

**Permanent Mission of the Russian Federation to the International Organizations in Vienna**

Erzherzog-Karl-Strasse 182  
A-1220 Vienna

Tel.: (+43 1) 282 53 91, 282 53 93  
Fax: (+43 1) 280 56 87

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The Permanent Mission of the Russian Federation to the International Organizations in Vienna presents its compliments to the United Nations Office on Drugs and Crime and has the honour to transmit herewith information provided by the Federal Penal Correction Service of the Russian Federation with regard to the review of selected sections of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

The Permanent Mission of the Russian Federation to the International Organizations in Vienna takes this opportunity to convey to the United Nations Office on Drugs and Crime the renewed assurances of its highest consideration.

Vienna, 6 December 2012

United Nation Office on Drugs and Crime  
Vienna

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### **Information relevant to the review of selected sections of the Standard Minimum Rules for the Treatment of Prisoners**

The intergovernmental Expert Group on the Standard Minimum Rules for the Treatment of Prisoners, at its meeting held in Vienna from 31 January to 2 February 2012, recognized the need to review selected sections of the Rules and tentatively defined the following areas for possible review in order to ensure that the Rules reflect recent advances in correctional science and best practices:

- (a) Respect for the human dignity and human value of prisoners;
- (b) Medical services and health care;
- (c) Disciplinary measures and punishment, including the role of medical personnel, solitary confinement and reduction of diet;
- (d) Investigation of all cases of death in custody, of any evidence of torture or inhuman or degrading treatment of prisoners and of reports of such treatment;
- (e) Protecting and meeting the special needs of vulnerable groups of prisoners, taking into account the situation in countries experiencing difficult circumstances;
- (f) The right to access to legal representation;
- (g) Complaints and independent inspections;
- (h) Replacement of obsolete terminology;
- (i) Training of relevant staff in the application of the Rules.

Given that the Expert Group recommended the continued exchange of information on best practices, including technical assistance, and the identification of positive experiences and the sharing of those experiences in addressing problems relating to implementation of the Rules, we believe that it is necessary to bring to the experts' attention information relating to the resolution of the aforementioned issues in the penal practice of the Russian Federation.

#### **(a) Respect for the human dignity and human value of prisoners**

Detained or imprisoned persons do not cease to be human beings, regardless of the seriousness of the crime that they are accused of or for which they are imprisoned. The court examining the criminal case takes the decision to deprive the person of liberty but by no means does it deprive that person of his or her right to remain a human being.

The International Covenant on Civil and Political Rights establishes that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person (article 10, paragraph 1).

The Basic Principles for the Treatment of Prisoners establish that all prisoners must be treated humanely, with respect for their inherent dignity and value as human beings (paragraph 1).

The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment establishes that all persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person (Principle 1).

Articles 5, paragraph 2, of the American Convention on Human Rights states that all persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

The right of prisoners to such treatment is reflected in numerous provisions of the Standard Minimum Rules for the Treatment of Prisoners; however, it is not stated explicitly. The Rules pay more attention to details rather than providing for observance of the absolute right of prisoners to humane treatment and respect for the inherent dignity of the human person, which is relevant to many aspects of the activities of prisons.

The legislation of the Russian Federation ensures the observation of that fundamental right of prisoners and persons held in custody.

Paragraph 1, article 3, of the Penal Enforcement Code of the Russian Federation states that the penal enforcement legislation of the Russian Federation and its application are based on the Constitution of the Russian Federation, universally recognized principles and norms of international law and international agreements to which the Russian Federation is party and which form part of the legal system of the Russian Federation, including on strict observance of guarantees of protection from torture, violence and other cruel or degrading treatment of prisoners.

Article 12, paragraph 2, of the Penal Enforcement Code of the Russian Federation deals with that requirement in greater detail. It establishes that prisoners have the right to respectful treatment by prison staff and therefore must not be subjected to cruel or degrading treatment or punishment. Coercive measures may be applied to prisoners only as prescribed by law.

Article 4 of Federal Act No. 103 of 15 July 1995 on the custody of suspects and accused persons also establishes that the holding of individuals in custody must be in accordance with the principles of lawfulness, fairness, presumption of innocence, equality of all citizens before the law, humanity and respect for human dignity, in accordance with the Constitution of the Russian Federation, the principles and norms of international law and international agreements to which the Russian Federation is party, and must not involve torture or any other action aimed at inflicting physical or mental suffering upon suspects or accused persons held in custody.

**In our view, it would be appropriate to add to the Standard Minimum Rules for the Treatment of Prisoners a provision on respect for the inherent dignity of prisoners. It is necessary to review the current provision prohibiting torture and inhuman or degrading treatment or punishment.**

**It would also be appropriate to broaden the scope of application of the Rules to include all persons deprived of liberty, whether under criminal, civil or administrative law (rules 4, 94 and 95), and also to expand the basic principles in both paragraphs of rule 6, possibly taking into account the Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/111).**

**(b) Medical services and health care**

During the Expert Group meeting, many experts addressed the issue of access to medical assistance in prisons. Some experts reported the successful introduction of electronic medical records for all prisoners. In some countries, relations between the Ministry of Justice, which is responsible for prisons, and the Ministry of Health, which provides medical assistance for prisoners, are still being developed, while in other countries special systems for the provision of medical assistance in prisons have been established. Many experts addressed the important issue of the confidentiality of medical documentation.

In our view, prisoners, regardless of the nature of their crime, retain all fundamental human rights, including the right to the highest attainable standard of physical and mental health.

The Basic Principles for the Treatment of Prisoners establish that prisoners shall have access to the health services available in the country without discrimination on the grounds of their legal situation.

In the Russian Federation, medical and health-care services are regulated by the Federal Act on the Public Health Care System of the Russian Federation, which applies both to prisoners and to other persons.

The organization of medical care for persons serving sentences in places of detention and for persons in custody is regulated by Joint Order No. 640/190 of 17 October 2005 of the Ministry of Health and Social Development and the Ministry of Justice.

With regard to confidentiality, in accordance with Order No. 13/3729-01 of 9 March 2011 of the Federal Penal Correction Service, the practice of using a privacy screen when carrying out medical examinations of suspects, accused persons and convicted prisoners has been introduced. The screens are used to separate prison staff from persons who are being examined by medical officers, including during initial, scheduled, unscheduled and preventive medical examinations, examinations performed in cases in which the health of a prisoner deteriorates following his or her having sustained bodily harm and visits by persons held in remand centres or correctional institutions to the medical unit of the institution in question, with the aim of maintaining patient confidentiality and preventing degrading treatment of persons detained in correctional institutions.

**In our view, it is essential to ensure that prisoners and persons held in custody have access to medical services.**

**The Standard Minimum Rules concerning the provision of medical services and health care should therefore be amended to include, inter alia, provisions relating to the confidentiality of medical documentation and the role of medical personnel with regard to disciplinary measures (rules 22-26, 32 and 82).**

**(c) Disciplinary measures and punishment, including the role of medical personnel, solitary confinement and reduction of diet**

During the Expert Group meeting, many experts commented on recently adopted legislative acts that have led to the reduction of the maximum period of solitary confinement and limited its application to a very small number of clearly defined cases.

