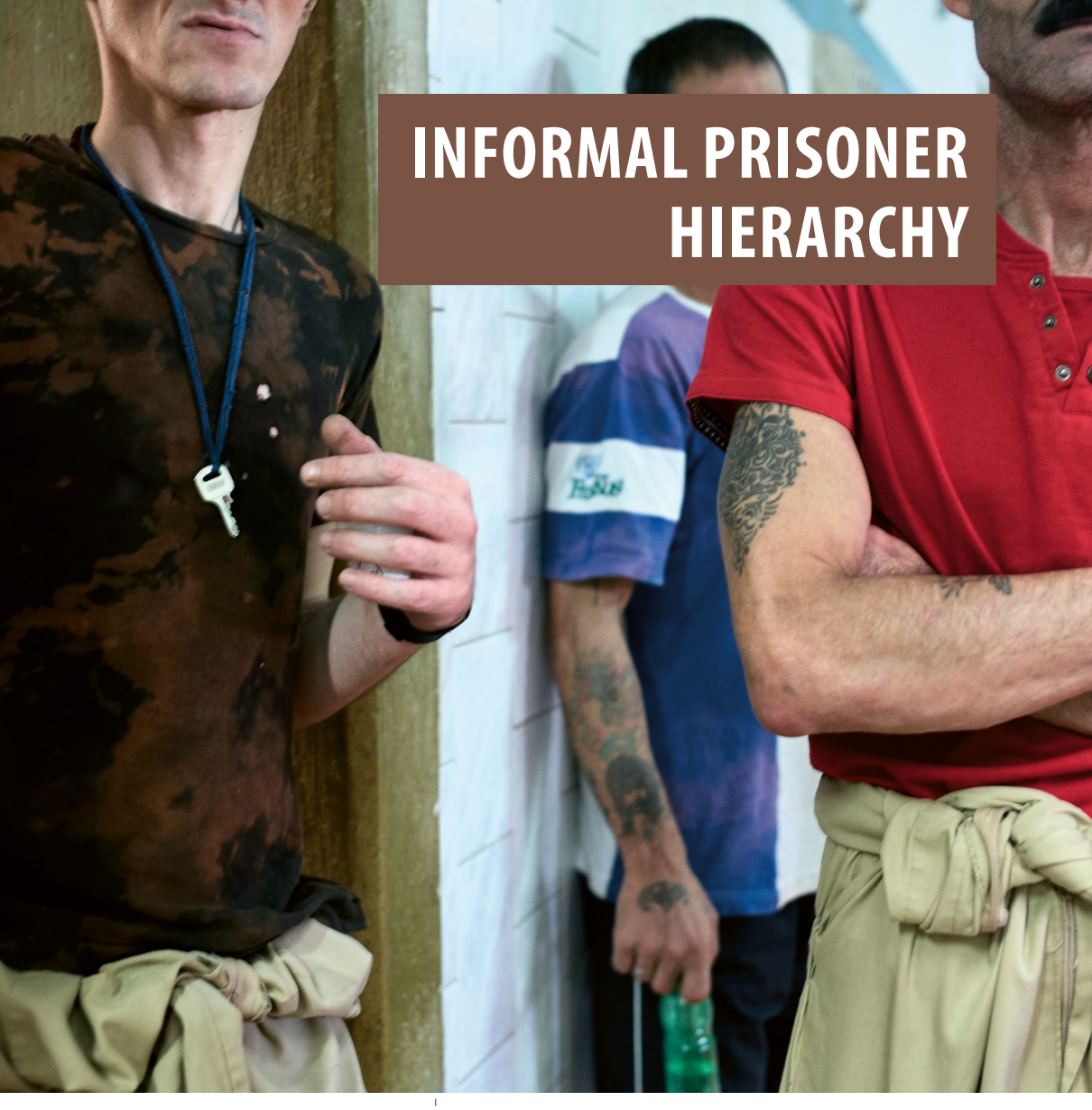


INFORMAL PRISONER HIERARCHY

CPT

EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

PRISON STANDARD

CPT/Inf (2025) 12

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

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Informal prisoner hierarchy

1. In this document, the CPT sets out its thinking and standards regarding the question of the contemporary informal prisoner hierarchy. This phenomenon continues to exist, albeit to varying degrees of influence, in the prison systems of eight States Parties to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ECPT), seven of which are member states of the Council of Europe. All nine countries were formerly part of the Soviet Union.[1] Various other forms of prison subculture, such as organised crime groups, paramilitary groups, ethnic, racial, or religious groups, exist to varying degrees in different prison systems but these will not be addressed here.

INTRODUCTION

2. Soviet prisons were principally defined by what scholars have termed a carceral collectivism (the opposite of the carceral individualism of most western European countries), which has been described as consisting of three main elements: a system of penal governance based on mutual peer surveillance; the displacement of authority and governance to prisoners themselves; and communal living produced by the structuring of prison life through the housing of prisoners *en masse* in dormitories.

The origins of such prison systems can be traced back to the establishment of forced labour camps (GULAG) in the Soviet Union at the beginning of the 20th century and, even earlier, to the prisons of Tsarist Russia. Growing rapidly, by the beginning of the 1940s, the official prison population reportedly surpassed one million persons and continued to rise. Such high numbers turned out to be impossible to govern (and also could not guarantee the massive output of production demanded of the prisons) without the authorities at least partially relinquishing their supervisory duties, both formal and informal, to the prisoners.

