

УДК 343.82(476):343.9(476)

DOI 10.33463/2712-7737.2020.02(1-3).2.082-089

**Bashan A. V., Tereshchenko T. G.****Башан А. В., Терещенко Т. Г.****DEVELOPMENT OF THE INSTITUTION OF LIFE IMPRISONMENT  
IN THE REPUBLIC OF BELARUS:  
CRIMINOLOGICAL AND PENAL ASPECTS****РАЗВИТИЕ ИНСТИТУТА ПОЖИЗНЕННОГО ЗАКЛЮЧЕНИЯ  
В РЕСПУБЛИКЕ БЕЛАРУСЬ: КРИМИНОЛОГИЧЕСКИЙ  
И УГОЛОВНО-ИСПОЛНИТЕЛЬНЫЙ АСПЕКТЫ**

**Abstract.** The article is devoted to the issues related to the execution and serving of a life sentence, using the example of the Republic of Belarus. The criminological characteristics of convicts' personality are given, and separate proposals are made to optimize the correctional process. The authors note that the practice of punishment execution in the Republic of Belarus is generally similar to many foreign countries. Taking into account the questionnaire compiled by the authors, the characteristics of socio-demographic, moral-psychological, criminal-legal and social-role properties of convicts sentenced to life imprisonment were determined. Thus, the age of convicted persons is from 26 to 58 years. The largest number of people is of working age. Convicts, as a rule, have a low educational level. Most of the respondents are unmarried or divorced. Most convicts do not have children. The majority of them maintain socially useful relationships with relatives. The convicts have a positive attitude to matters of faith. A quarter of them did not work anywhere before the sentencing. Most of the convicts do not have chronic diseases. At the same time, 7.4% of respondents identified themselves as having mental behavioral disorders. For a significant part of the respondents, the served sentence is the first criminal record. The psychological attitude of prisoners to the committed crimes shows that in most cases they repent of what they did and blame only themselves for what happened. A large number of convicts draw attention to themselves, because they put the lack of perspective in the foreground. Taking into account the criminological characteristics, it is concluded that a person sentenced to life imprisonment is an atypical person, in respect of whom it is advisable to apply, along with established forms and methods of correctional influence, a special technique focused on overcoming a specific psychological mood and aimed at achieving the goals of criminal responsibility.

**Keywords:** penal system, convicted person, life imprisonment, correctional process, education, labor.

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**Аннотация.** В статье исследуются вопросы, связанные с исполнением и отбыванием наказания в виде пожизненного заключения, на примере Республики Беларусь. Приводится криминологическая характеристика личности осужденных, вносятся отдельные предложения по оптимизации исправительного процесса. Авторы отмечают тот факт, что практика исполнения рассматриваемого наказания в Республике Беларусь в целом имеет схожий характер со многими зарубежными странами. С учетом составленной авторами анкеты определены признаки социально-демографических, нравственно-психологических, уголовно-правовых и социально-ролевых свойств осужденных к пожизненному заключению. Так, возраст осужденных составляет от 26 до 58 лет. Наибольшее количество лиц находится в трудоспособном возрасте. Осужденные, как правило, имеют невысокий образовательный уровень. Большая часть опрошенных не состоят в браке либо разведены. У большинства осужденных нет детей. Преобладающая часть из них поддерживают социально-полезные связи с родственниками. К вопросам веры осужденные относятся положительно. Четверть из них до назначения наказания нигде не работали. Большая часть осужденных не имеют хронических заболеваний. При этом 7,4 % опрошенных определили у себя наличие психических поведенческих расстройств. Для значительной части опрошенных отбываемое наказание является первой судимостью. Психологическое отношение осужденных к совершенным преступлениям показывает, что в большинстве случаев они раскаиваются в содеянном и винят в случившемся лишь себя. Обращает на себя внимание большое количество осужденных, которые на первый план ставят отсутствие перспективы. С учетом криминологической характеристики сделан вывод о том, что осужденный к пожизненному заключению – нетипичная личность, в отношении которой целесообразно применять наряду с устоявшимися формами и методами исправительного воздействия особую методику, сосредоточенную на преодолении специфического психологического настроя и направленную на достижение целей уголовной ответственности.

**Ключевые слова:** уголовно-исполнительная система, осужденный, пожизненное заключение, исправительный процесс, образование, труд.

### **Information about authors / Сведения об авторах**

**Aleksey Vladimirovich Bashan**, PhD (Law), Associate Professor, first deputy head of the academy, Academy of the Ministry of Internal Affairs of the Republic of Belarus, Minsk, Republic of Belarus, e-mail: [av.bashan@yandex.ru](mailto:av.bashan@yandex.ru).