In that regard, the use of solitary confinement cells was not accepted by all experts as a best practice. In many countries the use of two-person or communal cells is regarded as a more acceptable alternative, provided that each prisoner has enough space and privacy.

The Russian Federation adheres to those principles.

The Standard Minimum Rules for the Treatment of Prisoners establish that corporal punishment, punishment by placing in a dark cell and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences (rule 31).

They also provide that punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that the prisoner is fit to sustain such punishment (rule 32). This rule is aimed at preventing such punishment from being inflicted on prisoners who are not fit to sustain it. It does not imply issuing of medical endorsement of the punishment.

With regard to solitary confinement, in our view, such confinement should be used as a punishment only in exceptional cases and for a clearly defined period of time, which should be as short as possible.

Article 115, paragraph 1, of the Penal Enforcement Code establishes as a last-resort punitive measure applicable to prisoners who have deliberately violated prison rules the transfer of male prisoners held in special-regime correctional colonies to solitary confinement cells for up to six months.

Furthermore, article 117, paragraph 4, of the Penal Enforcement Code, which regulates the application of punitive measures to prisoners, provides that the transfer of prisoners to special, single-occupancy or solitary confinement cells and the placement of prisoners in punishment cells or disciplinary units may take place only if the period of detention is established following a medical examination and the issuing of medical certification that the prisoner is fit to sustain confinement in such facilities.

The procedure for conducting such medical examinations and issuing such certification is established by the federal executive body responsible for developing and implementing State policy on, and for legislative regulation of, the penal correction system, by agreement with the federal executive body responsible for State policy and legislative regulation in the area of health care.

Article 38 of Federal Act No. 103 of 15 July 1995 on the custody of suspects and accused persons provides that the failure of suspects and accused persons to comply with established obligations may be punished by reprimand or placement in a punishment or solitary-confinement cell in a guardhouse for a period of up to 15 days or, in the case of minors, up to seven days.

Article 40 of the same Act further provides that placement in a punishment cell is subject to an order by the head of the detention facility and a statement provided by a medical officer certifying that the suspect or accused person is fit to be placed in the punishment cell.

Furthermore, the participation of medical personnel in defining and prescribing disciplinary action and punishment is not permitted.

With regard to reducing food rations, that measure is not applied in the Russian Federation as it is considered inhumane.

Separate consideration should be given to the need to isolate leaders of criminal groups while they are serving their sentences.

**In our view, in order to address the issue of isolating leaders of criminal groups while they are serving their sentences, it would be helpful to include in the Standard Minimum Rules provision for the complete isolation of such prisoners from other prisoners by placing them in separate (solitary) accommodation (confinement), possibly in high-security penal establishments.**

**It is therefore necessary to review rules 31-33 regarding close and solitary confinement and the inadmissibility of such punishments as reduction of diet.**

**(d) Investigation of all cases of death in custody, of any evidence of torture or inhuman or degrading treatment of prisoners and of reports of such treatment**

The closed and isolated nature of prisons potentially gives rise to the possibility of violence being committed with impunity, whether in an organized way (as demonstrated by events in Georgia) or simply by individual members of prison staff. There is a danger that in countries or penal systems where the punitive function of prisons is the main priority, acts that are classified as torture or cruel treatment may begin to be perceived by the staff of those establishments as “normal” conduct.

In many countries, measures have been taken to prevent torture and other forms of inhuman or degrading treatment of prisoners.

In that regard, international and national legislation should contain provisions that not only prohibit torture and cruel treatment but also facilitate the effective identification and bringing to justice of individuals responsible for such acts. This would reliably ensure the prevention of such conduct in places of detention.

In accordance with the Code of Criminal Procedure of the Russian Federation of 18 December 2001 (Federal Act No. 174), a procedure for reporting cases in which prisoners have sustained bodily harm while in custody has been established in penal establishments.

That procedure is currently regulated by Order No. 250 of 11 July 2006 of the Ministry of Justice on the approval of regulations for the receipt, registration and verification, in institutions of the penal enforcement system, of reports of offences and incidents.

The obligation of medical staff of the penal enforcement system to report cases in which prisoners or persons held in custody have sustained bodily harm or died is established in the Regulations governing the organization of medical care for persons serving sentences in places of detention and persons held in custody, approved by Order No. 640/190 of 17 October 2005 of the Ministry of Health and Social Development and the Ministry of Justice.

Paragraph 28 of the Regulations establishes that in the event that a person brought to a penal establishment has bodily injuries, at the instigation of the on-duty assistant to the head of the penal establishment (duty officer), or at the request of the injured person him- or herself, and likewise in the event that bodily injuries are discovered during the course of an examination performed by a medical officer (a doctor or medical assistant), a report is drawn up, on a voluntary basis, in two copies, one of which is attached to the medical record of the injured person and the second of which is given in person to the suspect, accused person or prisoner once he or she has signed the first copy. The head of the penal establishment and the prosecutor responsible for monitoring the activities of that establishment shall be informed of any such reports. The fact that the report has been attached to the medical record of the injured person must be recorded in the list of detailed diagnoses.

Order No. 410 of 27 December 2010 of the Ministry of Justice introduced amendments to the Regulations governing internal procedures in remand centres, including amendments aimed at streamlining the procedure for the submission by remand centre staff of documents to the prosecutor's office in the event that a person held in custody has sustained bodily harm and standardizing the documentation required in such cases.

If a suspect or accused person is found to have sustained bodily injury indicating that his or her health has been harmed as a result of an unlawful act, that fact must be recorded by a medical officer both in the medical record of the injured person and in a formal report that must be signed by the officer on duty and the head of the escort that delivered the suspect or accused person. The victim is invited to provide a written statement of the circumstances in which he or she sustained his or her injuries. The officer on duty reports in writing to the head of the remand centre or to the person acting in that capacity the fact that such a written statement has been provided.

The medical officer's report, the report of the officer on duty and the statement provided by the suspect or accused person are transmitted, in accordance with the procedure established for that purpose, to the prosecutor's office responsible for the area in which the remand centre is located for further action in accordance with the Code of Criminal Procedure of the Russian Federation.

Similar actions are carried out by the administration of the correctional establishment concerned.

Reports of offences are recorded in accordance with Order No. 39/1070/1021/253/780/353/399 of 29 December 2005 of the Prosecutor-General's Office of the Russian Federation, the Ministry of the

Interior, the Ministry for Civil Defence, Emergencies and Natural Disaster Management, the Ministry of Justice, the Federal Security Service, the Ministry of Economic Development and the Federal Drug Control Service on the uniform reporting of offences.

With regard to the strengthening of the activities of penal enforcement establishments and bodies to prevent the torture or inhuman or degrading treatment of prisoners, in accordance with instructions issued by the Federal Penal Correction Service, the heads of local agencies of the Federal Penal Correction Service are personally responsible for ensuring that the use of physical force and special restraining devices against suspects, accused persons and prisoners complies with the requirements of Federal Act No. 5473-I of 21 July 1993 on establishments and bodies enforcing criminal penalties in the form of deprivation of liberty.