The informal system of prisoner self-governance which emerged as a result created the informal prisoner hierarchy by dividing prisoners into categories, or castes, which co-existed by rigorously following the informal prisoner code or rules (so-called *ponyatiya*[2]). This code became essential in an environment where prisoners lived in barracks, several dozen or more per dormitory room, in which they were free to wander around day and night with almost no supervision by custodial staff.

The CPT has, since the 1990s, repeatedly expressed its view that the risk of intimidation and violence is higher in large-capacity prison dormitories, and that such accommodation arrangements are prone to foster the evolution of a prison subculture and facilitate the maintenance and cohesion of criminal organisational structures. Large capacity dormitories can also render proper staff control extremely difficult, if not impossible; more specifically, in the event of prison disturbances, outside interventions involving the use of considerable force are difficult to avoid. With such accommodation, the appropriate allocation of individual prisoners, based on a case-by-case risk and needs assessment, also becomes an almost impossible, as well as redundant, exercise.

1. These countries are: Armenia, Azerbaijan, Georgia, Latvia, Lithuania, the Republic of Moldova, the Russian Federation, and Ukraine. Unless specified otherwise, all references to CPT findings in this section concern its visits to these countries.
2. Unless specified otherwise, the prison jargon in the text is expressed in the Russian language, which often still serves as a *lingua franca* for prisoners from different post-Soviet countries.



3. Carceral collectivism has survived the collapse of the Soviet Union, and the nine States Parties to the ECPT cited above still struggle with its legacy (including the informal prisoner hierarchy and its malignant influence). Attempts to tackle the informal prisoner hierarchy have been pursued to varying degrees of success because countries have been sluggish in converting the Soviet prison infrastructure, with its multiple-occupancy dormitories, into modern cellular-type accommodation.[3] Inadequate staffing numbers, resulting in a lack of appropriate staff presence and supervision inside prisoner accommodation areas, combined with poorly trained staff, have also enabled the informal prisoner hierarchy to persist.

The informal prisoner hierarchy divides prisoners into castes which co-exist by rigorously following the informal prisoner code (so-called *ponyatiya*)

3. A good example is Estonia where, in the period between 2002 and 2018, all Soviet-type correctional colonies were closed down and replaced by three prisons with cellular-type accommodation, along with a major shift towards newly recruited prison staff, and the segregation of prisoners who posed a threat to other persons or to security in the prison.

THE CASTES OF THE INFORMAL PRISONER HIERARCHY

4. The findings of numerous CPT visits show that a traditional informal prisoner hierarchy in the national prison systems is founded on the caste system, with specific behavioural and communication rules. This caste system continues to be deeply embedded in almost every aspect of daily prison life in former Soviet countries, as every inmate must belong to one of the castes.[4]

Belonging to a particular caste is determined by a number of factors,[5] they include the crime committed, connections to organised crime (if any), a person's financial situation, previous imprisonment, debts and conflicts in prison or outside, sexual orientation and experience before prison, or even the accidental violation of one of the many unwritten rules of the informal prisoner hierarchy.

Despite the differing names of the castes in each country, and the specific national features of informal prison hierarchies, the three main castes can be described as follows:

- informal leaders (the highest caste);
- ordinary prisoners (the middle caste, the most numerous); and
- untouchables, or outcasts (the lowest caste).

5. The informal leaders (*blatnye, patsany*) are the representatives of the highest caste in the informal prisoner hierarchy,[6] the self-proclaimed "guardians" of the informal prisoner code, which is universal in a country's prisons and serves as a crucial regulatory element of inmates' daily lives and their interactions.

According to the numerous prisoners interviewed by the CPT over the years, the main rules of the code are the prohibition of informing on other inmates or collaborating with prison staff, stealing from fellow inmates, or interacting with the lowest caste prisoners, and the requirement to repay one's debts, support fellow inmates in need, defend one's honour, and keep one's word.

The three main castes are informal leaders, "ordinary" prisoners (the most numerous) and untouchables

4. This is one of the key differences between the informal prisoner hierarchy in the post-Soviet countries and other prison sub-cultures.
5. Upon entering a cell, a prisoner is usually asked the key question "*kto ty po zhizni*?" (meaning, in Russian, "who are you in life?"), the answer to which then determines their caste. Trying to hide any relevant information is not only futile but also very dangerous, potentially leading to severe punishment by other prisoners.
6. At the origins of GULAG, professional criminals or recidivists were chosen by a prison administration to supervise and control other prisoners (often political prisoners) due to their cruel methods of instilling obedience.



6. To ensure compliance with the informal prisoner hierarchy rules, there is often a so-called *smotryashchiy*[7] (top prisoner) in every prison, with deputies in every block or unit of a prison. Their role is to ensure some semblance of respect for official internal prison rules, resolve conflict between inmates, act as intermediaries between the prison administration and prisoners, collect and manage the common fund (so-called *obshchak*[8]), and authorise punishment for violations of the informal prisoner hierarchy rules, which could be executed through the infliction of physical and/or sexual violence, extortion, psychological threats, lowering of a person's caste, or even murder.

