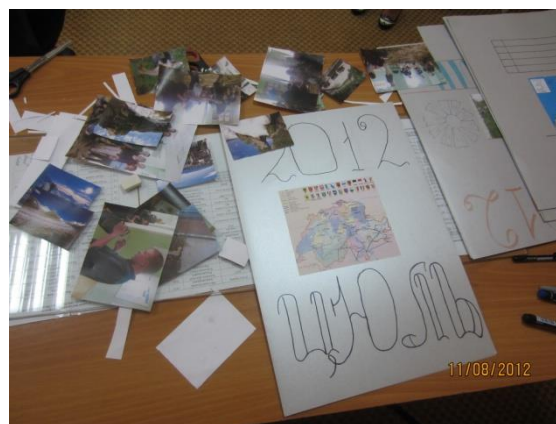
ART AND EDUCATIONAL SESSIONS IN MOZHAISK JUVENILE COLONY

For the period 30 visits were arranged to Mozhaisk juvenile colony and 2 visits – to Ryazan juvenile colony.

The visit programs included:

- a monthly congratulation on birthdays (Mozhaisk), once a quarter (Ryazan') – the activities are supported by ACER-Russie (France);
- questioning offenders for the brochure on home violence, punishment and juvenile offending («Problem parents – problem children») – supported by the Small grant program of the US Embassy in Moscow);

- a competition of writings «My childhood» (Ryazan', Mozhaisk);
- lessons on drawing given by Moscow artist Victoria Lomasko (Mozhaisk, Ryazan'); the works of prisoners were presented at Moscow exhibitions; a methodical brochure for the artists working with juveniles in prison and at risk: «A Drawing Lesson in Juvenile Colony» is being prepared for publication (funds is being sought);
- a series of lectures «Everyday life in other countries», held by Galina Finardi, coordinator of Lyudmila Ulitskaya Charity Fund for Humanitarian Initiatives;
- juveniles in Mozhaisk hold Calendar of MCPR visits – with photos signed by the juveniles themselves;



- MCPR volunteers made arrangements for rehearsal and shooting video film «Ruslan and Lyudmila» for the festival «The Amnesty of the Soul», the film won the first prize;



Theater.Doc in Mozhaisk juvenile colony.

- by MCPR arrangements, Theater.Doc started in August the project «Class Drama», involved actors and producers of the theater and 12 juvenile offenders: eight of those wrote plays and all took part as actors. The collection of the plays was published. In November the plays were performed by professional actors at the stage of The Theater.Doc.



THE OTHER ACTIVITIES

- the MCRP crime-prevention program «Beware, the Prison!» was presented at the Moscow City Psychology-Pedagogical University on 15 September 2012 at the seminar «Childhood under protection: German-Russian Exchange in the Sphere of Juvenile Technologies»;



- the recent publications of the Moscow Center for Prison Reform «Babies behind the Bars» and «Paris-Lyon, 2011. Acquainting with French juvenile justice» were presented at the discussion «Prison and the children. Here and there.» at the International Book Fair NON-Fiction on 29 November 2012.



Moscow Center for Prison Reform

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