Procedures are in place to ensure the timely preparation and examination of reports on the use of physical force and special restraining devices and the timely and comprehensive medical examination of persons in relation to whom such measures are applied, the results of which are recorded in accordance with the procedure established for that purpose. Each case in which physical force and special restraining devices are used is carefully verified by the monitoring committee of the relevant local agency of the Federal Penal Correction Service.

The following information is included in each report on the results of the medical examination of persons held or newly incarcerated in penal establishments, including in cases in which physical force and special restraining devices have been used and in which bodily harm has been discovered:

- (1) A complete record of any statements made by the person concerned with regard to the medical examination (including that person's own assessment of his or her state of health and any complaints of ill-treatment);
- (2) A complete record of objective medical opinions based on careful assessment;
- (3) A report by a medical professional taking into account the provisions of paragraphs (1) and (2) above and indicating the extent to which the statements made are consistent with the results of the objective medical assessment (a copy of the report must be submitted to the individual examined and/or his or her lawyer).

In addition, an accelerated procedure for the systematic transmission to prosecutorial agencies and investigative bodies of reports of injuries recorded in connection with complaints of ill-treatment of prisoners and individuals held in custody (incidents involving the use of force in penal establishments at the time of or following admission of the person concerned) has been introduced in the duty offices of all penal establishments.

In order to ensure that the circumstances in which an individual has sustained bodily harm are assessed objectively, staff members of penal establishments who may have been involved in cruel treatment are prohibited from participating in the verification of the use of physical force or special restraining devices against prisoners or individuals held in custody.

In view of the above, we consider that rule 44 should reflect the obligation to investigate and report all cases of death in custody and any evidence of torture or inhuman or degrading treatment of prisoners.

**(e) Protecting and meeting the special needs of vulnerable groups of prisoners, taking into account the situation in countries experiencing difficult circumstances**

In some countries, even prisoners sentenced to lengthy terms of imprisonment have the right to receive extended family visits in special areas where an adequate level of privacy can be provided, in order to enable the maintenance of family ties.

In other countries, men and women may be held in custody together if this is considered conducive to their social reintegration.

Some experts also provided information about practices in their countries regarding mothers who are held in detention with their young children. Mention was also made of the parental rights of fathers in detention and the need to review some provisions of the Standard Minimum Rules in order to bring them into line with the recently adopted United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

In our view, it would be prudent to establish additional measures to protect and create special conditions for the detention of vulnerable groups of detainees.

To do this, it is essential to compile a list of clearly defined vulnerable groups and record their special needs.

Firstly, in our view, convicted prisoners subjected to bullying by other convicted prisoners are a vulnerable group.

Within the penal correction system, issues relating to the safety of convicted prisoners are regulated by article 13 of the Penal Enforcement Code of the Russian Federation, and the prevention of convicted prisoners from committing offences is regulated by Order No. 333 of 20 November 2006 of the Ministry of Justice of the Russian Federation, approving regulations on the prevention of persons held in institutions of the penal correction system from committing offences.

Women prisoners with young children should also be considered a vulnerable group, one whose special needs relate to feeding and caring for young children.

In most social structures, women bear most of the responsibility for the family, especially if that family includes children. Therefore, if a woman is sent to a place of detention, the consequences for her family can be far-reaching. In many instances, the mother may be the child's sole carer. It is therefore essential to take special measures to allow women who are given custodial sentences to maintain meaningful contact with their children. Where newborn children are involved, this problem becomes even more delicate and requires extremely careful consideration.

**Rule 23 of the Standard Minimum Rules for the Treatment of Prisoners addresses the issue of childcare in a very limited manner. It provides that where nursing infants are allowed to remain in the institution with their mothers, provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers.**

**This means that newborn babies may spend a certain period of time in nurseries at the place of detention. However, there is no provision for women to stay with their children on a continuous basis, day and night, in order to care for and nurture the baby until it reaches a certain age.**

**In our view, special units (so-called "children's homes") should be established in separate correctional institutions for women.**

The penal enforcement legislation of the Russian Federation fully regulates the manner in which women with young children serve their sentences and the conditions in which they are detained.

In accordance with article 100 of the Penal Enforcement Code of the Russian Federation of 8 January 1997, a children's home may be established in correctional institutions where women prisoners who have children are incarcerated. Children's homes in correctional institutions provide the conditions essential in enabling children to live and develop normally. Women prisoners can place their children up to the age of three years in the children's home of the correctional institution and spend as much time as they wish with them when not working. They may be permitted to live together with their children.

Currently, there are 13 children's homes operating in women's correctional institutions of the Federal Penal Correction Service of the Russian Federation. They provide the conditions necessary to ensure that the rights of convicted women with children are respected.

Experts from the Council of Europe, having learned about arrangements for the joint accommodation of mothers and children in places of detention, gave a positive assessment of that practice.

Convicted prisoners who have families constitute another vulnerable group, whose special need is contact with their families.

Persons sent to places of detention lose their right to freedom of movement, but they retain all other human rights. One of the most important of those rights is the right to have contact with relatives. This is not only the right of the prisoner but also that of any of his or her family members not held in a place of detention. They have the right to contact with their parents, children or siblings held in places of detention. The administration of the place of detention bears responsibility for maintaining and developing such ties. It is on this principle that provision for prisoners' contact, at all levels, with close family should be based.

Article 23 of the International Covenant on Civil and Political Rights states that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State. Moreover, article 10 of the Covenant states that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.

Provision for the maximum possible access to family should be an integral part of any system that treats prisoners humanely.

It was noted as long ago as 2002 in "A Human Rights Approach to Prison Management", a handbook for prison staff compiled by Andrew Coyle of the International Centre for Prison Studies, that in some Western European countries, including Denmark, Sweden, the Netherlands and Spain, so-called "conjugal visits" were permitted. During such visits one individual, usually the spouse or long-term partner, is allowed to visit the prisoner for up to three hours. The couple spends that time in modestly-sized separate quarters containing a bed, shower and other sanitary facilities. A significantly less formal version of such visits exists in many Latin American prisons, where it is usual for male prisoners to receive visits by their families on Sunday. In some, but not all, prisons, the same applies to women prisoners.

Furthermore, it is known that in many countries, special measures are in place to provide for what are known as family or extended visits, which can take various forms. In many prisons and correctional colonies in Eastern Europe and Central Asia there is a cluster of modestly-sized living quarters on prison grounds where visitors can stay for up to 72 hours with the relative who is imprisoned. Such areas usually contain a shared kitchen, a social area, toilets and showers for six family groups, as well as a small number of one- and two-bedroom quarters for each group.

Prisoners may host visitors in those quarters up to four times per year if given permission to do so. Three or four visitors may come at the same time, and they may include a spouse or partner, a parent, grandparent, child or sibling.

In Canada and in some correctional systems in the United States of America, similar accommodation is provided, often in the form of a mobile home within the prison perimeter that is surrounded by a wooden fence in order to provide privacy. Prisoners in such accommodation must attend a routine inspection every day at a specific time.

Such visits do not constitute a normal family life in the full sense of the phrase, but they do create conditions enabling family members to reinforce their ties with those who are in detention.

