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The Penitentiary System of Russia during the COVID-19 Pandemic: A Global Challenge and Initial Results

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ABSTRACT

This article describes the nature and extent of Covid-19 outbreaks in Russia's penitentiary system. It includes an examination of the features and effectiveness of applied measures to prevent and control the spread of COVID-19 among employees of Russian penitentiaries and persons who are in custody or serving a prison term (i.e. all detained inmates). The article also provides a comparative legal analysis that allows one to judge the extent of the spread of a new coronavirus infection in Russia, and in penitentiary institutions across Europe. The article concludes with an assessment of whether these short-term mitigation strategies will serve as a harbinger of long term reforms in Russia's penitentiary system.

KEYWORDS

European penitentiary systems; criminal justice; Russian penitentiary system; criminal sentencing; COVID-19

Introduction: the European context of Covid-19

The Globalization of the modern world constantly forces us to analyze the possible consequences of threats to humanity. Today we see that danger is posed not only by man-made disasters such as climate change, but also by the global spread of a viral infection.

The large-scale spread of the novel Coronavirus has changed the daily life of populations in many countries. State authorities have been forced to apply extreme measures to protect public interests, limiting the individual rights and freedoms of citizens. Restrictive measures have also been taken to ensure that penitentiaries, where inmates are held, have proper sanitation and epidemiological states. Russia is no exception among the list of countries that have introduced special measures aimed at preventing the spread of the new Coronavirus.

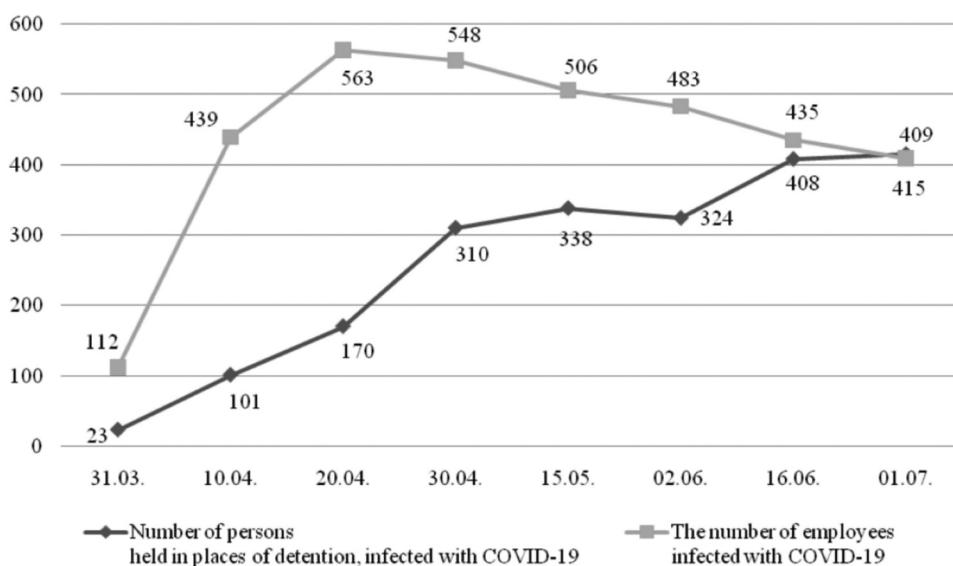
While investigating the functioning aspects of criminal justice systems during the COVID-19 pandemic, general European trends in the spread of Coronavirus should be noted. Analyzing data from the World Health Organization, we see that the top leaders of infected populations in Europe (as of August 13, 2020) are Russia with 907,758 positive cases, Spain with 376,864, the United Kingdom with 313,798, Italy with 252,235, Turkey at 245,635, Germany with 221,977, France at 209,365, Ukraine with 86,140, Sweden with 83,852, and Belgium at 75,647 (World Health Organization, 2020). The total number of cases of COVID-19 among these ten countries amounts to almost three quarters of COVID-19 cases in all European states. At the same time, there is a significant difference in the proportion of deaths experienced by those who tested positive for COVID-19. The largest rate can be observed in San Marino where 1,238 individuals per 1 million of the country's

population experienced death due to COVID-19. This is followed by Belgium with 854 deaths per 1 million, Spain with 611, the United Kingdom with 608, Italy with 583, Sweden with 571, France with 465, the Netherlands with 360, and Ireland with 359. The mortality rate among people diagnosed with Coronavirus in Russia amounts to 105 cases per 1 million of the country's population (Worldometer, 2020).

