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JOURNAL POLICY

Journal mission

International penitentiary cooperation can and should help States to coordinate criminal and penal policy, practice of sentencing and execution of penalties, means, methods of treatment with convicts according to universally recognized principles and norms of international law, as well as standards developed over the years of cooperation in this field. International penitentiary journal is a dialogue platform for describing and discussing penitentiary systems' problems in all countries of the world. The publication is focused on the expansion of contacts between penitentiary systems of Russia and other States in scientific and practical fields. Such cooperation is important due to the need for mutual consideration of positive and other experience in the penitentiary sphere, joint efforts in ensuring human and social security, crime prevention, execution of criminal penalties, etc. The journal is not limited by only one direction of Penitentiary systems' activity. According to the Editorial Board's opinion, none of them can be considered secondary. For this reason, the journal focuses on any issues of penitentiary practice: the history of penitentiary bodies and institutions, problems of international standards application for treatment with prisoners, inter-sectoral research in the field of criminal penalties sentencing and execution, legal, psychological, pedagogical and economic foundations of penitentiary systems' development, ensuring the rule of law in their activities, personnel training for correctional institutions, etc.

Publication Frequency

Triannually

Principles of editorial work

scientifically proven approach to selection, review and publication placement;
free and open access to research results, used data, which contributes to increasing of global knowledge exchange;
compliance with international ethical editorial rules.

Publication fee

Publication in the journal is free. The editors do not charge authors for preparation, placement and printing of materials.

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Free access policy

The journal provides direct open access to its content based on the following principle: free open access to research results contributes to increasing of global knowledge exchange.

ПОЛИТИКА ЖУРНАЛА

Миссия журнала

Международное пенитенциарное сотрудничество может и должно способствовать государствам координировать уголовную, уголовно-исполнительную политику, практику назначения и исполнения наказаний, средства, методы обращения с осужденными с общепризнанными принципами и нормами международного права, а также стандартами, наработанными за годы взаимодействия в данной сфере. Международный пенитенциарный журнал – это диалоговая площадка для описания и обсуждения проблем пенитенциарных систем всех стран мира. Издание ориентировано на расширение контактов между пенитенциарными системами России и других государств в научной и практической областях, необходимость взаимного учета положительного и иного опыта в пенитенциарной сфере, объединение совместных усилий в обеспечении безопасности человека и общества, предупреждении преступлений, исполнении уголовных наказаний и пр. Журнал не ограничен каким-либо одним направлением деятельности пенитенциарных систем. По мнению редакции, ни одно из них не может быть признано второстепенным. В силу этого в журнале внимание уделяется любым вопросам пенитенциарной практики: истории пенитенциарных органов и учреждений, проблемам применения международных стандартов по обращению с заключенными, межотраслевым исследованиям в области назначения и исполнения уголовных наказаний, правовым, психолого-педагогическим и экономическим основам пенитенциарных систем, обеспечению законности в их деятельности, подготовке кадров для исправительных учреждений и т. п.

Периодичность

3 выпуска в год.

Принципы работы редакции

научно обоснованный подход к отбору, рецензированию и размещению публикаций;

свободный открытый доступ к результатам исследований, использованным данным, который способствует увеличению глобального обмена знаниями;

соблюдение международных этических редакционных правил.

Плата за публикацию

Публикация в журнале бесплатна. Редакция не взимает плату с авторов за подготовку, размещение и печать материалов.

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Политика свободного доступа

Журнал предоставляет непосредственный открытый доступ к своему контенту, исходя из следующего принципа: свободный открытый доступ к результатам исследований способствует увеличению глобального обмена знаниями.

ARTICLE REQUIREMENTS

The Editorial Board accepts articles by e-mail editor62@yandex.ru in Russian or English, with the observance of the following requirements.

Title

Up to 10–12 words. Abbreviations and formulas in the title of an article are not allowed.

Information about authors

Names are given in full, without abbreviations. The editorial office recommends the uniform spelling of names' transliteration in all articles of the author. The editors transliterate names according to the standard BSI from website <http://translit.net>.

Affiliation. Author's full affiliation (including position, name of the department, faculty and university, address and e-mail address). If the author affiliates him/herself with a public organization or institution, please, supply adequate information on the organization's full title and address.

The position is indicated in full, without abbreviations. Adjuncts, graduate students, doctoral students and applicants must indicate their status and the department to which they are attached, in full, without abbreviations.

Academic title and degree are indicated in full, without abbreviations.

Individual numbers of authors in the following database systems: ORCID, ResearcherID, Scopus Author ID.

An abstract

250–400 words, determined by the content of the article. It includes the characteristics of the researched problem, objectives, research methods and materials of the study, as well as the results and main conclusions of the study. It is advisable to point out the main scientific result of the work. Unencrypted abbreviations, for the first time entered terms (including neologisms) are not allowed. For articles in Russian language it is recommended to use the Interstate standard 7.9–95 «Summary and abstract. General requirements».

Keywords

5–10 words or phrases. The list of basic concepts and categories used to describe the problem under study.

Main body of the article

Structure. The body of the text should be divided into meaningful sections with individual headings (1–5 words) to disclose the essence of this section. Every article should contain Conclusions, where the author(s) are expected to ground meaningful inferences. Implications for a future research might also find their place in Conclusions. The Editorial Board recommends using the IMRAD structure for the article. This structure is reference and can be adapted (expanded and (or) more detailed) depending on the characteristics and logic of the research.

Text of the article (design)

The text may contain tables and figures, which should have separate numbering (one numbering system for tables; another – for figures). They should be placed in the text at the appropriate paragraph (just after its reference).

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References must be in Harvard style. References should be clearly cited in the body of the text, e.g. (Smith, 2006) or (Smith, 2006, p. 45), if an exact quotation is being used.