**Алексей Владимирович Башан**, кандидат юридических наук, доцент, первый заместитель начальника академии, Академия Министерства внутренних дел Республики Беларусь, г. Минск, Республика Беларусь, e-mail: [av.bashan@yandex.ru](mailto:av.bashan@yandex.ru).

**Tat'yana Georgievna Tereshchenko**, PhD (Law), Associate Professor, deputy head of penal law department, Academy of the Ministry of Internal Affairs of the Republic of Belarus, Minsk, Republic of Belarus, e-mail: [tati2034@yandex.ru](mailto:tati2034@yandex.ru).

**Татьяна Георгиевна Терещенко**, кандидат юридических наук, доцент, заместитель начальника кафедры уголовно-исполнительного права, Академия Министерства внутренних дел Республики Беларусь, г. Минск, Республика Беларусь, e-mail: [tati2034@yandex.ru](mailto:tati2034@yandex.ru).

**Recommended citation / Для цитирования**

Bashan, A. V. & Tereshchenko, T. G. 2020, 'Development of the Institution of life imprisonment in the Republic of Belarus: criminological and penal aspects', *International penitentiary journal*, vol. 2(1–3), iss. 2, pp. 82–89, doi: 10.33463/2712-7737.2020.02(1-3).2.082-089.

Башан, А. В., Терещенко, Т. Г. Развитие института пожизненного заключения в Республике Беларусь: криминологический и уголовно-исполнительный аспекты / А. В. Башан, Т. Г. Терещенко // *Международный пенитенциарный журнал*. – 2020. – Т. 2(1–3), № 2. – С. 82–89. – DOI : 10.33463/2712-7737.2020.02(1-3).2.082-089.

The institution of life imprisonment is ambiguously perceived and interpreted by both penologists and criminologists throughout the world community. On the one hand, the imposition of one of the most severe punishments for committing, as a rule, serious and especially serious crimes; on the other hand, an alternative to the use of the death penalty for similar crimes.

Given liberalization and humanization of penal policy in many countries the issues of assignment and execution of this type of punishment are discussed by legislators and law enforcers; and from the standpoint of punishment necessity, and the possibility of its transformation into an urgent deprivation of liberty. The trend towards abolishing the death penalty (introducing a moratorium on it) and limiting its use has emerged as a result of the fact that many States use life imprisonment as the capital punishment. Although human rights standards relating to incarceration have changed radically, they are mostly focused on the general practice of keeping prisoners (convicts) in prisons, rather than specifically on the issue of life imprisonment.

For example, more than 20 years ago, the United Nations published a report that, for the first time, pointed out some of the problems and issues associated with life and long-term imprisonment at the international level. However, it is rightly noted that life imprisonment is a matter of concern both from the point of view of human rights and from the point of view of prison management. In many cases, it is too punitive, especially if it relates to non-violent crimes and is inconsistent with the principle of proportionality. In addition, life imprisonment without the right to parole raises the issue of cruel, inhuman or degrading treatment and contradicts the right to respect the principle of human dignity, excluding the possibility of its subsequent rehabilitation (Sawyer, W. & Wagner, P. 2020).

Turning to the research of world experts in the field of prison policy, we can not disagree with the positions that a long stay in isolation,

uncertainty about the possibility of parole and the period of time after which such release can be applied; strict conditions of cell detention do not have the best effect on those sentenced to life imprisonment, which will further affect their resocialization and return to society as full-fledged individuals.

Another important aspect is how the legislator and law enforcement officer view this type of punishment. Taking into account the public danger of the criminals' personality, the goal may be to physically isolate the latter from society forever. Or on the other hand – to make the convict suffer a negative impact of punishment, to correct his behavior as far as possible, and having made sure of the safety of the latter – to return to society. If the main goal lies only in isolation, then it is solved effectively. If the goal is the second, it is advisable to consider the features of serving this type of punishment through the prism of those measures that contribute to the correction of behavior and further resocialization.

The practice of execution of this punishment in the Republic of Belarus is generally similar to many foreign countries. Thus, the execution and serving of a sentence of life imprisonment is carried out in accordance with Part 1 of Article 172 of the Penal Code of the Republic of Belarus (hereinafter – the PC) in a correctional colony of special regime or in prison. In accordance with Part 2 of Article 172 of the PC, from the moment of convicts' arrival in the institution, their differentiated detention is established. Those sentenced to life imprisonment are placed separately from other categories of convicts who may be placed in special-regime correctional colonies under the law.

When allocating prisoners to cells, consideration is given not only to ensuring the personal safety of prisoners, but also to their psychological compatibility. Therefore, psychologists take part in the work of correctional institutions. After the administrative commission, the convicted person is assigned to one of the cells.

