

Capacity building in action -- the Russian experience.

The European Community programme.

Alternative sanctions to prison , in the Russian Federation.

Budget. €2.3 million in 2007 to 2009..

Context setting.

Prison population -- 2008 -- 890,000.

2003 -- 750,000.

1973 -- 350,000.

Rate per hundred thousand, and -- 700 per hundred thousand in 2008.

Pre-trial detention population in prison -- 250,000 in 2008 (approximately 65% of alleged offenders in pre-trial detention).

Advocates only appeal 10% of cases of pre-trial detainees. However, many of these cases, finish up In the European Court of Human Rights.

Over 69,000 of this pre-trial population released at the time a sentence -- approximately 18%.

Further data.

Between 1992 to 2007 -- 15 million Russians convicted in criminal courts. 5 million were sent to prison.

Currently 8 million ex-convicts in Russia.

70% of ex-prisoners reoffend within two years.

There is an absence of a coherent social resettlement policy for ex-offenders leaving prison. Large-scale problems in the major cities and towns over lack of accommodation, employment and education for ex-offenders.

Very few non-governmental organisations specialising in the after care of ex-prisoners.

The Department of Alternative Sanctions

Founded under Russian criminal code legislation in 2005.

Approximately 10,000 probation inspectors and managers and 300 psychologists.

Total caseload, approximately one million offenders.

The majority of offenders under suspended sentence with supervision.

Average caseload is high -- 60/100 offenders.

Compulsory work, otherwise known as community service, introduced under Russian criminal code legislation in 2005 after trial pilots were conducted by Prison Reform International.

Approximately 40,000 cases of compulsory work were made in 2008. Mostly assignments are administered by municipal authorities. Observation suggests that the penalties are inconsistently administered.

Probation inspectors normally have degrees, but have little formal training. There are major credibility issues attached to the new service with judges and prosecutors.

The majority of inspectors are female.

The Budget for the Department of Alternative Sanctions comes under the Department of Federal Corrections in budgetary terms. The Department is overshadowed by the cost of prisons and penal colonies.

TACIS programme.

Principal beneficiary -- the Russian Ministry of Justice, in particular, the Department of Alternative Sanctions.

The international experts and local experts report to General Filimonov, the chief criminal law adviser to the Duma and General Ruchkin, the Director of the Department of Alternative Sanctions.

The experts use an intermediary organisation called EPLC, as the interface with the Russian Ministry and its senior officials.

There are five international experts, four from Western Europe, and one leading Russian criminologist.

There are 11 local experts, highly qualified criminologists, academics, prosecutors, independent advocates, representatives of non-governmental organisations and technical experts.

Advice areas under the programme.

Policy and legislation.

Alternative sanctions to prison.

Management and staffing.

Electronic monitoring.

Target groups of the project.

Staff in the Department of alternative sanctions, penal settlement staff concerned with the introduction of electronic monitoring of offenders on day release.

Judges, prosecutors, independent advocates and non-governmental organisations concerned with offering services to offenders.

Offenders -- indirectly offering them better opportunities in terms of offending behaviour programmes and educational/employment skills.

The public -- raising awareness with journalists, and the media.

Presidential attitude.

President Medvedev said the following in a press release in February 2009.

"I think we should consider alternative punishments, which do not involve depriving the individual of their liberty. We need to reduce the numbers of people in prison, and also the introduction of interventions which limit freedom in the community. We also need to consider, what can be done by way of social rehabilitation for the 300,000 prisoners released each year in Russia."

Capacity building, policy and legislation.

Meetings with judges and prosecutors -- speaking at the Council of Europe seminars.

Using local experts of fact-finding, distribution of papers and surveys.

Experts assist in the drafting of legislation, with reference to alternative sanctions to prison.

Experts helped Russian experts draft legislation and protocols for electronic monitoring trials.

Roundtable discussions with criminal justice personnel.

Lectures on alternative sanctions that judicial training centres.

Some issues in Russia -- the lack of interagency collaboration and training within Criminal Justice Department's, the lack of judicial and prosecutorial training on the value and importance of alternative sanctions, new criminal Justice legislation does not carry an expectation that all participants within the Criminal Justice Arena will undergo new training. The need to overcome what one Russian former deputy Supreme Court judge has described as the irreversibility of prison.

Capacity building -- management and staffing.

Interviews with managers and staff.

Regional visits.

Capacity reviews.

International study tours -- a problematic issue.

Roundtable discussions.

Capacity building, improving intervention methods.

Addressing the training needs of probation inspectors.

Risk assessment and risk management -- the introduction of OAYs and a related Russian system called Portrait.

An operational handbook.

Setting supervision standards.

Introducing cognitive behavioural programmes -- anger management, offending behaviour, implement and educational programmes, etc.

Field trips.

Agreement about monitoring standards of supervisory work.

Capacity building -- electronic monitoring

General briefing on electronic monitoring.

The development of operational guidelines.

Agreements with the partner agency and the supplier of electronic monitoring equipment from Israel.

Monitoring the delivery of equipment at a penal colony.

Holding management seminars on electronic monitoring.

Undertaking press conferences and television appearances, associated with the first electronic monitoring trials in Russia.

Summary.

Opportunities and strengths.

Presidential support.

The growing importance within Russia, of membership of the Council of Europe and the need to comply with the European Convention on Human Rights.

The potential influence of Council of Europe, papers including Prison Rules (2006), and Probation Rules (2009).

Awareness of the potential importance of membership of the CEP -- the European Probation Forum.

New legislation passing through the Duma in the summer of 2009, which could place thousands of alleged Russian offenders under home detention curfew with electronic monitoring, rather than pre-trial detention.

Enthusiasm and willingness to learn about alternative sanctions and electronic monitoring at all levels within the Department of Alternative Sanctions and the Ministry, particular strong in the regions and the penal colony.

The strong backing from the European delegation in Moscow.

The escalating costs of sustaining a penal culture.

Barriers to Progress

The Justice sector in the Russian Federation is dominated by a conservative tradition inherited from the Soviet era. Despite significant calls, for less use of Prison by the current and previous State Presidents, levels of incarceration remain five times higher than the average in the larger EU countries, although reported rates of most types of crime are roughly similar.

Little sign of collaboration between the major Criminal Justice Department's on policy and legislative matters. Greater need for interdisciplinary work at all levels of the criminal justice process to avoid the Silo effect.

The difficulty of working within a highly centralised administrative structure, where processes of communication are essentially hierarchical, rather than lateral. The capacity to delegate initiatives is limited.

With the falling value of the rouble, ambitious plans to restrict the use of pre-trial detention through electronic monitoring, could be delayed or cutback in terms of scale.

Doubts about the credibility of the Department of Alternative Sanctions in terms of their providing the infrastructure of support and supervision of offenders, underpinning new reforms.

Outstanding issue -- more crucial than any legislative or governmental measures appears to be the penal culture among sentencers. How do you find ways of successfully encouraging the desired shift in the Russian sentencing culture.?

John Harding -- Team Leader, International Experts, TACIS programme, Russian Federation.

Robinson College, Cambridge, 27th March, 2009.