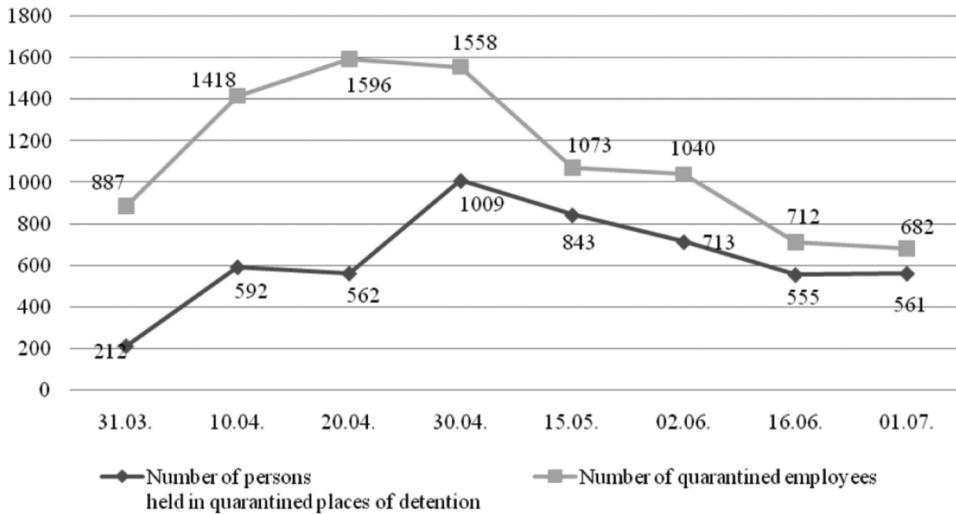
Analysis of the data presented in the EUROPRIS reports allows us to observe a similar picture among European penitentiaries. Here, however, it should be noted that not all countries provided data. Regardless, the data presented allows us to assess the trends in the spread of Coronavirus. Based on the available data, we can say that the dynamic of mortality among penitentiary staff differs from the mortality of inmates held in the same penitentiary (Graph 1) (Europris, 2020).

As can be seen in Graph 1, significant differences are noticeable in the dynamic and number of infected individuals. From March 31 to April 20, there is a sharp increase in penitentiary workers who have been diagnosed with COVID-19. It is during this period that the largest number of infected employees is observed in countries such as Spain (304 staff members), Italy (163 staff members) and Belgium (49 staff). Following this, due to the restrictive and preventive measures adopted, there is a stable downward trend in the number of infected employees, which has continued to date.

At the same time, the dynamic and number of infections among inmates held in European penitentiaries have a progressive growth trend throughout the entire period of observation. While the number of positive COVID-19 cases begins to decrease among staff members after peaking on April 20, the number of inmate cases has not stabilized and continues to increase. The largest number of COVID-19 cases among persons held in penitentiaries, as of July 1, 2020, is observed in Italy (132 inmates), Sweden (125 inmates), Spain (76 inmates), France (35 inmates) and the Netherlands (20 inmates) (Europris, 2020).



Graph 1. Number of employees and persons held in prisons in European countries infected with COVID-19.



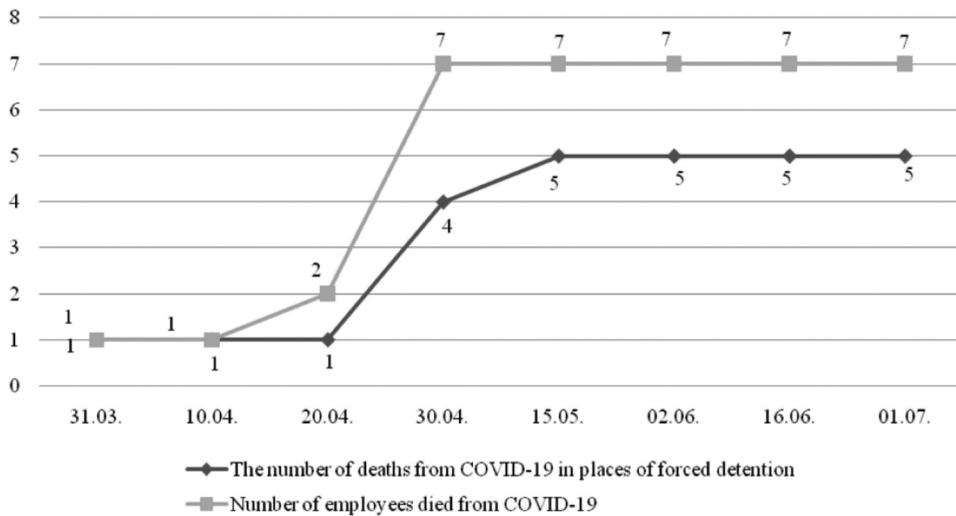
Graph 2. Number of employees and persons held in penitentiaries of European countries, isolated for medical reasons with suspected COVID-19 and contact persons.