To ensure compliance with the informal prisoner hierarchy rules, there is often a so-called *smotryashchiy* (top prisoner) in every prison, with deputies in each block

7. The word *smotryashchiy* in Russian means "the one who oversees". They are appointed from among the highest caste prisoners by the so-called *vor v zakone* (thief in law), a criminal at the peak of the criminal hierarchy in the country.
8. In a prison, a common fund is usually formed of money as well as food products, cigarettes, tea, and other things which prisoners buy in the prison shop (commissary), receive from their relatives, or smuggle into the premises (for example, a mobile phone can also be an item in a common fund intended for shared use). A common fund could be used for various purposes – to help different prisoners (newcomers, indigent prisoners, inmates held in disciplinary cells, prisoners going to the hospital, etc.), to bribe prison staff, to buy cigarettes, or drugs.



Smotryashchie from different prisons are in constant contact with each other in order to share information, discuss various plans, or agree a common position on some important issue such as, for example, prisoner participation in drug rehabilitation programmes (see paragraph 31 below).

7. The most populous middle caste consists of regular prisoners (*muzhiki*). Unlike *blatnye,* they are "allowed" to work in prison, but should not interfere in the affairs of the highest caste or expect to participate in making key decisions. They generally follow both official and informal rules, execute the orders of the highest caste, and try to avoid conflict either with other prisoners or the administration. This caste often lives in fear of being demoted to the lowest caste for a violation of the informal prisoner hierarchy rules (examples of such infractions include informing on another inmate, stealing, not paying one's debts, or even for shaking hands with, sharing a cigarette with, or drinking from the same mug as a lowest caste prisoner).

8. The lowest caste (*opuschennyje, levye*) are the untouchables, both literally and figuratively.[9] They are not allowed to have an opinion in relation to prison life and higher castes, to raise their voice, or to physically resist when being hit by an inmate from a higher caste. They have to stand guard outside a unit for hours every day and inform other inmates when they see prison staff approaching.

Untouchables have their own separate cells or dormitories, or their separate place in the dormitories and cells (usually next to the door or the toilet); they must use separate sanitary facilities, eat at separate tables at the canteen using marked tableware, exercise in a separate gym (or use a sports field only when it is not being used by the higher castes), and be the last to go to the prison shop. In some prisons, they are not allowed to use the kitchen in the unit, and in others, they have to use a separate cooker, separate fridge, and separate table.

All the maintenance work in common spaces, which is paid for by the prison administration, is usually carried out by the untouchables. The cleaning of the toilets is reserved for the lowest sub-category of the untouchables, usually those on remand for or convicted of a sexual offence.

9. The lowest caste often has its own sub-hierarchy: the self-styled "cool" untouchables, the goats (*kozly*) – these are the informers who collaborate with the prison administration, and the roosters (*petukhi*, Russian criminal jargon word for homosexual prisoners), who are the lowest sub-category, which invariably includes prisoners remanded for or convicted of a sexual offence. In some countries, prisoners who refuse to live according to the informal prisoner hierarchy rules are perceived mostly by other inmates as having even lower status than the untouchables. In Lithuania, for example, this group are called *drambliai* (elephants).



Despite the fact that, officially, all prisoners are supposed to have equal rights and duties, and to clean their dormitory rooms/cells themselves, in reality the prisoners employed as cleaners (untouchables) are cleaning not only the corridors and other common spaces, but also the rooms/cells of the higher caste prisoners. For this work, the higher castes sometimes "thank" the untouchables by giving them cigarettes, tea, or some food.

9. The CPT has occasionally interviewed prisoners, especially from the lowest caste, who were visibly scared to speak and who requested either to interrupt the interview or to be interviewed in the presence of another inmate. According to them, this was due to fear of reprisals they were sure to face from the highest caste for having spoken with the CPT.

The situation of prisoners belonging to the lowest caste could be considered to constitute a continuing violation of Article 3 of the European Convention on Human Rights

Prisoners from the middle caste, on the other hand, were sometimes rather reluctant to discuss the informal prisoner hierarchy in more detail, claiming that they were not in a position to talk about it and that the delegation should speak to *smotryashchiy*.

Another, stronger reaction came from some middle and highest caste prisoners in certain countries, who perceived the CPT interest in the informal prisoner hierarchy as a threat to their established way of life. They would interrupt the interviews in outrage, claiming that the CPT should not be allowed to learn any information on the inner workings of the informal prisoner hierarchy because it would then attempt to destroy the system.



RELEVANT CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS

10. Two recent judgments of the European Court of Human Rights – in the case of *S.P. and Others v. Russia* (no. 36463/11) of 2 August 2023 and in the case of *D. v. Latvia* (no. 76680/17) of 11 January 2024 – are particularly important when discussing the informal prisoner hierarchy in post-Soviet countries due to the significant findings of the Court regarding the threshold of severity triggering the application of Article 3 of the European Convention on Human Rights.[10]

In *S.P. and Others v. Russia*, paragraph 96, the Court has found that the stigmatisation and physical and social segregation of the inmates belonging to the lowest caste, "coupled with their assignment to menial labour and denial of basic needs such as bedding, hygiene and medical care, enforced by threats of violence and also occasional physical and sexual violence, had led them to endure mental anxiety and physical suffering that must have exceeded the unavoidable level of suffering inherent in detention […], even if not all applicants had been subjected to physical or sexual violence. That situation, which the applicants endured for years on account of their placement in the group of 'outcast' prisoners, had amounted to inhuman and degrading treatment within the meaning of Article 3 of the Convention."

