



GOMEL DECLARATION
On the EXECUTION of PUNISHMENTS for WOMEN
The International Conference on Women in Prison
Gomel, Republic of Belarus
11 - 13 October 2007

Eighty delegates from Belarus, the Russian Federation and Ukraine, representing state institutions, law enforcement bodies, academic circles and civil society organisations, met in Gomel, Republic of Belarus from 11 to 13 October 2007 to discuss problems relating to the execution of criminal punishments for women. The *Gomel Declaration on the Execution of Punishments for Women*, stated below, is a result of debates and suggestions from conference participants. Bearing in mind the specificities of each country's development it should be noted that the problems and measures highlighted in the Declaration are not equally relevant to all the states that participated in the conference. This document will be sent to national governments, legislative and executive bodies, law enforcement agencies, academic institutions, civil society organisations and other concerned entities and individuals to support future development and the improvement of criminal-executive policy concerning women in prison.

Preamble

Acknowledging the diversity of cultures, sovereignty and independence of states, and at the same time, considering indissoluble historical and spiritual relations between the countries and nations as well as the existence of common problems;

Taking into account the importance of compliance with universally recognised international standards of treatment for prisoners and the necessity to develop national legislation that recognises these standards;

Recognising the special role of women in making and safeguarding the family and bringing up children;

Welcoming the adoption of practical measures to improve prison conditions and the treatment of women in places of detention by the countries participating in the conference;

Participants of the International Conference on Women in Prisons identified the following problems:

1. A significant increase in the female population in places of detention in the last five years;
2. An increase in recidivism among women;
3. A change in women's criminality, caused by different factors including recent socio-economic reforms;
4. The inadequate application of alternative non-custodial punishments for women, as well as the insufficient use of suspended sentences for pregnant women and women with young children;
5. The absence of special departments responsible for the implementation of criminal punishments for women within the penitentiary system;
6. The absence of effective social integration programmes addressing the special needs of women;
7. The lack of legal documents regulating the treatment of babies and young children accompanying their mothers in prison.

Participants of the Conference recognised the importance and necessity for states to adopt the following measures:

1. Establish a special department at a high level of the penitentiary system responsible for the implementation of criminal punishments for women.

The functions of the department may include:

- analysis of the execution of punishments for women;
- submission of proposals on the development of a new strategy for the execution of punishments for women bearing in mind their special needs, which may include: the downsizing of women's prisons, the creation of conditions for serving the sentence close to the place of residence, and reducing the number of women in brigades in the prison;
- initiating research on certain problems relating to the execution of punishments for women with the involvement of different experts;
- sharing good practice examples in the field of execution of punishments for women with other countries.

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, by:

- creating and implementing specialised professional training for staff working in prisons for women;
- providing opportunities for promotion and advanced training for prison staff;
- establishing better working conditions for staff, including the introduction of modern technologies of work management in penitentiary facilities;
- creating the necessary conditions for individual work with prisoners;

- developing cooperation and exchange programmes between training institutions for prison personnel in the three countries and organising multinational study tours for prison staff.

3. Improve the legal basis relating to the sentencing and carrying out of punishments for women including criminal and criminal-executive legislation.

Acknowledging that current legislation does not adequately address the special needs of women;

- regulatory acts of penitentiary institutions in the three countries should be thoroughly analysed to review their compliance with international instruments and other national acts;

- amendments should be made to the criminal legislation relating to the application of punishments for women with young children; taking account of dependent children when considering the sentence and making a decision on conditional release;

- consideration should be given to expanding the list of alternative punishments for women of pension age when the question of lightening the punishment is considered by the court;

- in the interest of family protection and supporting family relations, the possibility of lifting the restrictions as to the number and duration of family visits for imprisoned women with young children should be considered.

Conference participants find the application of life imprisonment for women inadmissible and call on the government of Ukraine to take necessary steps towards the abolition of this punishment for women.

4. Enhance the legal protection of imprisoned women by:

- providing different forms of legal assistance to offenders;

- appointing lawyers who specialise in social protection issues within the penitentiary institutions;

- implementing legal educational programmes;

- supporting the activities of civil society organisations providing legal assistance to imprisoned women including the expansion of legal clinics in places of detention.

5. Reduce the application of custodial punishments for women; extending the application of alternative punishments within the community:

- maximise the use of non-custodial punishments, especially for pregnant women and women with young children;

- develop special correctional programmes addressing the specific needs of different categories of offenders (drug abusers, offenders with aggressive behaviour etc) for those serving alternative sentences;

- ensure the gradual lightening of the punishment during the sentence period.

6. Develop and improve a system of preparation for release, social rehabilitation and follow-up programmes for women released from places of detention by:

- strengthening cooperation between prison social services and external social protection institutions, civil society organisations and other relevant bodies;
- developing regional state and public programmes of social assistance for women released from prison;
- preventing practices where restrictions are placed on imprisoned women to receive social benefits and allowances (particularly, birth allowance and pension).

7. Give special attention to young girls in places of detention:

- consider the possibility of serving the sentence close to their place of residence;
- apply custodial sentences only as a last resort, and if applied, to minimise the duration of imprisonment.

8. Adopt a national plan of action with regard to babies and young children accompanying their mothers in places of detention.

A national plan of action should be developed in conformity with the provisions contained in the international treaties ratified by the state.

1. The following three principles should be taken into account :

- it is essential for a baby to have a main carer responsible for his/her proper psychological and physical development;
- the penitentiary system alone cannot and should not take decisions and hold responsibility for the welfare of babies and young children accompanying their mothers in prison;
- the provisions of the national plan of action shall be based upon the results of preliminary research conducted by specialists in the fields of paediatrics, child psychology and psychiatry, psychology of child-parent relations and other experts.

2. The national plan of action should be based on giving priority to the rights of the child and the possibility of the mother to enjoy her parental rights and exercise her parental duties.

3. The national plan of action should include:

- legal and financial bases for child facilities in prisons to function efficiently;
- basic principles and a strategy to ensure the rights and protect the interests of children in these facilities;
- regulations to authorise (or limit) the joint residence of a mother and a child in penitentiary institutions;
- shared allocation of responsibility for the life, health and well being of children living in child facilities in prison between the staff and imprisoned mothers;
- social guarantees for pregnant women and women with young children.

4. The national plan of action shall provide:

- recommendations on the separation of a child from its mother (including age limits for holding a child in prison, forms of support for a child, etc);
- recommendations on educational programmes for imprisoned mothers;

- recommendations on educational programmes for staff;
- recommendations on maintaining and restoring social and familial relations, including increasing the number of extended visits for family members and close relatives, and offering temporary leave outside the prison with their children.
- recommendations on supporting post-release programmes for mothers with young children, including providing financial support and temporary housing for those in need.

9. Ensure cooperation between penitentiary facilities and civil society organisations, other state and non-state establishments, such as cultural, art and educational institutions:

- fully support at the governmental level the activities of civil society organisations providing assistance to imprisoned and released women, as well as to prison staff;
- support cooperation programmes between the penitentiary system, civil society organisations and local administrations and their joint initiatives directed at improving the work of penitentiary institutions and protecting the rights of women in prison.