

## THE PENAL SYSTEM AND OTHER FORMS OF SOCIAL CONTROL IN RUSSIA: PROBLEMS, PERSPECTIVES

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1. With regards to criminal policies, criminal justice and the prison system, the Russian mentality still holds with the traditional methods of restriction and repression as the basis for solving social problems. The relative liberalisation in criminal policies and practices which took place in the 1980's is now gradually being reversed due to public and political pressure to "step up" the fight against crime. These demands are willingly satisfied by the country's President, the State Duma [parliament], the police, the courts and prison personnel as they devise extraneous laws and harsher punishments.

2. The current criminal justice system in Russia stipulates the following types of criminal punishment; the death penalty (art. 23 RF Criminal Code); deprivation of freedom; corrective labour without deprivation of freedom; deprivation of the right to hold a certain position or to conduct certain activities; fines; discharge from employment/responsibility; compulsion to make amends for harmful actions; public reprimand; confiscation of property; and deprivation of military or special titles (art. 21 RF C.C.). In addition, military personnel may be sentenced to serve in special disciplinary battalions and there are various compulsory measures for minors (14-17 years), some of an educational nature (reprimand, compelling parents to hold children under strict observance, placement in corrective educational institutions or corrective treatment centres (art. 63 RF C.C.)).

However, the most widely used form of punishment remains deprivation of freedom (including suspended and conditional sentences, corrective labour and fines (see Table 1)). 1992/3 saw an increase in the percentage of sentences stipulating deprivation of freedom while the percentage of fines and corrective labour without deprivation of freedom decreased. In all, from 1986-93, 1 742 855 people were sentenced to imprisonment, of these 181 479 were minors (14-17 years). Taken as a percentage of all sentences, the number of death sentences seems relatively small although in real terms, their number can be said to be significant. Despite the occasional revocation of a death sentence by a decision of the supreme court or as a result of a pardon, there were still 18-93 executions every year.

In my view, the death penalty is absolutely inexcusable in a civilised society.

3. As a result of the increase in the number of those sentenced and a lengthening of sentences, the number of inmates, both convicted and awaiting trial, in Russia's penitentiary institutions is vast: In June 1993, the number of convicted inmates was 485 thousand or 325 per 100 000 of the population. By October 1994, this number had reached 750 thousand, or 505 per 100 000 population, and including those awaiting

Method of punishment	1986	1987	1988	1989	1990	1991	1992	1993
Total no. sentenced	795490	576788	426336	436988	537643	593823	661392	792410
Death penalty	225	120	115	100	223	147	159	157
% of total sentenced	0.03	0.02	0.03	0.02	0.04	0.02	0.02	0.01
Deprivation of freedom	305427	196640	149113	162033	203359	207489	225926	292868
% of total sentenced	38.4	34.1	35.0	37.1	37.8	35.0	36.5	37.0
Dep. of frdm. conditional sentence	79563	64637	54562	56560	72065	83270	95107	142532
% of total	10.0	11.2	12.8	13.0	13.4	14.0	15.3	18.0
Dep. of frdm. conditional sentence	34638	31285	30845	35352	45099	59738	73896	124198
% of total	4.4	5.4	7.2	8.1	8.4	10.1	11.9	15.7
Corrective labour without deprivation of freedom	195262	150332	112702	103513	116979	129209	120917	143464
% of total	24.5	26.1	26.4	23.7	21.8	21.8	19.5	18.1
Fine	124623	97177	54030	51961	62271	72292	72931	70906
% of total	15.7	16.8	12.7	11.9	11.6	12.2	10.2	8.9

trial - 909 thousand, or 611 per 100 000 [3]. In Europe, this index never exceeds 100-120 per 100 000.

According to specialist data, of Russia's total population of less than 150 million, around 40-50 million people have served time in penitentiary institutions. In the light of this, it is of no surprise that there is a mass "prisonisation" (U. Bondeson) in the consciousness and behaviour of the nation's people.

It follows, that one can observe little success in attempts to protect the population from crime. There is a decrease in the number of crimes solved, while the incidence of violent robbery, organised crime, street crime and the number of victims of crime have all increased, and merely increasing the sentences of those guilty or innocent citizens who happen to come their way is no way for the forces of law and order to cure their paralysis.

4. Russian prison policies and practices are characterised by the following peculiarities:

The preservation of the traditional GULAG system.

Long sentences stipulating deprivation of freedom (either in prisons or detention in so-called "corrective" labour colonies). In Russia, at the beginning of the 90's around half of all those sentenced to deprivation of freedom were given more than 5 years and more than 75% - more than 3 years.

Extremely harsh regimes in institutions for the deprivation of freedom suffered by those awaiting trial or under conditional sentence, contravene human rights; overcrowding in the isolation blocks housing those awaiting trial compels inmates to sleep in shifts; bad food; the spread of Tuberculosis; torture of those awaiting trial/under investigation in so-called "press cells"[a] to procure confessions of guilt; torture colonies such as the notorious "White Swan" detention centres [b] for convicts who have contravened the regime or fallen into ill favour with the prison authorities; and periodical mass beatings of inmates by special police units (so-called "prophylactics" or "training sessions"). Life in institutions for the deprivation of freedom is unbearable, the possibilities for "correction" are nil [4; 5; 6].

5. Measures of social control other than repression are rarely used by organs of the State. Measures of an educational nature such as those employed in the cases of minors - special education/corrective institutions ("Spetz Schools" and "Spetz Technical Institutes") - can be just as repressive as adult institutions for the deprivation of freedom. In such institutions the minors are subject to beatings, are locked in punishment cells, are under-fed, and are often sexually assaulted and raped by their "correctors". Forced medical correction is used in the cases of those with psychiatric, alcohol or drug problems (art. 60, 62 RF C.C.).

Perhaps the only positive, new development to have taken place is the emergence of various non-governmental organisations offering social, psychological and legal aid, and self-help organisations such as Alcoholics Anonymous. In St. Petersburg there are self-help organisations for drug addicts ("Novyiye Palomniki" [New Pilgrims], "Vozvrashcheniye" [Return]), homosexuals ("Kryil'ya" [Wings], The Tchaikovsky

Foundation), alcoholics (“Optimist”, “Optimalist” and many others), the Charitable Foundation “Nochlyezhka” [night-shelter] who works with the homeless, and others.

6. In the current conditions of deep economic, political and social crisis, the increase in crime (particularly violent and organised crime), the degradation of rights, the impoverishment and embitterment of the majority of the population, the very real threat of criminal, pro-fascist or pro-Communist structures gaining power, it is unlikely that we may hope for a favourable change in the criminal policies and prison institution practices in Russia.

#### REFERENCES

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4. *Belaya Kniga Rossii* [The White Book of Russia]: observations and suggestions in the field of human rights. Frankfurt-am-Maine, 1994. Pp. 121-144.
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#### TRANSLATOR'S NOTES

[a] “Press cell” - a cell that can be found in all institutions. In such cells prisoners selected by the administration beat, torture and rape other prisoners to obtain information from them or to make them compliant to the needs of the administration.

[b] “White Swan” - the unofficial name of 8 penitentiary institutions, situated in timber colony departments. They are officially known as EPKT and are illegal. They were established under a normative act of the Ministry of Internal Affairs. The activities of EPKT's are regulated by departmental instructions and secret documents in which prisons of this type are called “prophylactic centres”. Illegal methods such as beatings, torture and press cells are frequently used against prisoners. The first EPKT was set up in the early 1980's in the Northern Urals as an experiment. In 1988, seven more were established and the Ministry of Internal Affairs is currently planning to establish another 18 such institutions.

(Source; see [5]).

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