

## RUSSIAN FEDERATION

# Improving living conditions for female prisoners

The Russian Federation represents a useful case study in terms of the measures that have been taken for reforming the prison system in such a way as to address the specific needs of female detainees within a broader process of developing a more human-rights based prison system. In particular, efforts have been made towards addressing the needs of pregnant women and mothers of young children in prison facilities, as well as ensuring access to health care for female prisoners.

In the Russian Federation, female prisoners constitute 8 percent of the total prison population. Of 197 countries and territories for which data is available, Russia has, as of January 2010, the 29<sup>th</sup> highest proportion of female prisoners.<sup>1</sup> As of 2005, 80 percent of convicted women were mothers.<sup>2</sup> Typically, women's prisons hold between 500 and 2,000 inmates, who are an average age of 36 years old. Theft is the most common offence, with increasing numbers of women sent to prison for drug offences, murder and grievous bodily harm.<sup>3</sup> Convicted prisoners are entitled to a minimum of six family visits a year. Only immediate family members may visit – parents, grandparents, siblings, children, grandchildren and spouses. In a number of colonies there are facilities for joint accommodation for mothers with babies.

### Special legal provisions for mothers and pregnant women

The criminal laws and regulations of the Russian Federation contain provisions specific to mothers and pregnant women convicted of a criminal offence. A prison sentence for a pregnant woman or a woman with a young child convicted of a minor offence may be suspended until the child reaches the age of 14. If the woman concerned is not re-convicted in the interim period, the sentence is not activated.<sup>4</sup>

The Criminal Code accepts that in other circumstances pregnant women may be imprisoned and that babies born in prison may stay with their mothers. The following allowances are made for such women and for other mothers of young children:

- A woman in pre-trial detention who has children under three years of age may bring them with her. Such women are entitled to better living conditions, specialised medical services, increased rations and clothing, a longer time out of their cells and are not to be put into punishment cells.
- Nurseries may be set up where children of female prisoners can be provided care until they reach the age of three.
- Female prisoners with infants in the prison nursery and female prisoners relieved from work because of their pregnancy or because they have recently given birth may not be placed in punishment cells.
- Pregnant women and women with children have the right to extra food donations via mail or provided during visits and to specialised medical services.
- Pregnant female prisoners or those with children in the nurseries receive at least 50% of their wages, pensions or other incomes in their personal accounts.<sup>5</sup>

### General conditions for women prisoners

Despite such reforms, major problems in the treatment of women prisoners remain. The 89 regions of the Russian Federation have a total of just 45 female penal colonies and only three colonies for underage girls. This means that women from every second region have to be taken to a different region. Only if they are lucky will this be to an adjacent region.

<sup>1</sup> As of January 1, 2010: International Centre for Prison Studies, Prison Brief for Russian Federation, [http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb\\_country.php?country=118](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_country.php?country=118). Also see the full list of female prisoners' percentages out of the total prison population at the International Centre for Prison Studies' web-site: [http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb\\_stats.php?area=all&category=wb\\_female](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/wpb_stats.php?area=all&category=wb_female) (accessed February 8, 2010).

<sup>2</sup> Megan Bastick and Lauren Townhead, *Women in Prison: A commentary on the UN Standard Minimum Rules for the Treatment of Prisoners*, Quaker United Nations Office (QUONO), June 2008.

<sup>3</sup> International Centre for Prison Studies, "International profile of women's prisons," April 2008, [http://www.hmprisonservice.gov.uk/assets/documents/10003BB3womens\\_prisons\\_int\\_review\\_final\\_report.pdf](http://www.hmprisonservice.gov.uk/assets/documents/10003BB3womens_prisons_int_review_final_report.pdf) (accessed November 12, 2009).

<sup>4</sup> Moscow Helsinki Group, "Situation of Prisoners in Contemporary Russia," MHG: Moscow, 2003, <http://www.mhg.ru/english/1E7AF09> (accessed November 12, 2009).

<sup>5</sup> Ibid.