**In our view, in order to create conditions conducive to the reform of convicted prisoners and to their successful adaptation to life after imprisonment, it is vital that such persons maintain socially constructive ties with relatives and close friends, including through extended visits. In this regard, allowing convicted prisoners to receive extended visits and to stay with relatives and close friends in living quarters has a positive influence on their psychological state and successful adaptation to life after release.**

In Russian legislation, those arrangements were previously provided for in the Correctional Labour Code of the Russian Soviet Federative Socialist Republic of 18 December 1970 and are currently provided for in the Penal Enforcement Code of the Russian Federation of 8 January 1997.

The right of convicted prisoners to extended visits of 72 hours on the grounds of the correctional institution is covered by the provisions of article 89 of the Penal Enforcement Code of the Russian Federation. Where permitted by law, a convicted person may be allowed to receive extended visits lasting five days in accommodation outside the grounds of the correctional institution. In such cases, the head of the correctional institution decides how and where the visit will take place.

Extended visits include the right to stay with one's spouse, parents, children, adoptive parents, adopted children, siblings, grandparents, grandchildren and, with the authorization of the head of the correctional institution, other individuals.

**In the interests of maintaining socially constructive ties, prisoners' rights relating to contact with the outside world as established in rules 37 and 79 of the Standard Minimum Rules should be defined more clearly, taking account of practice in the Russian Federation.**

Continuing to examine the special needs of convicted prisoners who have a family and of convicted prisoners who are in poor health, it is essential not to overlook contact with relatives who assist the prisoner in obtaining objects of everyday use valued by that person, accessing reading material to which she or he had access outside the correctional institution, keeping to a diet prescribed by doctors or by religious requirements and obtaining expensive or prescription medicines.

The most practical way to resolve that issue is to allow the prisoner to receive parcels and packages.

The practice of prisoners' receiving parcels, including food parcels, has been monitored over a long period in many penal institutions.

Article 90 of the Penal Enforcement Code of the Russian Federation on the receipt, by convicted prisoners, of parcels, packages and packets states that persons sentenced to imprisonment are permitted to receive parcels, packages and packets. Furthermore, women prisoners and persons held in young offenders' institutions are entitled to receive such items in unrestricted quantities.

The maximum weight of a single parcel or packet is established by postal rules.

Convicted prisoners in poor health or with a category I or II disability may receive additional parcels and packages, of which the quantity and contents are defined on the basis of a medical assessment.

There is no limit placed on the number of parcels, packages and packets containing medicines and items for medical use received by convicted prisoners in accordance with their medical assessment.

With regard to the introduction of standards in relation to the receipt of parcels, packages and packets by convicted prisoners, a bill has been drafted on amendments to the Penal Enforcement Code of the Russian Federation to define a maximum limit for the volume of packages and items of post received by convicted prisoners.

Article 25 of Federal Act No. 103 of 15 July 1995 on the custody of suspects and accused persons also covers the right of suspects, accused persons and convicted prisoners to receive parcels, packages and packets.

However, unlike rule 87 of the Standard Minimum Rules, Russian legislation does not stipulate that only food should be included in the parcel or package. Relatives and others may also send a prisoner basic essentials.

**In this regard, we believe that rule 87 of the Standard Minimum Rules should be expanded to include provisions stating the right of prisoners to receive parcels and packages containing objects and articles that prisoners are permitted to possess under national legislation.**

**It would be prudent to conduct a more thorough examination of the proposed list of the special needs of vulnerable prisoners.**

**(f) The right to access to legal representation**

Within the penal enforcement system, convicted prisoners and persons held in custody have access to a lawyer.

Thus, under Federal Act No. 103 of 15 July 1995 on the custody of suspects and accused persons, suspects and accused persons are entitled to meet with a defence counsel from the time of their arrest. The meetings take place in private and may be of unlimited number or duration, except in certain cases provided for in the Code of Criminal Procedure of the Russian Federation. The defence counsel is permitted to participate in the meeting upon presentation of professional identification and an authorization. No other documents may be requested from the lawyer. If another individual acts as defence counsel, that person is permitted to participate in the meeting upon presentation of the relevant court ruling or decree and proof of identity. The defence counsel is forbidden from bringing communications devices or devices (equipment) for filming or sound recording onto the grounds of the place of custody. The defence counsel is entitled to bring computers, copying devices or photography equipment onto the grounds of the place of custody only for the purposes of making copies of materials pertaining to the case, and may use such items only in the absence of the suspect or accused person, in a separate area designated by the administration of the place of custody.

Meetings between the suspect or accused person and the defence counsel may take place in such a way that a member of staff of the place of custody may see them, but not hear them. If the defence counsel attempts to give the suspect or accused person objects, substances or food items that detainees are forbidden from keeping or using, the meeting is immediately halted.

The Penal Enforcement Code of the Russian Federation states that in order to obtain legal assistance, convicted prisoners are permitted to have an unlimited number of meetings of up to four hours' duration with lawyers or other individuals who are authorized to provide legal assistance. The convicted person may apply to hold the meeting with the lawyer in private, out of the earshot of third parties and without the use of listening devices.

**In view of the above, rule 37 should be amended to include the right of all prisoners to have access to a lawyer.**

**(g) Complaints and independent inspections**

During previous discussions, some experts noted the highly important role of mechanisms such as those created under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In accordance with the Protocol, which came into force in 2006, a system of regular visits to places of custody by members of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture was established, supplementing the regular visits conducted by independent national bodies.

Furthermore, some experts gave detailed accounts of their national experience of establishing and using external monitoring and inspection mechanisms.

Opening up prisons for external monitoring by parliament and civil society, providing reports of inspections to the media and the public and creating independent bodies vested with the right to visit places of custody without giving prior notification and issue recommendations are all tools which help to increase the transparency of the operations of the relevant bodies and significantly improve the management of penal institutions.

It was recognized that even in cases where the operation of prisons is subcontracted to the private sector, responsibility for the treatment of prisoners remains with the State. It was also reported that in one country, the Supreme Court had recently ruled that the privatization of prisons was in contravention of the constitution and a violation of human rights.

Indeed, all places of detention are State institutions where men and women are held against their will. The State thus bears responsibility for the safety of those individuals.

The management of such institutions must therefore be fair and impartial. All institutions must be open for public scrutiny, something that is especially important given that convicted prisoners and persons in custody are detained against their will.

However, the Standard Minimum Rules limit the activities of civil society organizations solely to cooperation with the personnel of the institution concerned with the aim of returning prisoners to life in society, and do not explore the idea of public monitoring of places of detention.

The goal of public monitoring should be to inform the public about what civil society organizations are doing to stop or prevent violations of the rights and lawful interests of those held in places of detention.

For several years, the Russian Federation has made use of the capacity of civil society organizations to monitor observance of the rights of convicted prisoners and persons held in custody.

Important guarantees of appropriate conditions in custody and in places of detention were provided by Federal Act No. 76 of 10 June 2008 on the public monitoring of human rights in detention facilities and on assistance for persons held in detention facilities (hereinafter: "the Public Monitoring Act"). The Act establishes the legal basis for the participation of civil society associations in the public monitoring of

observance of human rights in detention facilities and for the assistance they provide to individuals held in such facilities.

In accordance with the Public Monitoring Act, public oversight commissions have been established and are in operation in the constituent entities of the Russian Federation. Their members have the right to visit penal enforcement institutions and remand centres without special permission and to monitor observance of the rights of those held there.