In *D. v. Latvia*, which is comparable to the above case, specifically as regards the physical and symbolic separation faced by prisoners in the lowest caste, the Court also found that "life in such a hostile environment often resulted in a continuous accumulation of stress, particularly for individuals subjected to inequity, and not solely from immediate or chronic threats. The mere anticipation of such threats could also cause enduring mental harm and anxiety of an intensity exceeding the level of stress caused by detention under normal conditions"

10. Another noteworthy judgment is the case of *Ashlarba v. Georgia* (application no. 45554/08) of 15 July 2014, relating to the criminalisation of membership of the thieves' underworld (*vorovskoy mir*) in Georgia. In the judgment, the Court briefly presents the key functions of the thief in law (*vor v zakone*), see paragraph 23.

(paragraph 50). "The absence of any direct State involvement in acts of ill-treatment that met the condition of severity such as to engage Article 3 did not absolve the State from its obligations under this provision. In particular, the national authorities had an obligation to take measures to ensure that individuals within their jurisdiction were not subjected to torture or to inhuman or degrading treatment or punishment, including such ill-treatment administered by private individuals" (paragraph 53).

11. In several reports, the CPT has expressed its view that the situation of the prisoners belonging to the lowest caste could be considered to constitute a continuing violation of Article 3 of the European Convention on Human Rights, which prohibits, *inter alia* all forms of inhuman or degrading treatment and obliges state authorities to take appropriate measures to prevent such treatment, including that carried out by fellow prisoners.

CONSEQUENCES OF THE INFORMAL PRISONER HIERARCHY FOR PRISONER SAFETY AND WELL-BEING

12. As repeatedly stated by the CPT in its visit reports, the Committee's mandate is not limited to assessing the ill-treatment inflicted by prison staff or other prisoners upon persons deprived of their liberty. The Committee is also concerned with the informal power structures existing within a prison, which can generate risks of physical and sexual violence, intimidation or extortion.

13. During its visits, the CPT has received numerous credible allegations of inter-prisoner violence, including stabbings with sharp objects, beatings, scalding, sexual violence, bullying, intimidation and other forms of psychological violence, and extortion.

Clearly, those worst affected are usually the lowest caste prisoners, who provide the majority of the accounts of inter-prisoner violence. It is obvious that becoming an untouchable significantly increases the risk of victimisation.

Many untouchables informed the CPT during interviews that belonging to their caste meant that they could only safely (that is, without risking physical violence, extortion, psychological pressure, etc.) share a cell or a dormitory room with prisoners of the same caste and that they were not "welcome" anywhere else.

14. In some countries, the CPT also heard complaints that staff threatened these inmates with transfer to cells or units accommodating inmates from a different caste. Such a transfer in most cases would mean that the prisoner concerned would have to refuse to comply (since the informal hierarchy rules did not allow prisoners from different castes to mix) and would thereby risk receiving a disciplinary sanction, which could then affect their prospect of early conditional release.

15. It is true to say that not all cases of inter-prisoner violence are linked to the informal prisoner hierarchy; a number of them are the result of an inter-personal conflict, unpaid debts, or simply the daily stress of having to share a very limited space with a number of people from different backgrounds and with different personalities.

However, a distinctive feature of many prison systems with the informal prisoner hierarchy is the number of medical records of injuries indicative of inter-prisoner violence found by the CPT, the majority of which are, nevertheless, explained away by the prisoners concerned as "an accident".



It is noteworthy in this regard that the CPT has also heard claims (both from the victims and the perpetrators of inter-prisoner violence) that, in many cases, efforts had been made to "punish/teach someone" without leaving easily visible injuries, such as, for example, on the face.

16. When interviewed by the CPT, only a small number of such prisoners admit to having been attacked by another inmate. Many more are not willing to talk openly about the circumstances surrounding the injury sustained. Most explain to the CPT that, according to the informal prisoner hierarchy rules, a prisoner is not allowed to complain about inter-prisoner violence and that it is not only forbidden to name a perpetrator(s) but also even to suggest that there was any violence to begin with.

Identifying the perpetrators of inter-prisoner violence is extremely difficult, as it is unthinkable for victims or witnesses to cooperate with investigators and prosecutors

The prison managers interviewed also acknowledge that, due to the hierarchy's strongly enforced rules of not informing upon the actions of other prisoners, as well as prisoners' lack of trust in the ability of prison staff to guarantee their safety, almost all cases of inter-prisoner violence resulting in injury remain unsolved and unpunished. The overwhelming majority of victims tell staff that they have "fallen down the stairs", "fallen off the bed", "walked into a door" or "slipped in the shower" and hence the case is closed.

17. The Committee has repeatedly stressed that the duty of care which is owed by the prison authorities to prisoners in their charge includes the responsibility to protect them from other prisoners who might wish to cause them harm. Furthermore, there is a procedural obligation of the state authorities to institute and conduct an effective investigation into all arguable allegations of ill-treatment, including when inflicted by private individuals. Such an investigation should be capable of leading to the establishment of the facts, of identifying and – if appropriate – of punishing those responsible.