According to Part 2 of Article 173 of the PC, those sentenced to life imprisonment are held in special-regime correctional colony cell-type rooms, usually no more than two people. In practice, up to 4 people can be accommodated. It is not allowed to place in one cell convicted persons who have committed a crime in complicity; active participants in groups of negative orientation; persons with mental abnormalities, chronic diseases, as well as those who are inclined to commit escapes and attack representatives of the administration. Prisoners with infectious diseases are isolated and placed in a medical isolation unit.

On the other hand, the criminological study of the convict's personality allows us to detail the placement of convicts, taking into account the special characteristics of the latter. Thus, it is advisable to keep separate persons who are convicted for the first time and repeatedly; who have different subcultural status; who have committed crimes of a sexual or terrorist nature; who differ significantly in age, level of education, socially useful orientation while serving their sentence, etc.

Describing the legal basis of the institution, it is worth noting that the law regulates the procedure and conditions of detention in correctional institutions for the expenditure of funds contained in the personal accounts; conduct of visits; receive packages; organization of walks, self-employment (Article 173 of the PC). Those sentenced to life imprisonment are subject to the conditions of serving the sentence established by law for those sentenced to deprivation of liberty, taking into account the specifics of serving a life sentence.

At the same time, the criminological characteristics of individuals who have been sentenced to life imprisonment and are currently being placed in correctional institutions are also of interest. Criminological analysis of latest will take into account the peculiarities in the organization of educational and correctional process as a whole, optimization of employment.

Taking into account the questionnaire, we determined the characteristics of socio-demographic, moral-psychological, criminal-legal and social-role features.

Thus, the age of convicted persons is from 26 to 58 years. The largest number of people sentenced to life imprisonment is of the working age from 36 to 40 years. The total number of persons in this category is less than 1% in relation to all persons sentenced to imprisonment in the Republic of Belarus. In terms of citizenship, about 94% are citizens of the Belarusian state; less than 1% are citizens of Ukraine, about 3% are citizens of Russia, and about 1.5% do not have citizenship.

Those sentenced to life imprisonment usually have a low educational level. The relative majority of respondents (33.3%) have a general secondary education, and another 25.9% have a special secondary education at the technical college.

Most of the respondents who were sentenced to life imprisonment are not married (51.1%) or divorced (38.5%). At the same time, only 5.2% of respondents are married, and another 5.2% are widowers.

The majority of the surveyed convicts have no children (51.1%), 31.9% – one child, 12.6% – two children, 3.7% – three children; a single convict (0.7%) – four children. At the same time, the majority of those sentenced to life imprisonment (85.9%) maintain socially useful relationships with relatives, while 14.1% do not.

The convicts have a positive attitude to questions of faith (90.4% of the respondents define themselves as religious people).

Persons sentenced to life imprisonment are able-bodied citizens. However, 25.2% of the respondents did not work anywhere before their sentencing. The majority of the surveyed convicts (56.3%) were workers before serving their sentence, 15.6% were specialists, 2.2% were managers, and 0.7% were entrepreneurs.

Most of those sentenced to life imprisonment do not have chronic diseases (75.6%); 8.9% – suffer from alcoholism, 11.1% – tuberculosis, 1.5% – drug addiction, 3% – HIV infection. At

the same time, 7.4% of respondents identified themselves as having mental behavioral disorders.

With regard to the criminal-legal characteristics of these persons, 5.9% claim that they did not commit the crimes for which they were convicted, which indicates that it is impossible in the future for them to repent of their actions and actively participate in the correctional process.

With regard to the distribution of roles in criminal activity, 34.8% of the convicts were members of groups, about 28% were organizers, and 13% were accomplices. Most of the crimes were committed by a single convict (about 58%).

For a significant part of the respondents (31.9%), serving a sentence of life imprisonment is the first criminal record. At the same time, among the respondents there are persons who have more than 3 criminal records, some have more than 5, 6, 8 (10!) criminal records, which indicates not only an increased degree of public danger of these persons, but also a persistent criminal motivation.

At the time of the study, most of the interviewed prisoners (65.9%) had served more than 15 years. 25.9% of those convicts had previously been granted parole while serving their sentence. 46.7% of the respondents are obliged to compensate the victims by court verdict.

The psychological attitude of those convicts to crimes shows that most of them repent of what they did (68.1%), blame only themselves for what happened (57.8%). 83.7% of respondents say that if it was possible to take time back, they would not have committed a crime again.

At the time of crimes commission, the convicts had acceptable living conditions (48.9%) and very good (40.7%). The financial situation of convicts is assessed as satisfactory (40.7%) and good (23%).

In the process of serving a sentence of life imprisonment, the convicts' desire to survive prevails (35.6%). Attention is drawn to the

large number of convicts who put the lack of perspective in the foreground (31.01%). In the process of serving the sentence, the convicts' psychological mood changes: it depends on the circumstances, conflict with people around them, aggressive behavior of the latter; some express intentions to escape, some are in a calm or depressed state, apathy. The majority of convicts consider the sentence of life imprisonment as negative and cruel.