Excessive and unreasonable quoting is not allowed. Self-citations are not recommended.

Bibliographic list

At the end of the paper the author(s) should present full References in the alphabetical order as follows:

Sources are given in the order of their citation in the text (not alphabetically) and are not repeated. Interval of pages of scientific articles and parts of books must be indicated (pp. 54–59), and in monographs, textbooks, etc. – the total number of pages in the publication (p. 542).

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Редакция принимает статьи по электронной почте (editor62@yandex.ru) на русском или английском языке при соблюдении следующих требований.

Заглавие

Не более 10–12 слов. Не допускается использование аббревиатур и формул.

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Индивидуальные номера авторов в системах ORCID, Scopus Author ID.

Контактная информация – e-mail (публикуется в журнале).

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Объем: от 250 до 400 слов, определяется содержанием статьи. Включает в себя характеристику темы, объекта, целей, методов и материалов исследования, а также результаты и главные выводы исследования. Целесообразно указать, что нового несет в себе научная статья. Не допускаются аббревиатуры, впервые вводимые термины (в том числе неологизмы). Для статей на русском языке рекомендуется пользоваться ГОСТ 7.9–95 «Реферат и аннотация. Общие требования».

Ключевые слова

5–10 слов и (или) словосочетаний. Должны отражать тему, цель и объект исследования.

Текст статьи (объем, структура)

Объем от 40 000 до 60 000 печатных знаков с пробелами. Редакция рекомендует использовать структуру IMRAD для оформления статьи с выделением следующих частей: введение (Introduction); методы (Materials and Methods); результаты (Results); обсуждение (Discussion). Каждая часть должна иметь заголовок (примерно до 5 слов). Данная структура является опорной и может быть адаптирована (расширена и (или) более детализирована) в зависимости от особенностей и логики проведенной исследовательской работы.

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Dear colleagues!

The international penitentiary journal continues its work in a new format. Bilingual version of our journal in Russian and English allows us to expand our audience and increase the ability of authors to convey their position to all interested parties. The practice of working as a multidisciplinary and highly specialized periodical will also continue. We continue our strives to make our publication a universal platform for the exchange of views among all representatives of the professional community engaged in various spheres of penitentiary activity.

Issue of the journal that is presented to your attention contains the works of authors from Russia, Kazakhstan and Belarus. The issue contains articles devoted to actual problems of penitentiary psychologists' work, operation of penitentiary departments' medical services, and also upbringing work in places of imprisonment. The material of the presented articles reveals the latest scientific achievements, best practices and international practice in the studied areas of penitentiary activity.

The editorial Board of the journal continues to actively follow the events in the scientific life and the release of new specialized monographic publications on the topic of execution of sentences. In the presented issue of the journal was submitted the review on S.A. Vasilyeva's monograph "I was in prison and you came to visit me...": the history of the origin of prison service practice in the Protestant tradition and its influence on the course of prison reform in America, Europe and Russia".

We invite colleagues to publish announcements of scientific events and reports on their conduct. We believe that this practice will help to expand the audience of announced events in scientific life and will provide them with appropriate information support.

Alexey Vladimirovich Rodionov
Editor-in-Chief of International penitentiary journal,
ScD (Economy)

Уважаемые коллеги!

Международный пенитенциарный журнал продолжает работать в новом формате. Выпуск номеров на русском и английском языках позволяет расширить нашу аудиторию и увеличить возможности авторов донести свою позицию до всех заинтересованных сторон. Практика работы в качестве мультидисциплинарного и узкоспециализированного издания также продолжится. Мы по-прежнему стремимся сделать наше издание универсальной площадкой для обмена мнениями среди всех представителей профессионального сообщества, осуществляющих свою деятельность в тех или иных сферах пенитенциарной деятельности.

Представленный Вашему вниманию выпуск журнала содержит работы авторов из России, Казахстана и Белоруссии. Статьи посвящены актуальным проблемам работы пенитенциарных психологов, медицинских служб пенитенциарных ведомств, а также воспитательной работы в местах лишения свободы. Материал представленных статей раскрывает последние научные достижения, передовой опыт и международную практику в исследуемых сферах пенитенциарной деятельности.

Редакция журнала продолжает активно следить за событиями в научной жизни и выходом новых специализированных монографических изданий по тематике исполнения наказаний. В представленном номере журнала размещена рецензия на монографию Васильевой С. А. «В темнице был, и вы пришли ко мне...»: история зарождения практики тюремного служения в протестантской традиции и его влияние на ход пенитенциарных реформ в Америке, Европе и России».

Приглашаем коллег к публикации анонсов научных мероприятий и отчетов об их проведении. Считаем, что подобная практика будет способствовать расширению аудитории анонсируемых событий в научной жизни и будет оказывать им соответствующую информационную поддержку.

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Siryakov A. N., Abishev E. H.**Сиряков А. Н., Абишев Э. Х.****LEGISLATION ON EDUCATIONAL WORK WITH PRISONERS
IN RUSSIA AND KAZAKHSTAN****ЗАКОНОДАТЕЛЬСТВО О ВОСПИТАТЕЛЬНОЙ РАБОТЕ
С ОСУЖДЕННЫМИ К ЛИШЕНИЮ СВОБОДЫ
В РОССИИ И КАЗАХСТАНЕ**