Currently, public oversight commissions operate in 79 constituent entities of the Russian Federation, comprising a total of 714 members. In 2011 and in the first half of 2012, members of public oversight commissions participated in more than 2,400 visits to institutions of the penal correction system. Around 1,000 such visits were undertaken jointly with members of public councils attached to local agencies of the Federal Penal Correction Service. Members of public oversight commissions submitted 490 reports on those visits to the local agencies of the Federal Penal Correction Service.

In order to monitor action taken to rectify inadequacies found by Members of public oversight commissions and assess the effectiveness of such action, in every correctional institution and remand centre of the Federal Penal Correction Service, a record is kept of the results of visits by members of public oversight commissions and the measures taken in response.

During visits in 2011 and in the first half of 2012, members of public oversight commissions held around 9,000 individual discussions with persons held in custody and convicted prisoners, from whom approximately 1,700 written submissions were received. Those submissions were later the subject of internal investigations by designated members of staff of the Federal Penal Correction Service, some of those investigations being conducted with the involvement of members of public oversight commissions, and by staff of prosecutorial bodies.

In accordance with the Public Monitoring Act, members of 27 public oversight commissions involved more than 173 civil society associations in providing assistance to persons held in institutions of the penal correction system in order to provide those persons with appropriate conditions of detention and to create conditions conducive to their adaptation to life after release.

On the basis of a proposal by the Federal Penal Correction Service, in order to ensure the transparency of the activities of institutions of the penal enforcement system, members of regional public oversight commissions have become involved in the work of the commissions of correctional institutions to address issues relating to the transfer of convicted prisoners from one type of penal facility to another and applications for conditional early release under the “social lifts” system (a system of social mobility measures). In 2011 and 2012, members of public oversight commissions took part in 1,400 such meetings.

In that regard, there should be greater scope for the inspection of penal institutions by an independent body or independent bodies. Such bodies should monitor the conditions in which prisoners are detained and the way in which they are treated, and the results of such monitoring should be made public.

**The Federal Penal Correction Service has no objection to attaching greater importance to monitoring and independent inspection (rules 36 and 55); in our view, it would be advisable for rule 55 of the Standard Minimum Rules to cover the possibility for representatives of independent bodies and organizations to inspect places of detention within the scope of their mandate under national legislation.**

As regards the question of whether the Russian Federation should accede to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted on 18 December 2002 at the seventy-seventh plenary meeting of the fifty-seventh session of the United Nations General Assembly, we consider that it would not be appropriate at the present time for the

Russian Federation to ratify the Optional Protocol in addition to international treaties to which it is already party, as an identical form of international monitoring has been conducted in the Russian Federation by the Council of Europe for over ten years.

Having received official member status at the Council of Europe in February 1996, the Russian Federation ratified the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment through Federal Act No. 44 of 28 March 1998.

The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, created under the Convention, conducts visits to custodial facilities under the authority of executive bodies in order to examine the treatment of individuals who have been deprived of their liberty, with the aim of providing protection, where necessary, from torture and inhuman or degrading treatment or punishment.

Since 1998, the Committee has inspected conditions of detention in custodial facilities in the Russian Federation 23 times, which significantly exceeds the number of inspections in other countries.

There is also an independent national mechanism in the Russian Federation to prevent human rights violations in places of detention.

The remedying of violations of citizens' rights in places of detention is the task of the Commissioner for Human Rights in the Russian Federation and the commissioners for human rights in the constituent entities of the Russian Federation. A system of prosecutorial monitoring of the activities of the institutions and bodies of the penal correction system is in place. Effective inspections are performed by public oversight commissions, whose members are authorized, without obtaining special permission, to visit places of detention and to talk with suspects and accused persons held in custody about ensuring respect for their rights.

In order to involve the public as effectively as possible in resolving the challenges facing institutions and bodies responsible for enforcing criminal penalties, a public council on challenges in the penal enforcement system has been created as part of the Federal Penal Correction Service, its members including well-known human rights activists.

We therefore believe that it would be advisable to re-examine the question of ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment after public examination of the outcomes of visits to places of detention in other countries, including the torture prisons of the United States of America and the United Kingdom established on foreign territory, if such outcomes are published.

Within the penal enforcement system of the Russian Federation, convicted prisoners and persons held in custody have access to external complaints review mechanisms.

Their complaints are examined by:

(a) The President of the Russian Federation, the Chairman of the Government of the Russian Federation, members of the Federation Council and deputies of the State Duma of the Federal Assembly of the Russian Federation, the Commissioner for Human Rights in the Russian Federation, presidents and heads of Government of constituent entities of the Russian Federation, commissioners for human rights in the constituent entities of the Russian Federation and heads of local government, in the administrative area where the complaint was lodged;

(b) The Prosecutor-General of the Russian Federation, the prosecutors of other constituent entities of the Russian Federation and prosecutors subordinate to them, as well as prosecutors directly overseeing the enforcement of penalties in the relevant administrative areas;

(c) Officials of the governing bodies of places of detention;

(d) Judges from courts in the areas where the institutions and bodies responsible for enforcing penalties are located;

(e) Deputies, public oversight commissions and their members in the administrative areas where the complaints were lodged;

(f) The Children's Rights Commissioner for the President of the Russian Federation; children's rights commissioners in the constituent entities of the Russian Federation (in the administrative area where the complaint was lodged); institutions and bodies enforcing penalties for convicted minors, women prisoners who are pregnant and women prisoners with children in the children's homes of correctional institutions;

(g) The European Court of Human Rights;

(h) The United Nations Human Rights Committee.

However, in its "pilot" judgment of complaints Nos. 42525/07 and 60800/08 in the case of Ananyev and others v. Russia (which was issued on 10 January 2012 and became enforceable on 10 April 2012), the European Court of Human Rights highlighted the limited effectiveness of many of the means of legal protection indicated as being available to those held in custody. In the view of the Court, only a court empowered to provide the victim with material compensation for the violation of that person's rights in a place of detention constitutes an effective means of legal protection.

**In view of the above, external complaints review mechanisms should take into account the position of the European Court of Human Rights on this issue.**

**(h) Replacement of obsolete terminology**

**The Federal Penal Correction Service of the Russian Federation has no objection to the replacement of obsolete terminology, particularly in rules 82 and 83.**

**(i) Training of relevant staff in the application of the Rules**

**The Federal Penal Correction Service of the Russian Federation has no objection to the expansion of training for all of those who work with prisoners in various capacities, including prosecution officers, judges and evaluators, to include issues related to the specific nature of work in correctional institutions and to human rights (rules 46-54).**

**Other issues:**

**1. The need to encourage convicted prisoners to engage in creative work to enable their further resocialization**

Some experts observed that, during the financial crisis, issues associated with prison detention have tended to receive insufficient political attention and financing. Nonetheless, experts offered many examples of positive experiences with low-budget rehabilitation projects (involving, for example, theatrical performances, dance courses and film festivals in prisons, as well as the involvement of volunteers in educational programmes and recreational activities). Open prisons provide greater opportunities for successful reintegration into society. In some countries, inmates of such prisons have access to various means of communication, including the Internet.