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Often, a convicted woman is simply taken to a facility that is less overpopulated, regardless of whether the facility is near to or extremely remote from her home town. After receiving their sentences, many female prisoners hence have to travel thousands of kilometres to the place where they will serve their prison terms. Sometimes travel to prison takes up to two months, with a number of stop-overs in transit prisons on the way. Transit prisons have dirty and overcrowded cells, with neither individual sleeping spaces nor adequate meals and medical services. Prisoners can be located in the same cell as prisoners suffering from contagious diseases. In both transit and in faraway prisons, visits from family are extremely difficult.<sup>6</sup>

According to a study undertaken by the Center for Assistance to Criminal Justice Reform, the conditions under which women serve their sentence reflect neither psychological nor physiological features characteristic of women; that is, women are kept as men or, more precisely, as certain averaged-out human beings without regard to sexual, age-related or other individual characteristics.<sup>7</sup> This is manifested in a host of ways. For instance, prison regulations do not provide for the issuance to women of the hygienic items that they need during menstruation. In some prisons officials make attempts to redress this oversight, but they are hardly ever capable of coping with the problem.

Between one third and one half of women arrive in prisons infected with sexually transmitted disease, syphilis in particular. Over five per cent of female prisoners are HIV positive, with HIV often accompanied by Hepatitis C. Three to five per cent of women suffer from active forms of tuberculosis. Other widespread health conditions include alcoholism, drug addiction, and cardiovascular and gynaecological problems.<sup>8</sup> Medical services in the prison system are scarce and often unable to effectively treat these health problems. Prisons get their supplies of pharmaceuticals in a centralised way, but these supplies are insufficient. In addition, many prison doctors either have insufficient qualifications or overlook serious diseases and grave health conditions. In recent years, there have been some improvements in prison medical care, particularly in the treatment of tuberculosis, thanks to the resources and support of international organisations like the World Health Organisation, Médecins Sans Frontières and the International Committee of the Red Cross.<sup>9</sup>

#### Penal Reform International's programmes with Russian women's prisons

In order to better address these and other issues affecting women prisoners in the Russian Federation, Penal Reform International (PRI), an international non-governmental organisation working on penal and criminal justice reform, has started working with governmental and civil society organisations to raise awareness of the problems facing female prisoners, promote specialist mother and baby units within prisons and improve living conditions for female prisoners. Some of the gender-responsive penal reform initiatives supported by PRI include:

- Better accommodation for female prisoners (e.g. better health services, meals and hygienic facilities)
- Creation of mother and baby units
- Development of procedures to regulate the conduct of health, social care and legal professionals working with female prisoners who have children either inside or outside prison
- Theatre therapy
- Programmes to prepare female prisoners for release by teaching them social skills and the skills to access social services and employment<sup>10</sup>

6 L. Alpern and A. Antonov et al., *Prisons Are Not for Women: Monitoring Findings, Essays, Interviews on the Situation of Women in Russia's Institutions of Confinement* (Moscow: Center for Assistance to Criminal Justice Reform, 2000).

7 Study undertaken in 1999 cited in Alpern and Antonov et al.

8 The study states that the figures are estimated, since precise data on diseases of female prisoners in Russia are not available. See United Nations Office on Drugs and Crime (UNODC), *Handbook for prison managers and policymakers on Women and Imprisonment*, Criminal Justice Handbook Series, 2008, 11-12, <https://www.unodc.org/documents/justice-and-prison-reform/women-and-imprisonment.pdf> (accessed February 8, 2010).

9 Alpern and Antonov et al., *Prisons Are Not for Women*.

10 See Penal Reform International (PRI) web-site: *Women in Prison*, <http://www.penalreform.org/women-in-prison.html> (accessed November 11, 2009); PRI, "Women in Prison", *Penal Reform Briefing* No. 3, 2008, <http://www.penalreform.org/resources/brf-03-2008-women-in-prison-en.pdf> (accessed November 12, 2009).