Abstract. In the desire to reform the penal system, separate countries of the Commonwealth of Independent States have made significant progress, substantially updating their legal framework. These also include the Republic of Kazakhstan. The study of the normative consolidation and organization of educational work with convicts under the Kazakhstan and Russian legislation and a questionnaire of practitioners revealed the advantages and disadvantages of regulatory support and law enforcement practice. This made it possible to outline further ways to improve the legal regulation of educational work with convicts in the direction of convergence with international standards. The penal legislation of the two countries largely coincides, but in Kazakhstan the issues of educational work find their legal consolidation not only at the level of the Penal code, but also in special acts. The advantages of Kazakhstan's legislation include: a clear definition of the tasks, directions, forms and methods of educational work; improvement of the mechanism of incentives and penalties application; determining the degree of behavior of convicts; involvement of the Probation Service in the provision of social and legal assistance to convicts preparing for the release; the presence of convicts among the subjects of educational work of voluntary organizations. Otherwise, the organization and conduct of educational work with convicts coincide. The basis of the organizational structure of the correctional institution is the unit, the heads of which are overloaded with the tasks not directly related to the implementation of the correctional process. Taking into account the experience of the Republic of Kazakhstan, it is proposed to amend the Penal code of the Russian Federation, in terms of the formulation of the concept of educational work through its tasks; clarification of norms relating to the directions, forms and methods of educational work. In the Provision about the units of prisoners in correctional institution, it is necessary to change the amount of duties for the head of the unit: establishing a ban (limitation) on the involvement of chiefs to implement unusual functions for them; the transfer to the category of rights the obligation to participate in inspections of the

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presence of persons held in a correctional institution, taking them to work (from work), their presence during searches, mealtime in the dining room, getting of parcels, transfer, sale of food and basic necessities, telephone conversations.

Keywords: educational work with convicted persons, penal legislation, Russian Federation, Republic of Kazakhstan.

Аннотация. В стремлении реформирования системы исполнения уголовных наказаний отдельные страны Содружества Независимых Государств продвинулись значительно вперед, существенно обновив свою нормативно-правовую основу. К их числу относится Республика Казахстан. Проведенное исследование нормативного закрепления и организации воспитательной работы с осужденными по казахстанскому и российскому законодательству, опрос практических работников выявили достоинства и недостатки нормативного обеспечения и правоприменительной практики. Это позволило наметить дальнейшие пути совершенствования правового регулирования воспитательной работы с осужденными в сторону сближения с международными стандартами. Уголовно-исполнительное законодательство двух стран во многом совпадает, однако в Казахстане вопросы воспитательной работы находят свое правовое закрепление не только на уровне Уголовно-исполнительного кодекса, но и в специальных актах. К преимуществам казахстанского законодательства следует отнести: четкое обозначение задач, направлений, форм и методов воспитательной работы; усовершенствование механизма применения мер поощрений и взысканий; определение степени поведения осужденных; привлечение Службы пробации в оказании социально-правовой помощи готовящимся к освобождению осужденным; наличие в числе субъектов воспитательной работы добровольных организаций осужденных. В остальном, организация и проведение воспитательной работы с осужденными совпадают. Основой организационного построения исправительного учреждения является отряд, начальники которых перегружены выполнением задач, непосредственно не связанных с осуществлением исправительно-воспитательного процесса. Учитывая опыт Республики Казахстан, предлагается внести изменения в Уголовно-исполнительный кодекс Российской Федерации, в части формулирования понятия воспитательной работы через ее задачи; уточнения норм, касающихся направлений, форм и методов воспитательной работы. В Положении об отряде осужденных исправительного учреждения необходимо изменение объема функциональных обязанностей начальника отряда: установление запрета (ограничения) на привлечение начальников отряда к выполнению несвойственных для них функций; переводение в разряд прав вмененную начальнику отряда обязанность участия в проведении проверок наличия лиц, содержащихся в исправительном учреждении, разводов (съемов) их на работу (с работы), присутствия при проведении обысковых мероприятий, приеме осужденными пищи в столовой, выдаче им посылок (бандеролей), передач, продаже продуктов питания и предметов первой необходимости, ведении телефонных переговоров.

Ключевые слова: воспитательная работа с осужденными к лишению свободы, уголовно-исполнительное законодательство, Российская Федерация, Республика Казахстан.

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Introduction

In modern Russian and Kazakhstan society, the prevailing opinion is about the activities of the law enforcement system to combat crime as exclusively punishing. It is often overlooked that the law enforcement agencies also have an educational function. This work is of particular importance in the context of the execution of criminal penalties in the form of deprivation of liberty. Thus, in the Concept of development of the penal system of the Russian Federation until 2020, adopted by the order of the Government of the Russian Federation No. 1772 on 14.10.2010, indicates that one of its tasks is to develop forms of educational work with convicts. The Concept also defines the ways of improving educational work: orientation to the involvement of convicts (sentenced to deprivation of liberty) in work, the acquisition of a profession or retraining; development of educational work in the direction of ensuring the resocialization of convicts, the development of their basic social functions; its implementation is subject to the interaction of correctional officers with each other, the involvement of representatives of the executive authorities, civil society institutions; planning, organization and conduct of educational activities in correctional institutions aimed at the formation and development of convicts' desire for socially useful activities, compliance with the requirements of the laws and the rules of conduct adopted in society. Such provisions are contained in the Concept of the legal policy of the Republic of Kazakhstan for the period from 2010 to 2020, established by the decree of the President of the Republic of Kazakhstan on 24.08.2009 No. 858, which provides the need for further development of the content, forms and methods of correctional and educational impact on convicts on the basis of the principle of individualization of punishment execution.

In connection with the same desire of States to reduce the punitive element in the execution of punishment, the purpose is to compare the features of legal regulation of the organization and conduct of educational

work with prisoners in the Russian Federation and the Republic of Kazakhstan. To do this, we will analyze the current penal legislation of the two countries in terms of educational work with prisoners, as well as the practice of its organization. We will also find out the opinion of the chiefs of units on issue to their satisfaction of regulatory requirements. Thus, we will see the similarities and differences, advantages and disadvantages of educational work in places of detention.