About 84% of the surveyed convicts make proposals to change the conditions of serving their sentences. So, among them: improving the efficiency of work; the ability to organize long-term visits with relatives; access to the Internet; free exit from the section within the local area. At the same time, 93.3% consider it possible to adapt to life in society after release from a sentence of life imprisonment.

Thus, taking into account the criminological characteristics of the person sentenced to life imprisonment, we see that this is an atypical person, in relation to which it is advisable to apply, along with the established forms and methods of corrective action, a special technique focused on overcoming not only a specific psychological mood, but also aimed at achieving the goals of criminal responsibility.

According to the Russian researcher D. V. Gorbach (2012, p. 35), the contingent of prisoners serving life sentences is extremely negative, aggressive and dangerous on socio-psychological and criminal-legal grounds. It is difficult to disagree with this statement, and it is true that most of those who are serving life sentences are not engaged in work because of their reluctance and are constantly in cells. They do not study, do not show a desire to learn new knowledge, and educational work is concentrated mainly in the form of conversations with priests, which makes it difficult to socialize and the process of correction.

In this regard, in our opinion, when organizing educational work with this category of persons, special attention should be paid to family ties, since it is the family that supports the convicted person while serving their

sentence and, as a rule, these ties are most often lost. In most cases, the family encourages positive behavior of prisoners by exercising social control. Convicts who have relatives are characterized on the positive side than those who are single or who have lost such ties over time. The innovations proposed by the Department of Corrections of the MIA of the Republic of Belarus – the introduction of video calls are positive in this regard (Correctional Institutions № 2, № 4).

Hypothetically, a person sentenced to life imprisonment can be released and can return to society. In this regard, the process of serving this type of sentence must be organized so that correctional tasks are implemented to form the readiness of those sentenced to life imprisonment to lead a law-abiding lifestyle after release. In this regard, experts in the field of international law recommend focusing on the aspects of resocialization. One of these elements may be employment, obtaining a new profession in demand.

However, at the present stage, those sentenced to life imprisonment are not included in the educational process (they are engaged exclusively in self-education if they wish), which makes it difficult to obtain a new profession. The organization of labor activity, which is reduced to low-professional work in the conditions of the cell (production of artificial flowers, cards, envelopes, etc.), does not fully perform all the functions of labor as it can be. In this regard, there is a reasonable proposal to optimize labor activity with the possibility of creating full-fledged jobs in the conditions of production (for example, locksmithing, turning production) and organizing training directly at the production site under the guidance of a master, foreman.

On the other hand, occupational therapy will not only help to overcome the apathy and aggressive attitude of convicts, but will also create an additional source of compensation for victims of crimes, as well as compensation for the costs of their maintenance during the period of serving their sentence.

In order to organize the work of persons sentenced to life imprisonment, we consider it is necessary to supplement the Internal Regulations of Correctional Institutions approved by Resolution No. 174 of the MIA of the Republic of Belarus (adopted on 20.10.2000) with Chapter 641, which defines the specifics of work use of persons sentenced to life imprisonment, which include provisions on the organization of work in conditions of imprisonment and professional training. In addition, it is advisable to supplement the PC with Article 1021, which includes follows:

*“Article 1021. Education and training of persons sentenced to imprisonment*

*1. Taking into account the available opportunities, the administration of a correctional institution should provide assistance to convicts in obtaining education.*

*2. Convicted persons serving a sentence of life imprisonment shall receive professional training directly at the workplace.”.*

Thus, today, taking into account the criminological characteristics of the person sentenced to life imprisonment, it is possible to make proposals in the aspect of employment of the latter, education of convicts, as well as maintaining relations with the outside world. This determines the urgent need to further develop these areas of activity, not only in terms of legal regulation, but also to create real conditions for their functioning. Thus, the goals of criminal responsibility will be achieved: correction of convicted persons, as well as general and private prevention.

## References

Sawyer, W. & Wagner, P. 2020, ‘Mass Incarceration: The Whole Pie 2020’, *Prison Policy Initiative*, 2020, 24 March, viewed 25 April 2020, <https://www.prisonpolicy.org/reports/pie2020.html>.

Gorbach, D. V. 2012, *Parole from serving a sentence of life imprisonment: PhD thesis (Law)*, Ryazan.

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**Библиографический список**

Sawyer, W. & Wagner, P. 2020, 'Mass Incarceration: The Whole Pie 2020', *Prison Policy Initiative*, 2020, 24 March, viewed 25 April 2020, <https://www.prisonpolicy.org/reports/pie2020.html>.

Горбач Д. В. Условно-досрочное освобождение от отбывания наказания в виде пожизненного лишения свободы : дис. ... канд. юрид. наук. Рязань, 2012. 164 с.