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The attention of both government and civil society organisations has also focused on the development of rehabilitation and educational services for female offenders at the juvenile colonies for girls. With help from PRI:

- Creative study groups have been established in the juvenile colonies for girls, including drama, sport, needlework and flower-growing
- Ongoing research with the girls is helping to identify their support needs on release and the availability of appropriate services in the community
- Meetings and conferences for prison staff and NGO representatives have been held to improve communication between correctional institutions and community-based services working with young offenders

PRI has been monitoring living conditions for women prisoners in Colony No.2 in Mordovia, in particular conditions of detention for women imprisoned with their babies. It has noted that while it is vitally important to allow children to stay with their mothers, both the mothers and babies have specific health and other requirements that need to be addressed. This demands that prisons have adequate facilities and programmes to this end. Working with the prison department and local prison administrations, PRI advocates for non-custodial responses to offending whenever it is appropriate, in particular where the custody clearly does not meet the best interest of the child, and for women's increased access to their babies.

**Developments in standards and recommendations**

Meeting the needs of imprisoned babies and small children was one of the problems addressed at a regional conference on women in prison that took place in Gomel, Belarus in October 2007. The conference gathered together prison staff, social workers, medical professionals, NGO representatives and government officials from Russia, Belarus and Ukraine. It resulted in the *Gomel Declaration on the Execution of Punishments for Women*, which outlines a series of recommendations for prison systems.<sup>11</sup>

**Gomel Declaration on the Execution of Punishments for Women (2007)**

## Key recommendations:

1. Establish a special department at a high level of the penitentiary system responsible for the implementation of criminal punishments for women
2. Improve the status of educational, psychological and social services staff within the penitentiary system, recognising their key role in social integration and the preparation of offenders for release
3. Improve the legal basis relating to the sentencing and carrying out of punishments for women including criminal and criminal-executive legislation
4. Enhance the legal protection of imprisoned women
5. Reduce the application of custodial punishments for women; extending the application of alternative punishments within the community
6. Develop and improve a system of preparation for release, social rehabilitation and follow-up programmes for women released from places of detention
7. Give special attention to young girls in places of detention
8. Adopt a national plan of action with regard to babies and young children accompanying their mothers in places of detention

<sup>11</sup> PRI, "Women in Prison", *Penal Reform Briefing* No. 3, 2008.

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The challenges discussed above are not a peculiarity of the Russian penal system: the fair and equal treatment of women in prisons is a matter of concern for penal systems all over the world because of the specific needs and vulnerabilities that women have. To address this question, the international community is now in the process of preparing *Rules for the Specific Treatment of Women Prisoners and Women in Custodial and Non-custodial Settings*, to supplement the *Standard Minimum Rules for the Treatment of Prisoners* and the *Standard Minimum Rules for Non-custodial Measures* in connection with the treatment of women prisoners and alternatives to imprisonment for women offenders.<sup>12</sup> These rules would become an important standard for gender-sensitive prison reform processes.

- ▶ The importance of integrating gender in penal reform processes is discussed in chapter 3 of the *Penal Reform and Gender Tool*.
- ▶ The importance of ensuring that prison treatment is appropriate to the particular needs of men and women is discussed in section 4.4 of the *Penal Reform and Gender Tool*.
- ▶ The importance of ensuring access to health care for male and female prisoners is discussed in section 4.6 of the *Penal Reform and Gender Tool*.
- ▶ Ways in which the needs of pregnant women and mothers of young children can be met in prisons is discussed in section 4.7 of the *Penal Reform and Gender Tool*.
- ▶ The specific challenges of integrating gender into penal reform in transitional countries are discussed in section 5.2 of the *Penal Reform and Gender Tool*.

<sup>12</sup> A draft of the *Rules for the Specific Treatment of Women Prisoners and Women in Custodial and Non-custodial Settings* is available at: [http://www.unodc.org/documents/justice-and-prison-reform/Expert-group-meeting-Bangkok/ECN152009\\_CRP8.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Expert-group-meeting-Bangkok/ECN152009_CRP8.pdf) (accessed February 5, 2010). Most recently at the time of writing, a paper on the new rules was endorsed by an intergovernmental expert group meeting held from 23 to 26 November 2009 in Bangkok.