Results and their discussion

The legal regulation of the educational work of the two countries is based on the Penal legislation, which has a significant similarity (Potapov, A. M. & Kuz'min, S. I. 2017). This is due not only to the general legal framework that has been in force for a long time on the territory of the USSR and the Union Republics, but also to the adoption in St. Petersburg (on November 2, 1996) at the eighth plenary session of the CIS inter-parliamentary Assembly of the recommendatory legislative act – the Model penal code. This document was the basis for the preparation and adoption of national penal codes of independent States. On January 8, 1997 the Penal code of the Russian Federation (hereinafter – the PC of the Russian Federation) appeared, and eleven months later, on December 13, 1997 - the Penal code of the Republic of Kazakhstan. These documents are not fundamentally different from each other at the time of their adoption. However, further legal construction of states became different and went on the way of convergence of national norms with international standards. In the Republic of Kazakhstan, this process resulted in the adoption of a new Penal code on July 5, 2014 (hereinafter – the PC of the Republic of Kazakhstan).

Regulating educational work with convicts to imprisonment, the PC of the Republic of Kazakhstan and the PC of the Russian Federation coincide in many ways. However, the PC of the Republic of Kazakhstan has certain advantages, although it is not devoid of certain shortcomings. Thus, both documents

provide for the Chapter «Educational impact on convicts to imprisonment» (Chapter 20 of the PC of the Republic of Kazakhstan, Chapter 15 of the PC of the Russian Federation), which does not contain a definition of educational work. Article 109 of the Code of criminal procedure reproduces the provisions of part 1 of article 9, which defines the category of «correction» and adds a provision on improving the educational and cultural level of convicts. Other articles of the document stipulate the need for educational work with different categories of convicts: the article 56 – with convicts sentenced to restriction of freedom, the article 165 – with convicted servicemen. Article 124 of the PC of the Republic of Kazakhstan states that educational work with convicts is aimed at their correction, formation and strengthening of the desire to comply with the requirements of the laws, work and other socially useful activities, improving the educational and cultural level, participation in programs aimed at social and legal assistance to convicts. In this regard, the PC of the Republic of Kazakhstan seems more logical, as the definition of correction, established in paragraph 10 of the article 3 as the formation in the convict of law-abiding behavior, positive attitude to the individual, society, work, norms, rules and ethics of behavior in society, can be considered common in relation to educational work, as a particular – one of the means of correction. Another difference is that the content of educational work includes participation in programs aimed at social and legal assistance to convicts.

There are questions when determining the place of educational work among other basic means of correction. According to the text of the PC of the Republic of Kazakhstan, among the means of correction is educational impact, there is a Chapter of the same name, which contains an article on educational work, work on social adaptation and psychological assistance, voluntary organizations of convicts, education. Therefore, it is not clear at all whether educational work is a means of correction or not.

Enumerating means of correction, educational impact is on the second place, and regime is on the first place, at the same time, the content of educational work is revealed after the regime, public service, and education. In accordance with the provisions of article 9 of the PC of the Russian Federation educational work among the main means of correction is on second place, and regime is on the first place. According to article 109 of the PC of the Russian Federation, only educational work, unlike other means of correction, is directly aimed at the correction of convicts. According to the legislator, educational work, forming in convicts a respectful attitude to the person, society, work, norms, rules and traditions of human society, should determine the direction of the use of other means of correction within the regime. The structure of the Special part of the PC of the Russian Federation, in particular section IV, the rules of which regulate the execution of the penalty of imprisonment, violates this logic. Questions of educational work are revealed by the legislator after the regime, labor, vocational education and training. In addition, Chapter 15 of the PC of the Russian Federation is built in such a way that it covers the rules governing education, the Institute for the application of incentives and penalties. In this part, both documents do not have the internal logic inherent in the Correctional labor code of the RSFSR (adopted in 1970), in which the main means of correction were consistently fixed.

The tasks of educational work are not clearly formulated in normative legal acts. Realizing the purpose of correction, its main means are created to solve particular problems. Regarding educational work, the Russian legislator does not directly specify them, but the text of the PC of the Russian Federation allows us to formulate the following: improving the educational and cultural level of convicts; correction, that is, the formation of respect for the person, society, work by the convict, norms and rules of the human living (Article 109 of the PC of the Russian Federation); preparation of the convict

for release (Article 180 of the PC of the Russian Federation), social adaptation (Article of 181 the PC of the Russian Federation). In the PC of the Republic of Kazakhstan, the tasks of educational work are specific and expressed mainly in Article 124 of the PC of the Republic of Kazakhstan. These include: the formation and strengthening of the desire to comply with the laws, work and other socially useful activities; improving the educational and cultural level; participation in programs aimed at social and legal assistance to convicts; preparation for release (Article 166 of the PC of the Republic of Kazakhstan). Article 125 of the PC of the Republic of Kazakhstan specifies the main forms of work on social adaptation of convicts: 1) development of individual programs for work with convicts; 2) development, organization and implementation of programs aimed at social and legal assistance to convicts; 3) involvement of state bodies, local executive bodies and the public in social and legal assistance to convicts; 4) promotion of positive social relation of convicts; 5) provision of assistance to released persons.

In both documents it is noted that educational work is carried out with reliance on the personality. Thus, in the article 109 of the PC of the Russian Federation and 124 of the PC of the Republic of Kazakhstan it is recorded that the educational approach takes into account the individual peculiarities of the personality, the nature of the convicts and circumstances of the crime.

In order to involve convicts in educational activities, Russian and Kazakhstan penal legislation has established certain types of incentives. This means that the participation of convicts in educational activities is taken into account when: applying to them measures of encouragement and punishment (Russia, Kazakhstan); determining the degree of correction (Russia); assessing the behavior of convicts (Kazakhstan).