However, the findings of the CPT consistently show that identifying and punishing the perpetrators of inter-prisoner violence is extremely difficult in prison systems with the informal prisoner hierarchy, where it is unthinkable for a victim, as well as any witnesses, to cooperate with investigators and prosecutors. The resulting impunity only emboldens the informal prisoner leaders, reaffirms the feeling of insecurity among the lower castes, further diminishes the authority of the prison administration, and hinders efforts to establish positive relationships between prisoners and staff, which are built on trust.

18. According to the case law of the European Court of Human Rights, Article 3 of the European Convention on Human Rights cannot be limited to acts of physical ill-treatment; it also covers the infliction of psychological suffering. Where treatment humiliates or debases an individual, showing a lack of respect for or diminishing their human dignity, or arouses feelings of fear, anguish or inferiority capable of breaking an individual's moral and physical resistance, it may be characterised as degrading and also falls within the prohibition of Article 3.[11] The Court has also stressed that there is a particularly strong link between the concepts of degrading treatment or punishment within the meaning of Article 3 of the Convention and respect for dignity.[12]

From interviews with hundreds of the lowest caste prisoners since the late 1990s, the CPT has heard numerous accounts from persons who were daily made to feel inferior, inconsequential or literally untouchable. During their imprisonment, they are gradually stripped of their human dignity by being forced to sleep in the worst beds, to use separate tables, cutlery, plates and mugs, as well as separate sanitary facilities, laundry and gym, and to perform the dirtiest maintenance duties. Above all, this is achieved by not being considered by their fellow prisoners to be worthy enough to talk to or shake hands with; in essence, to simply have their existence acknowledged.

19. Furthermore, the CPT has heard many complaints of exploitation of the lowest caste prisoners. As described above, they usually clean the dormitory rooms or cells of the higher caste prisoners, as well as their sanitary facilities, do their personal laundry, and stand guard outside units to keep a watch out for staff. In the CPT's view, in some cases this could amount to modern slavery (in the form of forced labour).

11. See *Ananyev and Others v. Ukraine* (nos. 42525/07 and 60800/08) of 10 January 2012, and *Begheluri and Others v. Georgia* (no. 28490/02) of 7 October 2014.
12. *Bouyid v. Belgium* (no. 23380/09) of 28 September 2015.



Some untouchables interviewed by the CPT alleged that they could refuse to do such tasks if they had enough money on their personal account, and that menial work was usually done by those who had no other income (due to lack of support from outside or no work) since this was the only way to obtain basic items such as tea and cigarettes. However, some prisoners from higher castes claimed that untouchables who wished to live safely in the dormitory-type accommodation, and thus enjoy a much more open regime, did not have the right to refuse menial work "assigned" to them.

During imprisonment, untouchables are gradually stripped of their human dignity, forced to sleep in the worst beds, use separate facilities, and perform the dirtiest maintenance duties

20. Finally, the highest caste prisoners use the inmates from the lower castes to execute crimes and/or disciplinary offences for them. This might be a physical "punishment" of a prisoner for violation of the informal prisoner hierarchy rules (especially informing on someone), extortion, illicit drug smuggling and sale inside the prison or mobile phone scams. The CPT also received allegations from the lowest caste prisoners that they had to take the blame for disciplinary violations committed by the highest caste prisoners so that the latter did not lose their status – and the related benefits – as "well-behaved" prisoners.

CONSEQUENCES OF THE INFORMAL PRISONER HIERARCHY FOR MANAGEMENT OF PRISONS AND REINTEGRATION OF PRISONERS

21. On many occasions, the CPT was able to verify on the ground how the informal prisoner hierarchy affected the management of prisons and reintegration of prisoners. It noted that, depending upon the management style of a prison director and the work of the internal intelligence staff, the influence of the informal prisoner hierarchy varied across the prisons visited, from quite restricted to rather dominant.

It is the Committee's impression that many prison management teams have accepted the fact of the informal prisoner hierarchy with a degree of desperate resignation. In the absence of support from the central authorities in countering the phenomenon, they have chosen to go through the motions of running a prison with the single objective of preserving the appearance of order in the establishment and avoiding scandals (such as riots, hunger strikes, collective episodes of self-harming and violent deaths), even if this requires their tacit "cooperation" with the leaders of the informal prisoner hierarchy (see paragraph 27 below).

22. According to the prison managers and staff interviewed by the CPT, the most far-reaching negative effects of the informal prisoner hierarchy lie in the power of its leaders within the prison. They are able to instigate widespread disobedience (for example, a mass hunger strike, or a coordinated refusal to go out to work or school); they control the smuggling and sale of illegal drugs and mobiles phones; they raise obstacles to prisoners' successful reintegration (including, as described above, pressure to commit new crimes); and they create hindrances to drug rehabilitation (see paragraph 31 below).

Indeed, the CPT has repeatedly emphasised that the informal prisoner hierarchy remains the key element in the persistence of the illegal trade in drugs and mobile phones in prisons, and in their use to facilitate new crimes. In many cases, these activities are closely linked to organised crime in the community and, as such, need to be tackled much more vigorously by the national authorities.

23. Both prisoners and staff interviewed by the CPT confirmed that, upon admission to a prison, persons were asked by prison staff to which caste they belonged and in which unit they assumed they could be safely accommodated.