In our view, with the exception of uncontrolled Internet access, such a provision should be included in the Rules.

It is insufficient for a prison administration merely to treat convicted prisoners and persons held in custody humanely and impartially. It must also provide those in its charge with opportunities to reform and develop.

Prisons should offer programmes for meaningful activities that will help prisoners. After leaving prison, former inmates should not find themselves in a worse situation than at the time of sentencing; rather, prisons should help them to maintain and improve physical health, intellectual capacities and social behaviour.

The International Covenant on Civil and Political Rights states that “the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation”.

Practice in Russian prisons with regard to this issue is reflected in the Framework for the Development of the Penal Correction System of the Russian Federation up to 2020, approved by Order No. 1772 of the Government of the Russian Federation of 14 October 2010. The Framework sets out broader access for prisoners to cultural activities and participation in clubs and interest groups. It also provides for the involvement of personalities from the worlds of art, culture and sport, including well-known role models, in such activities.

In order to achieve these goals, in 2011, the Federal Penal Correction Service concluded a cooperation agreement with the Ministry of Culture of the Russian Federation.

**Thus, the Federal Penal Correction Service has no objection to the notion of assisting the return of offenders to society as one of the main goals of the provisions regarding the treatment of those sentenced to imprisonment (rules 65 and 66). This includes extending the use of temporary release and conditional early release programmes.**

## **2. The need to resolve prison overcrowding by recognizing each prisoner’s “right to a bed” and other measures**

There are basic physical requirements which must be met if the State undertakes to respect the human dignity of the prisoner and care for that person. This includes providing adequate living conditions, adhering to health and hygiene standards, and providing an individual bed and bedding. However, these requirements are not enshrined in international instruments.

It would therefore be advisable to include in the Rules the right of every prisoner to a bed as a minimal condition when accommodating convicted prisoners and persons held in custody.

In Russian practice, this standard has been in place for a long time and has proven its worth.

Thus, article 99 of the Penal Enforcement Code states that convicted prisoners must be provided with individual beds and bedding.

Article 23 of Federal Act No. 103 on the Custody of Suspects and Accused Persons, of 15 July 1995, states that suspects and accused persons are to be provided with an individual bed. Furthermore, they are to be provided with free bedding.

These obligations are included, in accordance with orders from the relevant authorities, in the professional obligations of staff of remand centres and prisons.

### **3. Best practice in resolving conflicts in places of detention**

For penalties in correctional colonies to be administered successfully and achieve their aim, conflicts must be overcome. The key to this lies in continually resolving the problems that arise in the prison population, whether in the form of actual crime or factors leading to crime.

Administering penalties in correctional colonies involves continuously addressing the following fundamental issues relating to: (1) staff conduct; (2) the internal psychosocial, interpersonal and criminal activity or disposition of convicted prisoners; (3) the impact of external factors and processes on the internal functioning and conditions of correctional colonies.

Correctional colonies are most seriously hampered in their operation by criminal activity or criminally disposed behaviour among prisoners, erupting in the form of disputes resulting in some cases in the commission of crimes.

Conflicts among convicted prisoners pose a criminal threat, as they undermine the functioning of the colony and encourage criminal acts of violence.

To prevent crimes stemming from interpersonal conflicts, and for prisoners' own safety, more than 4,000 convicted prisoners held in correctional colonies are segregated each year. Of these, more than 500 are transferred to other correctional establishments.

Article 19 of Federal Act No. 103 on the Custody of Suspects and Accused Persons, of 15 July 1995, states that where there is a threat to the life or health of a suspect or accused person, or where other suspects or accused persons threaten to commit a crime against an individual, the staff of the remand facility must take immediate action to ensure the personal safety of the suspect or accused person at risk.

Accordingly, under article 32 of the same Act, to protect the life or health of the suspect or accused person, or of other suspects or accused persons, or where a suspect or accused person submits a written request to be placed in individual accommodation, she or he may be placed in solitary confinement for a period of up to 24 hours. This is subject to a substantiated order from the head of the remand facility. The assent of the prosecutor is not required.

Under paragraph 1 of article 127 of the Penal Enforcement Code, at the request of a convicted person and in other compelling circumstances, the head of the correctional colony may issue an order for a convicted prisoner to be held in an individual cell if his or her safety is threatened.

Under article 81 of the Penal Enforcement Code, to ensure the personal safety of a convicted person, that individual may be transferred from one correctional establishment to another of the same type to serve the remainder of the sentence.

To prevent conflicts, one of the main tasks of the authorities and individual establishments of the penal enforcement system is to implement preventive measures to ensure the personal safety of convicted prisoners and persons held in custody.

One of the key aspects of this work is maintaining a strict separation of convicted prisoners according to their criminal profiles. Ensuring this strict separation not only significantly inhibits the development of a criminal subculture but also provides a better safeguard of the rights of convicted prisoners, including their right to personal safety.

In constituent entities of the Russian Federation, as a result of judicial proceedings in 2010-2011, a total of 153,686 convicted prisoners were transferred from one correctional colony to another.

A study of the outcomes of the segregation of convicted prisoners at 25 correctional colonies in 19 constituent entities of the Russian Federation revealed positive trends in indicators for discipline, order, absence of crime and compliance with regulations. The number of serious violations decreased by an average of 40 per cent, while the number of cases of non-cooperation with prison staff fell by 60 per cent.

There was also a fall in levels of conflict and tension among prisoners, accompanied by an increase in their motivation to engage in paid work.

In line with the requirements of article 33 of the Federal Act on the Custody of Suspects and Accused Persons, all remand centres in the country ensure that first-time detainees held in custody are held separately from convicted prisoners.

Improvements have been made in crucial cooperation with courts, law enforcement agencies and prosecutors in reducing the length of investigations in criminal cases and reducing recourse to preventive custody as a preventive measure. As a result, it has been possible to reduce the number of people held in remand centres.

An important part of efforts to prevent interpersonal conflict among convicted prisoners is the establishment of an ongoing programme of correctional and social rehabilitation to help the individual change their social status and position within the social structure.

Under the Framework for the Development of the Penal Correction System of the Russian Federation up to 2020, fair and effective incentives (social mobility measures or “social lifts”) will be introduced to encourage law-abiding behaviour among prisoners. These will include improvements to the system allowing the remainder of sentences to be served under a milder regime and reform of the parole system.

The “social lifts” system aims to socialize the convicted person, create conditions conducive to personality development and prevent further offending. The first steps taken in implementing the “social lifts” system have revealed a positive trend: many prisoners have been encouraged to change their ways.

In 2010, a total of 124,562 convicted prisoners participated in the “social lifts” programme. Of these, 23.2 per cent (28,945 individuals) were assessed as not being on the path to reform, 46.9 per cent (58,513 individuals) as beginning the path to reform and 6.5 per cent (8,190 individuals) as firmly established on the path to reform. Thus, 76.7 per cent of convicted prisoners assessed under the social lifts system were given a positive overall assessment and deemed ready for further resocialization.

Implementing this system requires new ways and means of exerting a correctional influence on convicted prisoners and new organizational methods for conducting social work with convicted prisoners. Without social protection, convicted prisoners cannot respond satisfactorily to the requirements of the prison regime and other corrective measures. To deal with the social problems of convicted prisoners in correctional establishments, social protection teams numbering more than 1,600 staff have been established.