The new PC of the Republic of Kazakhstan improved the mechanism of applying incentives and penalties to convicts, taking into account

the principle of humanism. Thus, the legislator excluded from the system of penalties such measures as the placement of women and juveniles in disciplinary detention and solitary confinement. Also in the PC of the Republic of Kazakhstan provides a number of measures aimed at preventing corruption from the administration of institutions. For example, the law of the use of penalties and incentives in respect of convicts are presently given only to heads of agencies and their deputies. Previously, such powers were provided for the chiefs of units.

Determining the degree of correction has long been a problem for the Russian penitentiary practice. There are no clear criteria and procedures for determining this degree. The PC of the Russian Federation contains mention of malicious violators of the established order of serving of punishment (Article 74, 78, 97, 116 the PC of the Russian Federation); negatively characterized convicts (Article 140 the PC of the Russian Federation); positively characterized convicts (Article 78, 96, 113, 128, 175 the PC of the Russian Federation); convicted servicemen characterized by exemplary behavior, conscientious attitude to military service and labor (article 166 of the PC of the Russian Federation). There is no systematic list of degrees of convicts' correction, which would reflect the gradual change of personality and the dynamics of correction.

An assessment of the convicts' behavior is provided by article 95 of the PC of the Republic of Kazakhstan. It is a clarification of the degree of convicts' behavior: compliance with the rules of the internal order of institutions; attitude to work and study; participation in educational activities; participation in programs aimed at social and legal assistance to convicts; membership in the voluntary organization of convicts; taking measures to compensate the harm caused by the crime. There are three degrees of behavior for positively characterized convicted persons and three for the negatively characterized convicted persons.

The title of the article 110 of the PC of the Russian Federation «Basic forms and methods of educational work with convicts» does not correspond to its content. Part 1 of this article refers to moral, legal, labor, physical or other education that contributes to the correction of convicts; part 2 specifies the requirement of differentiated organization of educational work, taking into account the type of correctional institution, the term of punishment and conditions of detention. Individual, mass and group forms of implementation of educational work on the basis of psychological and pedagogical methods are represented. It becomes unclear what to consider as forms of educational work: individual, group and mass events or moral, legal, labor, physical and other education. Thus, there is no sense in the instruction of the legislator on psychological and pedagogical methods of educational work for law enforcement officers.

This problem was avoided by the Kazakhstan legislator, writing in Article 124 of the PC of the Republic of Kazakhstan that the institutions carry out moral, social, legal, labor, physical and other types of education (part 2) in individual, group and mass forms with the use of psychological and pedagogical methods (part 3). At the same time, the order of the Ministry of Internal Affairs of the Republic of Kazakhstan dated August 13, 2014 № 508 «On approval of the Rules of educational work with convicts to imprisonment» fixed that moral education is aimed at the formation of convicts moral and ethical attitudes, the formation of each convict's ability to regulate their behavior in society without daily external control; socio-legal education – to obtain ideas about the nature of the relationship between the citizen and the state, knowledge about the rights and obligations of convicted prisoners in places of deprivation of liberty, the belief in the necessity of legal compliance, awareness of social danger of the crime; aesthetic education - to develop the understanding of the beauty of nature, art, literature, painting, contributing to the education of the convicted person aesthetic

taste and friendly attitude to environment; labor education is aimed at the development of convicts' labor skills, the acquisition of a profession necessary for employment after release; physical education – to maintain the convicts' physical health in places of detention and leisure; psychological education – to study the laws of mental activity of a person serving a sentence, the destruction of his criminal stereotype, the study of the personality of the convict, the main factors affecting him in the process of re-education. As an example, it is possible to point to the following developed materials: «1000 business ideas for small and medium-sized businesses», «14 success stories of prisoners», etc. The document also establishes the main difference between the forms of educational work. Thus, in paragraph 10 it is recorded that the individual work with prisoners is based on peculiarities of the personality of the convicted person, focus on successful adaptation to life at liberty, in accordance with the programme of work with convicts, designed for the whole period of his stay in the institution based on the recommendations of a psychologist, and is divided into four main periods: the period of adaptation to get used to new conditions of life; the period of the emergence and development of interests in the new conditions of life; the period of a combination of external influences with self-education; the period prior to the release of the convict. On the basis of the programme of work with the convicted person, the head of the unit shall make an individual plan of educational work for each period of the convicted person's stay in the institution. Group and mass forms of educational work with convicts (classes, lectures, meetings, debates, competitions, arts festivals, sports events, participation in voluntary organizations, psycho-diagnostic, psycho-correction, psychoprophylactic and advisory work) involve the conduct of educational work in small and large groups.

Thus, the external design of the content of educational work is an individual, group

or collective (mass) form. The main criterion for their classification should be the method of educational influence directed at the person, group or all convicted persons of the correctional institution. In this regard, individual educational work is an observation of the convicted person behavior, the study of its relationship with the social environment to select the optimal path of educational impact. Group educational work is aimed at studying the social orientation of the group of convicts, the peculiarity of its status-role structure, inter-group activity, stability of relationships and conflictness. Mass educational work is associated with the organization of general educational activities and less personified.

In detail, the issues of educational work with convicts are regulated in subordinate normative acts relating to the activities of the penitentiary system of Russia and Kazakhstan. In our opinion, all existing subordinate legislations in this area can be divided into three groups of documents: a) creating a legal basis for the educational work organization and empowering the subjects of its implementation; b) forming the material basis of the educational units in correctional institutions; c) aimed at improving educational work with prisoners. In the Russian Federation and the Republic of Kazakhstan there are both policy documents focused on updating the legislation and normative-legal acts regulating different spheres of correctional institutions activity: education, religious sphere, internal regulations, etc. However, Kazakhstan has a single order of the Ministry of Internal Affairs of the Republic of Kazakhstan (adopted on 13.08.2014) No. 508 «On approval of the rules of educational work with convicts», which explains in detail the content of educational work with convicts held in different conditions of serving punishment, newcomers, convicts preparing for the release, juveniles, persons sentenced to life imprisonment, etc.