During multiple visits, the CPT has observed that in prison systems with the informal prisoner hierarchy, the caste of a newly arrived prisoner (or the caste to which they have a potential to be "assigned") is one of the most crucial factors taken into account by a prison administration when deciding their placement. Belonging to a certain caste usually trumps their criminal record, psychological profile, level of addiction and socio-economic status. Being aware of the informal prohibition for different castes to mix (especially mixing with the lowest caste prisoners) and seeking to prevent any conflicts, a prison administration focuses first and foremost on a prisoner's place in the informal prisoner hierarchy and only then, if possible, on other factors.



24. The Committee has also repeatedly expressed its frustration with the lack of effort made by prison authorities to separate first-time prisoners from re-offenders. This means that, upon entering the cell or dormitory assigned to them, first-time prisoners are immediately subjected to an induction into the informal prisoner hierarchy (including being assigned to a caste). Consequently, they have virtually no possibility of choosing whether they want or not to belong to the informal prisoner hierarchy.

> **Many prison management teams have resigned themselves, however reluctantly, to the existence of the informal prisoner hierarchy**

25. The CPT has found instances where the lack of a proper allocation policy meant that it was *smotryashchie* who decided on the placement of a prisoner in a specific dormitory or cell. In some prisons, they also decided which prisoners were to be permitted to work. The result of such a practice, as documented by the Committee, often leads to an uneven distribution of prisoners in terms of the occupation of the dormitories whereby the highest caste prisoners benefit from abundant living space and often luxurious furnishings, while other prisoners share cramped and overcrowded dormitories. In addition, the lowest caste prisoners are placed in dormitories offering the poorest material conditions within a prison.

The CPT considers that, in these circumstances, any idea of preparing for reintegration into the community while in prison is derisory, and the deterrent effect of a prison sentence is practically lost. Apart from contributing to an unsafe and even dangerous environment in prison, such a state of affairs perverts the purpose of imprisonment and the role of a prison system. Another point which should not be overlooked is that, for other prisoners, in particular juvenile offenders, seeing the "bosses" living a lavish life with all possible privileges and exclusive powers represents a strong incentive to engage in the criminal subculture and rise up the ranks by oppressing others.

The informal prisoner hierarchy remains the key element in the persistence of the illegal trade in drugs and mobile phones in prisons, and their use to facilitate new crimes

26. As described above, prison infrastructure composed of mainly large-capacity dormitories impedes the proper allocation of individual prisoners. It often leads to the most vulnerable prisoners, usually from the lowest caste, seeking refuge from the informal prisoner hierarchy and requesting isolation from the general prison population.

These prisoners are usually placed in the segregation or disciplinary units (with or without a disciplinary sanction for refusing to stay in the assigned unit) where they are subjected to an extremely impoverished regime for prolonged periods of time (months and, sometimes, even years). In exchange for their desire to escape the violence (and/or temptation to use drugs, which are usually easily available), they are forced to languish in a cellular confinement regime, not benefiting from any preparation for reintegration into the community. Meanwhile, the higher caste prisoners, from whose influence they are trying to escape, continue to enjoy better living conditions with an aura of impunity.

27. The CPT has also frequently observed a general tendency for the management and staff in the prisons visited to partially delegate authority to a select number of inmates at the top of the informal prison hierarchy, *smotryashchie* (as described in paragraph 6 above), and to use them to keep control over (and maintain discipline among) the prisoner population. In order to exercise their authority, *smotryashchie* are apparently afforded certain privileges, such as the possibility to move relatively freely within the prison establishments.

While acknowledging the crucial impact of staff shortages on prison management, the Committee has nevertheless repeatedly expressed its view that any partial relinquishment of the responsibility for good order and security, which properly falls within the ambit of custodial staff, is unacceptable. It exposes weaker prisoners to the risk of being exploited by their fellow inmates. It is also contrary to Rule 62 of the 2020 European Prison Rules, according to which no prisoner should be employed or given authority in the prison in any disciplinary capacity.

28. Furthermore, in the CPT's view, tacit collaboration between the management and the informal prisoner leaders has serious corrosive effects on the whole criminal justice system. It is only natural that such arrangements inevitably undermine prisoners' respect for the prison administration. The overdependence of under-staffed

prisons on the informal prisoner hierarchy comes at a price of discrimination and the dehumanisation of the lowest caste prisoners, and the normalisation of inter-prisoner violence, albeit mostly as a punishment for the violation of the informal prisoner rules.

29. The Committee has also recorded manifestations of staff corruption, which is often a result of the informal prisoner hierarchy exerting its influence on the custodial staff, either through threats or bribery. The examples observed include the provision of luxurious material conditions for informal prisoner leaders, smuggling of mobile phones by staff, allowing some prisoners to keep illegal mobile phones (and not confiscating them during the searches), prison staff looking the other way when parcels with illegal drugs are thrown over the walls into the prison, transmitting messages and items between the cells, and assisting prisoners from different units or blocks to meet each other.