We can observe a slightly different dynamic in the number of people isolated with suspicion of having symptoms of COVID-19 and people who have come into contact with others who have been diagnosed with a Coronavirus infection. Thus, the peak values for this indicator fall on April 20, among employees and on April 30 among persons held in the penitentiaries (Graph 2). At the same time, there is a similar trend in the number of isolated individuals among both employees and inmates. The number of employees at certain times exceeded the number of inmates who were quarantined by almost three times. It should be noted that the largest number of penitentiary employees who were sent to quarantine is observed (as of April 20, 2020) in Spain (1107 employees), Austria (250 employees), Poland (68 employees) and France (312 employees). The largest number of inmates, for which quarantine measures were taken, is noted (as of April 30, 2020) in Spain (510 inmates), Croatia (138 inmates), France (127 inmates), Poland (59 inmates), and Austria (43 inmates) (Europris, 2020).

The lowest statistics presented in this article regards COVID-19 related deaths of employees and inmates of which COVID-19 was detected. However, the data presented in Graph 3 again indicate an excess in the number of victims of COVID-19 among penitentiary employees. According to EUROPRIS, Spain, Italy and France provided information about deceased employees for which COVID-19 was detected.

Covid-19 outbreaks in Russia's penitentiary system

In order to understand the context of research, a few words should be said about the structure and current state of the Russian penitentiary system. In accordance with Article 16 of the Criminal Executive Code of the Russian Federation, the structure of the penal system includes criminal executive inspectorates that enforce criminal penalties and measures of a criminal legal nature that are not related to the isolation of convicts from society, such as house arrest, suspended sentences, compulsory labor, correctional labor, and restriction of freedom.



Graph 3. Number of deceased employees and persons held in penitentiaries in European countries diagnosed with COVID-19.

Currently, there are 81 criminal executive inspectorates and 1,348 branches in the penitentiary system of Russia, accounting for 451,376 people sentenced to punishments unrelated to the isolation of convicts from society and 7,788 people suspected and (or) accused of committing crimes under house arrest (Federal Penitentiary Service of Russia, 2020a).

Criminal punishment in the form of forced labor is carried out by correctional centers. As of August 1, 2020, there are 17 correctional centers and 70 isolated sections, functioning as correctional centers, in which 5,437 convicts of forced labor are registered (Federal Penitentiary Service of Russia, 2020a). (*Data on Covid-19 outbreaks among inmates sentenced to forced labor are not yet available*) Punishment in the form of imprisonment for a specified period and life imprisonment is enforced by correctional institutions. According to part 9 of Article 6 of the Criminal Executive Code of the Russian Federation, deprivation of liberty is executed by correctional institutions such as colony-settlements, educational colonies for minors, medical correctional institutions, correctional colonies of general, strict or special regimes,¹ or prisons.

As of August 1, 2020, 496,791 individuals were held in various institutions of the Russian penitentiary system, including:

- 389,450 people were serving sentences in 684 correctional colonies, including:
 - 111 colonies-settlements with 29,506 inmates serving their sentences;
 - 7 correctional colonies for those sentenced to life imprisonment and persons for whom the death penalty by way of pardon was replaced by imprisonment with 1,994 inmates serving their sentences;
 - 8 prisons with 1,173 inmates serving their sentences;
 - 22 educational colonies for minors with 991 inmates housed.

Currently, 40,111 women are held in penitentiaries in Russia, including:

- 30,873 individuals in correctional colonies, medical correctional institutions, medical institutions, and 9,238 in pre-trial detention centers.

The women's colonies have 13 orphanages with 384 children. Those accused of committing criminal offenses who have been selected to serve a form of detention as a preventative measure, are to be held in pre-trial detention centers. At present, 105,177 individuals are being held in 209 pre-trial detention centers and 92 facilities functioning as pre-trial detention centers in colonies.