As you can see, the Penal legislation of both countries, regulating educational work with convicts, requires further improvement. We believe that it is necessary to consolidate in

the legislation the general issues of educational work: its concept, objectives, principles, forms and methods. The Kazakhstan legislator has already taken this path and outlined the essence and concept of educational work. The used phrases there are more preferable. In the PC of the Russian Federation it is possible to propose a similar definition instead of repeating in the current version of the concept of «correction», which is not related to the title of the article (article 109 of the PC of the Russian Federation). We propose to formulate the concept of educational work through its objectives.

It seems appropriate to clarify the rules of the PC of the Russian Federation concerning the basic forms and methods of educational work: the content of article 110 should correspond to its name. From the current version of the article it is necessary to remove the rules not related to the title of the article: on the directions of educational work (part 1) and material support of the organization of educational work (part 3). The new version of the article should not only list, but also reveal the forms of educational work, as well as reflect the principle of differentiation and individualization of the execution of punishment, according to which various forms and methods of educational work should be used. Due to the fact that the current law contains this principle in Article 109 and 110 of the PC of the Russian Federation, we propose to combine it into one article: «1. Educational work with convicts is organized in a differentiated manner, taking into account the type of correctional institution, the term of punishment, the conditions of detention, the individual characteristics of the person, the nature of the convicts, the circumstances of the crimes committed by them in individual, group and mass forms.» In the second part of this article it is necessary to fix difference of forms of educational work from each other and in the third – to list the main psychological and pedagogical methods: «2. Individual educational work is organized and conducted with an individual convict. Group educational

work is organized and conducted with different groups of convicts. Mass educational work is the organization and conduct of common educational activities. 3. Individual, group and mass educational work is carried out on the basis of psychological and pedagogical methods of persuasion, stimulation, coercion and others».

Among the organizers of educational work with convicts in Russia and Kazakhstan it is possible to distinguish the following: staff of institutions executing punishment, public associations (article 23 of the PC of the Russian Federation, paragraph 7 of the Order of the Ministry of Internal Affairs of Kazakhstan No. 508), parents, persons replacing them and relatives of convicts (article 142 of the PC of the Russian Federation), committees of parents, citizens, boards of trustees, trade unions, labor collectives (paragraph 7 of the Order of the Ministry of Internal Affairs No. 508), local governments (article 165 of the criminal code).

In accordance with the current legislation of Russia and Kazakhstan, the general management and control over the organization of educational work of the staff of the institution is carried out by the head of the institution. He provides involvement in the organization and conduct of educational work of the whole staff of the institution. He is a tutor himself.

Management of the organization and conduct of educational work is entrusted to the deputy head of the correctional institution for personnel and educational work. In Kazakhstan –the deputy head of the institution for educational work. He is personally responsible for the organization and effectiveness of educational work; ensures the interaction of the staff of the institution in this direction, attracts to the educational work of representatives of public and religious associations, the organization of various forms of ownership; provides methodological guidance of educators, promotes training of employees in the basics of law, pedagogy, psychology, social work, forms and methods of educational work.

The heads of the department for educational work with convicts directly organize educational work in the institutions in Russia and Kazakhstan. They plan educational activities in the institution, monitor the activities of the chiefs of the detachments, provide methodological and practical assistance, organize rational employment of convicts in their free time, supervise the leisure section of the convicts and conduct individual educational work with them.

The leading role in educational work with convicts in the unit belongs to the head of the unit, which has a significant number of functional duties. We propose to consider them in the form of three groups: a) ensuring the organization and conduct of educational work in the unit; b) directly aimed at the implementation of educational work in the unit; c) not directly related to the implementation of educational work in the unit (Siryakov, A. N. 2007).

To the functions ensuring the organization and conduct of educational work in the unit, we will relate the organization of own activities (individual planning, work planning with convicts work in the unit); documentation (filling of the diaries of individual educational work with convicts, logging, work with the personal files of prisoners for the preparation of various documents, preparation of reports); participation in the work of collegial bodies (administrative Commission of the methodological Council, Council of educators of the colony, the holding of meetings of the Board of educators of the squad; interaction with the management, staff of departments and services of the institution (participation in meetings held by heads of the institution, coordination of various documents, exchange of information, participation in the conduct of official investigations, etc.).

The functions directly aimed at the implementation of educational work in the unit include the following: a) work with the staff of convicts (preparation for the meeting of the unit Council, various activities of sections, holding a meeting of convicts of the unit, classes with convicts, organization of visual propaganda,

work in the school of preparation for the release of convicts, organization of group work, etc.); b) individual educational work with the convict (study of personality: conversations with newly arrived convicts, with hard-to-educate, persons who are on preventive registration, work with offenders of the detention regime, with convicts who are in the punishment cell, a room of a chamber type, a safe place, reception on personal issues), clarification of rights and obligations, the solution of issues of material and domestic support, etc.; в) interaction with the public (representatives of public organizations and associations, religious denominations, meetings and conversations with relatives of convicts, etc.).

Functions, that are not directly related to the implementation of educational work in the unit, are the following: participation in regime activities (monitoring of food intake, workplace, checking the availability of convicts, sanitary conditions of the premises of the unit, inspection of the appearance of convicts, presence at the conclusion of the work of convicts, control of getting parcels, telephone conversations, participation in the conduct of search activities, organization of work on the improvement of the dormitory and the adjacent territory of the unit, etc.); service on duty, as part of the operational group, presence at school (training and consulting point), vocational school; service and other training.

Thus, the organization of work of the head of the unit noted the following: the availability of a wide range of duties, including not related to the organization and carrying out of educational work with convicts in his unit, the lack of order and level of its interaction with workers of other services, the lack of real power and authority in relation to the staff and convicted persons (including the right incentives and penalties), etc. In addition, the head groups are forced to work with a significant number of prisoners in the units.