Efforts towards the social adaptation of convicted prisoners begin from the moment they enter the correctional establishment with general education and vocational training, classes in law, ethics and morality and aesthetic and physical education, and psychological diagnosis and therapy.

In correctional establishments, there are more than 865 general education centres, where classes are attended by more than 92,000 convicted prisoners.

Three hundred and thirty-nine vocational training centres provide training to more than 95,000 convicted prisoners. In total, training is provided in 210 different vocational subjects for which there is demand on the job market.

The current education system for convicted prisoners was developed in the 1960s and 1970s, and essentially responded to the requirements of the correctional labour system of the time. The system was based on the theory that the individual is shaped by his or her work and by the collective. However, this is no longer a valid approach in today's world.

The Federal Penal Correction Service has adopted an approach based on individualizing the social, psychological and educational efforts made with convicted prisoners, with staff from government agencies and civil society organizations involved in the correctional process.

To implement the Framework, work has started to develop new, individualized approaches to provide targeted social, psychological and pedagogical assistance to each convicted prisoner, taking account of that person's sociodemographic status, criminal and legal situation and individual psychology. A computer application or "electronic diary" is currently being developed to manage a large database containing information on each convicted prisoner. It will include the prisoner's response to a social questionnaire, the results of psychological tests and information on the person's sociodemographic status, criminal and legal status and individual psychology. This will enable in-depth study of the prisoner's personality and the creation of an effective, personalized programme to prepare that person for life after release.

Furthermore, the Federal Penal Correction Service remains open to tried-and-tested forms of prisoner education to further improve the legal, moral, patriotic and aesthetic education of convicted prisoners and promote a healthy lifestyle.

There are plans to broaden convicted prisoners' access to cultural activities, as well as participation in clubs and society and interest groups. Personalities from the worlds of art, culture and sport, including well-known role models, will be involved in these activities.

Full use is made of the potential of religious faith to assist in the spiritual and moral education and development of convicted prisoners and prison system staff, as well as in the social adaptation of those recently released from places of detention. Agreements are in place with the Russian Orthodox Church, the central Islamic organization, the Council of Muftis of Russia, the Federation of Jewish Communities of Russia, and the Buddhist Traditional Sangha of Russia. A programme of main areas for cooperation has been signed, setting out collaboration between the Federal Penal Correction Service and the Union of Evangelical Christian-Baptists of Russia.

Currently, there are 523 places of worship operating in institutions of the Federal Penal Correction Service, including 471 belonging to the Russian Orthodox Church, 40 mosques, nine Buddhist temples and three Roman Catholic churches. A total of 61 further Russian Orthodox churches are currently under construction. There are 706 functioning prayer rooms for believers of various faiths.

Within correctional institutions, a total of 1,578 congregations of various confessions have been established, involving 89,665 convicted prisoners. A total of 275 Sunday schools are in operation in several constituent entities of the Russian Federation, providing religious instruction to over 13,000 convicted prisoners who are believers. The lessons include scriptural study, film showings on biblical topics and rehearsals for concerts of religious music. In many correctional facilities, prisoners can listen to radio broadcasts of sermons, stories about spiritual life and greetings messages on the occasion of religious festivals.

Involving the community in providing social assistance to prisoners and in prisoner education programmes ensures the transparency of the Federal Penal Correction Service's work and also helps to lessen the harmful social consequences of prisoners' isolation from society.

Since 2010, a pilot project has been running to include priests from the Russian Orthodox Church in the operations of correctional facilities in several constituent entities of the Russian Federation on an ongoing basis.

In order to prevent conflict situations in places of detention within and between different groups of people (among prisoners, among staff and between prisoners and staff), it is essential to note the following:

One of the main areas for improvement in conflict prevention is eliminating the underlying causes of crime that give rise to interpersonal conflicts and crimes among prisoners. This involves basic staff duties and must include: improving the management of prisoner education; managing the monitoring of prisoners' behaviour; improving the management of crime detection and investigation; improving the security systems of correctional institutions to prevent escape attempts related to interpersonal conflicts among prisoners; improving prisoners' material living conditions; and tackling issues related to their work activities.

An institutional system for improving the prevention of interpersonal conflicts and crimes among prisoners should include a functional institutional mechanism for personalized prevention. Such a mechanism should include studying prisoners' personalities; identifying individuals with a tendency to types of criminal behaviour that give rise to interpersonal conflicts and crimes; placing such individuals on a watch list; and taking personalized educational and preventive measures.

The key to preventing conflict between prisoners and the staff of correctional institutions is a positive social and psychological atmosphere in the team, in production facilities and in the institution as a whole. This fosters a businesslike, calm atmosphere and ensures consistency and coherency in the activities undertaken and the demands made by the whole education team. The management of the institution plays a particular role in this respect.

There are several ways of preventing a conflict from escalating further. The first is to meet the fair demands of one of the conflicting parties, where those demands are not against the law.

Another way to defuse the conflict situation is through compromise designed to increase the likelihood that the parties will achieve their goals by giving way to each other and lessening their initial demands.

A further way of preventing escalation is by resolving differences. This is seldom used as a means of settling conflicts between staff and prisoners. The psychological key to this method is to change mutual perceptions and avoid harsh judgements.

The creation among prisoners of a mechanism for avoiding conflict behaviour plays a major role in preventing conflict situations. Thus, around 45 per cent of conflicts in ordinary-regime correctional colonies and 65 per cent in strict-regime correctional colonies are settled by the prisoners themselves. In half of such tense situations, the informal leaders of a prisoner's own immediate group act as intermediaries. Prisoners in conflicts prefer to turn to staff (as a rule, unit heads, staff of special units or secure units, or psychologists) in cases where the conflict poses a direct threat to their life and health.

One of the most important prerequisites for successful conflict management is ensuring that prevention and resolution efforts are based on absolute compliance with legislation and official regulations governing the serving of a sentence within a prison institution.

Above all, in educational programmes and in sessions involving psychological and pedagogical guidance with various categories of prisoner, it is best to avoid situations of social comparison and the “public” discussion of the members of informal groups — and particularly those holding opposing positions within the prison subculture. Otherwise, a climate of hostility is more likely to develop and additional psychological barriers to be erected in the interaction between different groups of prisoners and staff. It is helpful to develop a system of “transparent” indicators of prisoners’ work and social activity in order to produce the most unbiased assessment possible of their behaviour and to evaluate the extent of their individual contribution to cooperative activities.

The proposed assessment criteria must be accessible and comprehensible to all groups of prisoners. Wide dissemination of the criteria will not only help reduce the number of conflicts arising from perceived unfair assessment of prisoners’ activities but will also facilitate the taking of well-founded administrative and legal or psychological and pedagogical measures in regard to offenders as they will perceive these as fully justified and fair.

Achieving positive results and assessing the degree of correction achieved at different stages during the serving of a sentence must to the greatest extent possible reflect the prisoner’s own efforts and not depend on the subjective bias of the staff. Such an approach not only helps to minimize social unfairness but also improves the prisoners’ respect for the administration.