After reviewing the underpinnings of the Russian penitentiary system, it can be stated that the penitentiary employees and persons held in penitentiary institutions can be classified within a vulnerable category for which the risk of contracting Coronavirus is very high. In fact, as of August 4, 2020, 187,294 laboratory tests were carried out to detect Coronavirus, including 116,844 tests in the laboratories of the penal system. Since introducing restrictive measures, 3,526 laboratory-confirmed cases of Coronavirus have been registered among the penitentiary staff, of which, 2,457 have recovered. Since the beginning of April 2020, 1,224 laboratory-confirmed cases have been identified among inmates, of which 933 have recovered.

The largest number of identified cases among inmates in the Central Federal District was 233. In the Ural Federal District, there were 111 confirmed cases. At the same time, in 28 regions, there have been no cases among inmates (Federal Penitentiary Service of Russia, 2020b). While looking at employees, the picture is different. Only 3 regions reported no cases of COVID-19 among employees. This confirms the general European trend that we discussed above. In European countries, the number of COVID-19 cases is also higher among prison staff than among inmates.

Mitigation strategies utilized in Russia

In order to prevent the spread of Coronavirus in certain regions of Russia, special, restrictive measures were taken. Thus, a regime of special conditions was introduced in pre-trial detention centers in 15 regions.² In addition, quarantines were announced in individual penitentiary institutions in 48 regions. In those regions where the situation stabilized, quarantine measures in institutions were loosened. As of August 4, 2020, the quarantine regime was maintained in individual penitentiary institutions in 29 regions (Federal Penitentiary Service of Russia, 2020b).

Along with the adoption of quarantine measures, the regional authorities made extensive use of preventive sanitary and anti-epidemic measures. For example, a mask regime was introduced in penitentiary institutions. Employees and visitors are required to comply with it. When visiting penitentiary institutions, visitors undergo thermometry. At all facilities, disinfection measures are carried out daily with the use of disinfectants and bactericidal irradiators. In addition, a sanitation day is held in all penitentiary institutions once a week.

The existing bacteriological and immunological laboratories were also redesigned to detect such diseases as tuberculosis and HIV infections, and to work to identify the COVID-19 virus, where diagnostics and testing of persons with symptoms of Coronavirus is carried out. Patients with clinical symptoms are immediately isolated in medical institutions and medical-sanitary units. The sewing of medical masks was organized in 303 penitentiary

institutions. Today, on average, about 2 million medical masks are produced in penitentiary institutions per day.

Undoubtedly, the main threat that still remains is the introduction of the virus into penitentiary institutions from the outside. Therefore, when employees enter, they must undergo a medical examination and thermometry. Since the beginning of the epidemic, a number of restrictions have been introduced, including being on duty in some regions. Employees go on duty for 14 days without the opportunity to leave the institution during this entire period in order to exclude any contacts from outside. For citizens newly admitted to penitentiary institutions, the quarantine period was extended to 20 days, considering the fact that the development of the disease has a period of undetectability. All vehicles entering the premises of penitentiaries are sanitized with disinfectants at specially equipped areas.

Another potential source of infection is the transport of prisoners to courts. While it may be possible to ensure the separation of inmates in pre-trial detention centers, this is likely not the case in court rooms. Therefore, a number of regions began to use video conferencing when considering cases in courts. Also, control over the receiving parcels and transmissions was strengthened. Currently, employees are receiving parcels while using personal protective equipment. Premises for receiving parcels are equipped with bactericidal irradiators. In addition, employees conduct disinfection processing of packages and also disinfect the air in the room and surfaces of parcels with open-type bactericidal irradiators.

Dispensers with skin antiseptics were installed in the reception rooms of penitentiaries. Wet cleaning of premises (using detergents and disinfectants) is carried out at least 2 times a day.

As noted above, in order to prevent the spread of Coronavirus in penitentiaries, a number of restrictive measures were taken. From March 16, 2020 and until further instruction is provided, the provision of long and short-term visits was suspended in some regions. However, at the moment, depending on the epidemiological situation in these regions, restrictive measures have been gradually lifted. In some institutions, short-term and long-term visits have been granted.