Normative legal documents create a legal basis for participation in educational work with convicted representatives of other departments

and services of the institution. The staff of the security department, operational department and duty shifts are assigned to conduct educational work both directly (individual, group and collective educational work by convicts) and indirectly, through proper protection of facilities and isolation of convicts, organization of internal regulations, work on crime prevention. The employees of the centers of labor adaptation of convicts also carry out direct activities aimed at solving social problems related to the labor adaptation of convicts, and indirectly affect the educational work through the provision of labor employment of convicts. In the Republic of Kazakhstan, special attention is paid to the work of psychologists. Their task is to conduct a study of the personality of the convict; to find out interpersonal relationships among convicts; to investigate the causes and motives of interpersonal and inter-group conflict situations; to develop recommendations for the prevention of violations of the established order of serving of punishment and to carry out consulting work with the management and staff of the institution on questions of convicts behavior tactics; to organize a study of the character characteristics of the individual on applications for a psychodiagnostic examination of the convict. In paragraph 78 of the order of the Ministry of Internal Affairs of Kazakhstan No. 508 these objectives have the specific content: diagnostics of individual psychological peculiarities of the personality of convicted persons, examination and correction of individual and group behavior, the study of the psychosocial processes in the environment of prisoners, the prediction and prevention of negative phenomena in the places of deprivation of liberty; providing psychological assistance to convicts in adapting to the conditions of isolation, social environment, detention regime, in overcoming crisis and stress situations, optimizing interpersonal relations, in preparation for release and resocialization. Diagnostic, consultative, psycho-corrective, predictive, pechoroilychsky, educational, and research functions of psychologists are provided. Their powers are defined.

The staff of the correctional institution also includes the staff of the secondary school (professional school) at the correctional institution. It takes part in educational work, organizes extracurricular and extracurricular activities of convicts. In addition to group work, teachers conduct individual work. The teaching staff is also involved, as members of the Board of educators, chiefs over hard-to-educate convicts, the organizers of the sections of the squad and the colony.

The methodical Council of correctional institutions, groups of tutors act as bodies responsible for methodological leadership of the organization of the correctional process. The methodical Council consists of teachers, employees of other services and parts of the institution, employees of labor adaptation centers, teachers of secondary school and vocational school at the institution, representatives of the public. The methodical Council defines the direction of educational work in correctional institution. It makes recommendations on improving the efficiency of educational work with convicts, on more effective application of penalties and incentives to certain categories of convicts, parole, etc. At its meetings reports on the dissemination of best practices of individual educators are heard, elimination of errors and shortcomings in the practice of education are discussed.

The Board of educators of the unit includes: the head of the unit, the staff of the correctional institution with the skills of educational work, teachers of secondary school and vocational school at the institution (in the Kazakhstan Republic – teachers of secondary school and vocational college, educational advisory points), representatives of the public. The main functions of the Board of educators of the unit are: to assist the head of the unit in the implementation of the plan of educational work with convicts; to study the behavior of convicts in order to improve the effectiveness of individual educational work; to assist in determining the methods of work with difficult convicts; to strengthen the rule of law. The content of the activities of the Board of

educators is determined by the level of training of the head and the member structure of the Council.

In the Republic of Kazakhstan, the newly formed probation Service takes part in the implementation of educational work in respect of convicts who have 1 year left before their release. According to p. 44 of the Order of the MIA of the Republic of Kazakhstan No. 508, it organizes together with the staff of correctional institution social and legal assistance. For this purpose, the convict is made up of an individual program, which includes: data of the pre-trial report (if any), developed by the probation Service at the stage of pre-trial probation; materials characterizing the behavior of the convict during his stay in the institution of the penal system; information on compensation and (or not) of claims by the person preparing for release; about social relations of the convict prepared for release, the state of his health, the level of education, labor skills, awareness of legal mechanisms of implementation of the rights and freedoms, and also other information necessary for correction of social behavior and successful social adaptation; the specific actions directed on social and legal assistance to the convict prepared for release; the planned actions for social and legal assistance and household and employment of the convict after his release.

Public associations provide significant assistance in the organization and conduct of educational work. It includes labor collective councils, trade union organizations, boards of trustees, religious organizations, etc. Representatives of various public charitable organizations and religious associations, as well as the boards of trustees of the penitentiary system formed in recent years, are the most active among them. Along with the provision of charitable assistance, the Central Board of Trustees and its regional branches carry out educational work: cultural, educational, sports and other mass events, organizing meetings of convicts with famous people, providing legal assistance, etc.

In the Republic of Kazakhstan, convicts themselves are active subjects of educational work. Voluntary organizations of convicts (Article 126 of the PC of the Republic of Kazakhstan) are created to promote the correction of convicts in institutions on a voluntary basis and work under the supervision of the administration of the institution. Paragraph 58 of the order of the MIA of the Republic of Kazakhstan No. 508 formulates the main tasks of voluntary organizations of convicts. It includes the formation of healthy relationships among convicts, the promotion of useful initiatives for society and influencing the correction of convicts, participation in the organization of work, life and leisure.

Participation in them is, along with the presence of incentives and the absence of penalties for a certain period of time, indicators of correction of the convicted person. It should be noted that the PC of the Russian Federation was known until 2011 a similar form of Association of convicts – amateur organizations.