When putting together teams and cultivating positive relationships, it is advisable to take into account the criminal and legal, sociodemographic, ethnic, religious and psychological profiles of convicted prisoners. It is not advisable, for example, to group together individuals of the same age or with similar criminal backgrounds, as this can lead to closed, clique-like relationships and the formation of entrenched small groups with antisocial values and rules of conduct. When assigning prisoners to units, the best possible combination of younger and older individuals should be sought, and their psychological compatibility and professional skills should be considered.

When deploying prisoners in production facilities, it is essential, as far as possible, to avoid concentrating individuals who are members of entrenched informal groups with antisocial tendencies in a single technical section. To limit the network of undesirable contacts, a production team should not exceed 10-15 people.

It is also advisable to create, as far as possible, identical conditions in all areas of daily activities for all categories of prisoner and particularly for individuals from opposing positions in the subculture, and to react promptly and fairly to any violation of legislation or prison regulations.

A significant role in suppressing stirrings of conflict must be played by neutralizing the influence of antisocial informal groups of prisoners that establish unwritten rules and models of behaviour to their advantage and thus, directly or indirectly, create conflict situations. An important part of this work is the elimination of sources from which such antisocial groups obtain additional psychological and material support, in order to exert a positive psychological influence on the prosocial prisoners.

To prevent destructive conflicts, which are generally based on heated and prolonged disagreements between convicted prisoners with opposing codes, values and standards of behaviour, the following is recommended within the penal correction system:

- To monitor, based on the results of diagnostics, processes of informal group formation in the prisoner subculture; to have a targeted influence on rank-and-file members of small groups with antisocial tendencies, as well as their leaders, who act not only as sources of psychological influence on other prisoners but also, in their own way, as informal intermediaries or arbitrators in resolving conflict situations;

- To swiftly identify the parties to the conflict, analyse their individual and psychological characteristics, define the subject of the disagreements and analyse ways to resolve the most widespread conflict situations in order to take the most appropriate corrective measures sometimes pre-emptively. To openly inform prisoners of possible consequences and penalties applied to those involved in conflicts;
- To systematically review and analyse, at operational meetings or during vocational training classes, any information relating to changes in mood among prisoners, in the structure and dynamics of informal groups in the behavioural traits of their leaders or in the level of conflict among prisoners;
- To proactively put a stop to various forms of rumour and disinformation which are used, to some effect, by antisocial prisoners to “restore” feelings of social fairness and justify their actions, or to escalate tensions;
- To take special measures to identify individual adherents to the values of the antisocial subculture. To use specific examples to demonstrate how group morale is harmed;
- To provide psychological and social support to individuals who have arrived in the prison, particularly during their quarantine period and subsequent adaptation, so that they can successfully perform their functions and roles in various areas of daily life;
- To guide them towards consciously choosing a positive social circle and swiftly block informal links with antisocial prisoners. In order to do this, it is important to teach them the most rational way of creating positive relationships with those in their immediate vicinity and show them the likely consequences of adopting the antisocial values, rules and conduct of members of small groups and informal leaders;
- In private conversations or during social and psychological training sessions and group exercises with new arrivals, to relieve their negative feelings, unfounded anxiety, tension and aggression;
- To pay special attention to including younger prisoners in formally organized social groups such as sports teams and hobby societies. Experience shows that prisoners in this age group are most likely to act as conflict initiators or resort to what are known as compensatory forms of behaviour, including drug and alcohol use, homosexual acts and other discriminatory actions;
- To take opportunities for prisoners of various categories to have individual consultations with specialists from the psychology service, social workers and medical workers, as well as psychiatrists if necessary, as significant numbers of prisoners suffer from various kinds of psychological disorders.

**Many of the participants in discussions proposed that individual provisions of the Standard Minimum Rules might be substantially reformulated to address the following issues:**

- (a) Broadening of the scope of the Rules to include all detainees and prisoners, whether held in accordance with criminal, civil or administrative law (rules 4, 94 and 95);
- (b) Broadening of the general principles in both paragraphs of rule 6, possibly taking account of the Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/111);
- (c) Introduction of amendments and rules on medical services and health, including a review of the issue of the confidentiality of medical records and the role of medical personnel with regard to disciplinary measures (rules 22-26, 32 and 82);

(d) Reflection in rule 44 of the obligation to investigate all cases of death in custody, as well as any signs that prisoners have been tortured or subjected to inhumane or degrading treatment, and to report such cases;

(e) Review of rules 31-33 on strict and solitary confinement and the inadmissibility of punishment by reduction of diet;

(f) Expansion of the provisions on the protection and special needs of vulnerable prisoners, such as elderly prisoners, prisoners who are foreign citizens, members of ethnic and racial minorities and indigenous peoples and transsexual prisoners;

(g) Amending of rule 37 to include the right of all prisoners to have access to a lawyer;

(h) Inclusion in rule 36 of the right to have access to external complaints review mechanisms;

(i) Increasing of the importance of monitoring and independent inspection (rules 36 and 55);

(j) Assistance to offenders in returning to society as one of the main objectives of the provisions on the treatment of persons sentenced to imprisonment (rules 65 and 66), including broader use of the practice of temporary release and of conditional early release programmes;

(k) Replacing of obsolete terminology, in rules 82 and 83 in particular;

(l) Linking of individual rules with the provisions of the Convention on the Rights of Persons with Disabilities and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules) in order to avoid inconsistencies; extension of the scope of the provisions of the Bangkok Rules relating to protection from violence and other non-gender issues to cover all prisoners;

(m) Expansion of training for all of those who work with prisoners in various capacities, including prosecution officers, judges and evaluators, to include issues related to the specific nature of work in correctional institutions (rules 46-54).

**In our view, these proposals deserve support in the light of the above observations of the Federal Penal Correction Service. The proposals include:**

- Introduction of an additional provision in the Rules covering respect for the inherent dignity of prisoners. It is essential that the Rules include a provision that no person should be subjected to torture, or to treatment or punishment that is inhumane or degrading;
- Introduction of a provision in the Rules ensuring the full segregation of the leaders of criminal factions from other prisoners while they are serving their sentences by holding them in separate (individual) accommodation (detention) apart from other prisoners, which is possible in high-security prisons;
- Introduction of a provision covering the creation of separate units, commonly known as children's homes, in women's correctional institutions;
- Introduction of a provision allowing prisoners to have extended visits, with the right to stay together with relatives and close friends;
- Expansion of rule 87 to include provisions stating the right of prisoners to receive parcels and packages containing objects and articles that prisoners are permitted to possess under national law;
- More thorough review of the proposed list of the special needs of vulnerable prisoners;

- In rule 55, provision for the possibility for representatives of independent bodies and organizations to inspect places of detention within the scope of their mandate under national legislation;
- To review the list of external complaints review mechanisms, taking account of the provisions of the “pilot” judgment of the European Court of Human Rights in complaints Nos. 42525/07 and 60800/08, the Case of Ananyev and others v. Russia (which was passed down on 10 January 2012 and became final on 10 April 2012), which indicated the limited effectiveness of many of the specified means of legal protection for those held in custody. In the view of the Court, only a court empowered to provide the victim with material compensation for the violation of that person’s rights in places of detention constitutes an effective means of legal protection.

Federal Penal Correction Service of the Russian Federation