Short-term visits with relatives and other persons are carried out through glass in compliance with the requirements of individual protection. During the period of imposed restrictions, regarding primarily communication with relatives and close persons, measures of a compensatory nature were and continue to be applied. Thus, in accordance with current legislation, inmates can communicate with their relatives by telephone and using stationary video communication without restrictions. It should be noted that currently about 8,500 telephones have been installed in the institutions of the Russian penitentiary system, through which inmates make more than 8 million calls annually, as well as 514 video terminals, supporting more than 45,000 video calls a year.

Attempts were also made to decongest penitentiaries, which is necessary to reduce contact between inmates. In order to reduce the number of persons held in pre-trial detention centers, the leadership of the Federal Penitentiary Service of Russia appealed to the Supreme Court of the Russian Federation with a request to order the courts not to use a preventive measure in the form of detention for persons suspected or accused of committing crimes of small to medium severity, but rather, to apply alternative measures not related to isolation from society (Rosbusinessconsulting, 2020).

Since the introduction of urgent measures to prevent the spread of Coronavirus, through land checkpoints to foreign states (in fulfillment by the Russian Federation of international

legal obligations on extradition), 90 people have been transferred, and 31 people have been admitted to Russia. The extradition of persons on the international wanted list took place with 8 states, such as the Republic of Belarus, Kazakhstan, Ukraine, Azerbaijan, Georgia, Poland, South Ossetia, and China. At the same time, all extradited persons were examined for the presence of COVID-19 before being sent from Russia (Federal Penitentiary Service of Russia, 2020b).

It also became necessary to introduce measures to limit visits to penitentiaries by representatives of public organizations. The admission of lawyers is carried out using personal protective equipment and with negotiations through protective glass. In addition, despite the implementation of complex sanitary and anti-epidemic measures, including restrictive measures, since March 16, members of public monitoring commissions have visited the institutions of the Russian penitentiary system 202 times. Also, remote consideration of appeals by e-mail from inmates and their relatives was organized. Such visits revealed excessive restrictions on, and violations of, the rights of inmates such as daily walks and receipt of parcels from relatives (Russia Today, 2020).

In summary, we can note the presence of pan-European trends in the dynamic and number of cases of COVID-19 among the penitentiary employees and inmates. In this case, the most vulnerable population is the penitentiary staff. Also, in order to prevent the spread of Coronavirus in penitentiaries, a set of measures was taken to isolate persons with COVID-19 symptoms. Additional measures were introduced to sanitize premises and use personal protective equipment. Furthermore, restrictions were imposed on visits to penitentiaries and control over incoming parcels was strengthened.

Concluding comments

It is important to assess the impact of specific mitigation strategies taken in combatting COVID-19 on the number of infected inmates to gauge the effectiveness of such strategies on desired outcomes (i.e., to reduce the number of positive cases among inmates). However, in Russia at present, we have not observed any significant changes in the number of infected inmates (i.e., a reduction of positive COVID-19 cases among inmates), despite implementing a wide range of mitigation tactics. One explanation for this lack of significant change is that the strategies implemented were both short-term and local in nature. While significant positive impacts of Russia's responses to COVID-19 in its penitentiary system have not yet been observed, it should also be noted that Russia has not experienced any major COVID-19 hotspots among inmates within its penitentiaries. Therefore, implying that current mitigation strategies being implemented in response to COVID-19 may not only show more promising impacts in the long-term, but may also be aiding in the prevention of inmate hot spots within penitentiaries to date. Continued monitoring of the state of Russian penitentiaries will be useful and essential for subsequent analysis of the long-term effects of mitigation strategies on the prevalence of COVID-19 cases among inmates.

Notes

1. According to article 58 of the Criminal Code of the Russian Federation, depending on the severity of the crime committed and other circumstances, convicts may be assigned to serve imprisonment in correctional colonies of general, strict or special regime. For example,

individuals committed serious crime, are held in a general regime colony, while those committed especially serious crime performing dangerous recidivism, are held in a special regime colony. Those sentenced to life imprisonment are also held in that type of colonies.

2. In accordance with Article 85 of the Criminal Executive Code of the Russian Federation, in cases of natural disaster, the imposition of a state of emergency or martial law in the area where penitentiary is located, and in other emergency circumstances, a regime of special conditions may be introduced in penitentiary. During the period of the special conditions regime in penitentiary, the exercise of certain rights of convicted may be suspended.

Disclosure statement

No potential conflict of interest was reported by the author(s).

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