30. The informal prisoner hierarchy permeates all areas of prison life, including prisoner reintegration. As regards work in prison, the situation is rather straightforward – the group which is usually "allowed" to work in prison (most often for some outside manufacturing company) and thus gain experience, learn a new craft, and earn a more substantial salary, is the middle caste. Informal prisoner hierarchy rules forbid the highest caste prisoners from working in prison (and in any case they do not usually need any additional income), and the lowest caste prisoners are excluded from working alongside the middle caste prisoners and must be satisfied with the lowest category jobs (as described in paragraph 8 above), for which they only receive a minimal salary and learn no new skills.

The situation regarding participation in activities is similar. The informal leaders cannot usually be seen to be "cooperating" with the administration by participating in different educational, therapeutic, or recreational activities. Remarkably, this reluctance is slowly diminishing since more and more of them are interested in early conditional release, which requires a degree of participation. By contrast, the untouchables are often simply not allowed to access many of the activities or, fearing for their safety, do not dare to go.

The informal prisoner hierarchy sabotages drug rehabilitation programmes and negatively affects the health of hundreds of prisoners in need of assistance

31. In some countries, the informal prisoner hierarchy appears to be powerful enough to sabotage even the running of drug rehabilitation programmes and thus to negatively affect the health of hundreds of prisoners in need of assistance for addiction-related problems. According to the informal hierarchy rules which forbid any "cooperation" with the prison administration, prisoners who participate in drug rehabilitation programmes are automatically demoted to the lowest caste. Therefore, a lot of prisoners are reluctant to take part in drug rehabilitation programmes. Furthermore, even the lowest caste prisoners who do take part in these programmes may have to be isolated for their own safety upon their return to prison.



PUTTING AN END TO THE INFORMAL PRISONER HIERARCHY

32. Decades of monitoring visits to prisons allow the CPT to conclude that the power and influence of the informal prisoner hierarchy is slowly decreasing. During interviews, more and more prisoners from all three castes claim that the rules of the informal prisoner hierarchy are changing, becoming vaguer, and the pressure to respect them is becoming less intense, and that even though a violation of the informal rules can sometimes still lead to physical punishment it is, allegedly, less cruel than in the past.

The reasons for such a tendency are manifold. Better material conditions, including food quality and quantity, mean that there is less need for mutual help using the common fund. The continuous efforts of most of the national authorities to improve the professional standards of prison staff and to ensure respect for human rights in places of detention, together with the nascent introduction of a kind of dynamic security approach,[13] help create positive relationships and, most importantly, increase trust between prisoners and staff. This has never been the case in the Soviet prisons.

33. The influx of illicit substances into prisons also challenges the established order, leading to many prisoners, especially from the middle caste, to complain of the commercialisation which is destroying the foundations of the informal prisoner hierarchy and restructuring it

13. Dynamic security is the development by staff of positive relationships with prisoners based on firmness and fairness, in combination with an understanding of their personal situation and any risk posed by individual prisoners (see Rule 51 of the European Prison Rules, and paragraph 18.a of the Recommendation Rec (2003) 23 of the Committee of Ministers of the Council of Europe to member states on the management by prison administrations of life sentence and other long-term prisoners). Dynamic security also implies an adequate offer of constructive activities.

around those who have financial resources. Further, attempts by younger generations of the criminal elite to replace the outgoing informal prisoner leaders are not always successful. This is for a number of reasons, primary among which is the resentment of the middle and lowest caste prisoners of the double standards when it comes to compliance with the informal prisoner hierarchy rules by the highest caste prisoners. Therefore, their legitimacy to govern in the eyes of other prisoners is undermined.

The most important change, however, seems to be the prospect of a transfer to a more open prison regime (including a halfway house) or even early conditional release, which in most countries is now much more widely available. This clearly delineated progressive pathway is obviously motivating many prisoners, even from the highest caste, to better comply with the official prison rules and to actively participate in implementing their individual sentence plan. As a result, there is a decrease in confrontations between prisoners and the prison administration and, consequently, the active engagement of prisoners with the informal prisoner hierarchy.

34. Nevertheless, as set out above, albeit weaker, the negative influence of the informal prisoner hierarchy is still felt on a daily basis by prisoners and prison management alike, and some of its manifestations could be considered to constitute a continuing violation of Article 3 of the European Convention on Human Rights.

Therefore, the CPT strongly encourages the relevant national authorities to seize this moment and dedicate all available resources to the eradication of the informal prisoner hierarchy in their prison systems, once and for all.

35. In the Committee's view, such an octopoid phenomenon, which has permeated almost all areas of the prison systems affected for decades, can only be overcome by a comprehensive approach, preferably in the form of a national strategy focused on developing a modern prison system in line with the Council of Europe standards and values. The strategy, with timelines for its implementation, should *inter alia* include the following steps in these key areas:

PRISON ESTATE

- modernisation of the prison estate and especially its conversion from multiple-occupancy dormitories to cell-type accommodation designed for one or two persons.

PRISON STAFF

- significantly increasing the numbers of custodial staff working in direct contact with prisoners by providing them with much more attractive working conditions, and ensuring that they are adequately remunerated, appropriately trained, and motivated. Staffing levels must be sufficient (including at nighttime) to enable prison staff to adequately supervise the prisoners and support each other effectively in the performance of their tasks;
- promoting, through training and a proper management oversight, a dynamic security approach within prisons;
- ensuring that both initial and ongoing training programmes for staff of all grades address the issue of the informal prisoner hierarchy and inter-prisoner violence. Prison staff must be particularly attentive to signs of trouble and be properly trained to intervene in a determined and effective manner, at the earliest possible stage. Prison staff must also be offered the support they require to carry out their tasks professionally;

- ensuring that the prison management is vigilant to possible collusion between staff and informal prisoner leaders;
- regularly instructing prison staff that any staff tolerating, encouraging, or colluding in punitive action taken against prisoners by other prisoners will be the subject of criminal or disciplinary proceedings.

> **This octopoid phenomenon, entrenched in all areas of the prison systems affected for decades, can only be overcome by developing a modern prison system**

ADMISSION TO PRISON

- putting in place a system of comprehensive risk and needs assessment of each person upon admission to prison. Such an assessment should, *inter alia* focus on the criminal profile of a prisoner, their psychological vulnerability, level of addiction, and socio-economic status;
- ensuring that persons remanded or sentenced to prison for the first time are kept separately from those who have been previously imprisoned. Consideration could be given in this context to designating special units/blocks within existing facilities to accommodate such prisoners;
- classification and allocation of individual prisoners with a view to ensuring that they are not exposed to other prisoners who may cause them harm (duly taking into account the risk certain prisoners may pose to other inmates by promoting or imposing the informal prisoner hierarchy).

ACCOMMODATION OF DIFFERENT PRISONER GROUPS

- ensuring full support for prisoners who are exposed to a particular risk of abuse such as persons accused or convicted of sex offences, LGBTQI+ persons, and persons with mental health problems. This should include, if they so request, accommodation in separate living units (established to this end), ensuring adequate material conditions and a purposeful regime, and appropriate supervision by staff;
- creation of separate units/sectors for prisoners who do not (or no longer) wish to be involved in the informal prisoner hierarchy; offering adequate (or even superior) material conditions and regimes which reward pro-social and cooperative behaviour.

INFORMAL PRISONER LEADERS

- putting an end to the practice of delegating authority to informal prisoner leaders and using them to maintain order among the general prisoner population; this might also entail membership in the informal prisoner hierarchy being criminalised, as is already the case in some countries;



- segregating the informal prisoner leaders and their close circle of supporters from the rest of the prison population (on the basis of a proper individual risk and needs assessment and in line with relevant safeguards);
- depriving the informal prisoner leaders, and their close circle, of those privileges which other prisoners do not enjoy, including not allowing them to be accommodated in cells with far superior living conditions;
- depriving the informal prisoner leaders and their close circle of the possibility to access persons newly admitted to prison to perform their "caste designation"; in this context, it should be reiterated to prison staff that any staff member facilitating such contacts will be sanctioned.

INTER-PRISONER VIOLENCE

- reviewing violence prevention strategies in prisons, including the adoption of a comprehensive anti-bullying policy, systematic and regular risk-assessments regarding allocation and placement of prisoners, as well as training of staff to take proactive measures to identify any risk of inter-prisoner violence and report it to management; CCTV cameras should be regularly monitored and their operational maintenance ensured;
- improving the recording, reporting and investigation of suspected cases of inter-prisoner violence. In this context, the existence of positive relations between staff and prisoners, based on notions of dynamic security and care, is a decisive factor; such relations can help to overcome the habitual reluctance of victims (and witnesses) to disclose the perpetrators of inter-prisoner violence;

- reviewing existing procedures in order to ensure that, whenever injuries are recorded by prison healthcare staff which are consistent with allegations of inter-prisoner violence (or which are indicative of inter-prisoner violence, even when no allegations are made), the record is systematically brought to the attention of the relevant authorities, and a preliminary investigation initiated;
- introducing a centralised system for recording injuries so as to better monitor the situation, detect incidents and identify potential risks in order to prevent inter-prisoner violence;
- encouraging a culture of reporting cases of inter-prisoner violence through the appropriate channels, including putting in place clear reporting lines and whistle-blowing channels for staff, as well as for inmates, and effective protection measures for those prisoners who report ill-treatment by fellow inmates.

REINTEGRATION

- developing and implementing a comprehensive strategy to fight the supply of drugs into prisons and to provide a full range of medical and psychosocial assistance to prisoners with drug-related problems;
- further strengthening the individual sentence planning, developing opportunities for work and education, and motivating prisoners to take a more active role in their own reintegration into the community by rewarding them and offering them incentivised and progressive regimes.

"NO ONE SHALL BE SUBJECTED TO TORTURE OR TO INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT"

Article 3 of the European Convention on Human Rights

Established in 1989 by the Council of Europe Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the CPT's aim is to strengthen the protection of persons deprived of their liberty through the organisation of regular visits to places of detention.

The Committee is an independent, non-judicial preventive mechanism, complementing the work of the European Court of Human Rights. It monitors the treatment of persons deprived of their liberty by visiting places such as prisons, juvenile detention centres, police stations, immigration detention facilities, psychiatric hospitals and social care homes. CPT delegations have unrestricted access to places of detention, and the right to interview, in private, persons deprived of their liberty. They may access all the information necessary to carry out their work, including any administrative and medical documents.

The CPT plays an essential role in promoting decency in detention, through the development of minimum standards and good practice for states parties, as well as through coordination with other international bodies. The implementation of its recommendations has a significant impact on the development of human rights in Council of Europe member states and influences the policies, legislation and practices of national authorities regarding detention.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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