Meetings of voluntary organizations of convicted persons shall be held at least once a quarter and shall be formalized by a protocol. At the meeting, regardless of the nature of the issues discussed, there is a representative of the administration of the institution. In paragraph 59 of the order of the Ministry of Internal Affairs of Kazakhstan No. 508 provides the structure of the voluntary organizations: the section of leisure and self-education; industrial; sanitary and hygienic and other areas of prisoners' interest. The section of leisure and self-education takes part in the organization of leisure of convicts, sports, cultural, social, educational and other activities. The production section involves convicts into the workforce, improves the quality of work performed and manufactured products, makes suggestions to the staff about using of convicts labor, together with the staff inspects the compliance with safety regulations; assists in the dissemination of best practices, innovation and inventiveness. The sanitary and hygienic section promotes

the observance of personal hygiene and industrial sanitation by convicts; together with medical officers, it conducts raids to check the sanitary condition of residential, communal and household premises of units and the territory of the institution; produces sanitary bulletins, wall newspapers and radio broadcasts.

The collective councils of positively proved convicts groups are created in correctional institutions.

The Church has been actively involved in the moral and religious education of convicts recently. The relations between the Russian Orthodox Church and the penitentiary system are based on the order of the Ministry of justice of Russia No. 67 «On approval of the requirements for the content of agreements on cooperation between the Federal penitentiary service and the territorial bodies of the penitentiary system and duly registered centralized religious organizations» (adopted on 21.03.2016). It defines a list of designated buildings for religious ceremonies, a list of objects of worship and religious literature, a schedule of religious events, information on the priests, the rights and obligations of a religious organization, as well as institutions of the penal system. In Kazakhstan, the work of religious associations is organized on the basis of the order of the Ministry of Internal Affairs No. 503. It states that the administration of the institution, taking into account the proposals of religious associations, approves the visits schedule for representatives of religious associations for the coming calendar year. This schedule is agreed with the head of the relevant religious association and is valid for 1 year. A copy of this schedule is placed in each unit (prison cell) of the correctional institution. The administration of the institution provides premises for meetings of convicts with priests. This room is provided with the necessary equipment for non-religious purposes (table, chairs, etc.). If it is necessary to listen to and demonstrate materials on religious topics, audio and video equipment is installed in the room. Religious literature and other information materials of religious

content, religious objects are stored in the library of the correctional institution. If necessary, they are used during religious ceremonies when representatives of religious associations visit a correctional institution. Convicted persons use them in the reading room of the library at a certain time of the day.

The Church in Russia provides spiritual help to persons serving sentences in places of deprivation of liberty, takes part in the construction of churches, chapels, prayer rooms in correctional institutions, provides believers with spiritual literature and religious objects, assists in the training of specialists among the employees of the penitentiary system to work with believers held in pre-trial detention facilities and serving criminal sentences in correctional institutions.

In order to ensure spiritual and moral influence on the convicts by the priest, a certain practice has developed. In each region, a person responsible for the spiritual care of convicted persons (assistant to the head of the territorial authority for religious affairs) is appointed among the priests.

Parents, guardians, relatives and close friends of convicted persons also act as subjects of educational work in Russia and Kazakhstan.

Improving the organization of educational work with convicts in a correctional institution is associated with attempts to reform the detachment. However, in our opinion, the existing detachment system is quite enough to solve the tasks, it only requires some adjustments associated with the redistribution of a number of powers. Our conclusion is confirmed by the analysis of the results of the survey. We asked the chiefs of the detachments three questions: what additional functions they would like to receive, what functions they would transfer to the staff of other units of the institution and whether the Regulation on the detachment of convicts of the correctional institution requires revision. The survey revealed that the majority of respondents (85 %)

would not like to add additional powers to the existing ones. Others consider it necessary to obtain certain powers: the right to place the convict in a punishment cell, a written announcement of the type of encouragement and punishment, participation in the decision on parole. Respondents were more active on the transfer of functions to other divisions and services. One third of the respondents insist on the need to transfer a number of functions to other departments: public services of convicts – to the department of intendant and economic support; participation in routine activities (during searches, presence at the placement of the convict in the punishment cell, room type, meal, when sending to work and removing from work, delivery of parcels, parcels, telephone conversations) – to the security department, production department; duty in the residential or industrial zone – to the duty service; implementation of procedural actions (carrying out official investigations on the facts of violations, preparation of various documents on these facts, etc.) – to the operational department. Thus, it is not necessary to fundamentally change the officer system, but to optimize the activity of the head of the detachment, to exclude the head of the group in activities not related to the process of convicted persons correction. According to the survey, the majority of respondents are against the proposal to introduce additional staff units in the detachment, if the number of the detachment is up to 50–70 people. In the rest, such a unit is in demand. At the same time, various positions were called: deputy chief of the detachment (inspector) in the amount of one person or depending on the directions (labor, regime, office work, etc.), psychologist, and social work specialist. The study of the question of the functional duties of the head of the unit and the photographing of the working day during the working week led to the conclusion that it was necessary to amend the Regulations on the detachment of convicts in the correctional institution. The essence of our proposed novels is as follows. Firstly, it

is necessary to clearly establish the rule on the prohibition of involving the chief of the detachment to work not in his detachment. In the current provision it is specified: «Involvement of chiefs to the activity which is not connected with implementation of requirements and norms of the Penal legislation, normative legal acts of the Ministry of Justice of the Russian Federation or this Provision is not allowed». We suggest to state this norm as follows: «Involvement of the chief of squad in the activity which is not relating to the organization and carrying out of social, psychological and educational work with convicts in the squad assigned to it is not allowed». Secondly, it is required to make changes to the section establishing the rights and duties of the chief of group. The transfer to the category of rights imputed to the chief the obligation to participate in inspections of the presence of persons held in a correctional institution, taking them to work (from work), their presence during searches, mealtime in the dining room, getting of parcels, transfer, sale of food and basic necessities, telephone conversations. We also propose to provide the methods of stimulation and coercion used by the head of the unit with the right to apply to the head of the institution for the application of penalties and incentives to convicts, since in the current Provision there is a vague phrase on the proposal and participation of the head of the unit in the consideration of issues related to the application of incentives and penalties.

Conclusion

The conducted comparative legal study of educational work with convicts sentenced to deprivation of liberty in Russia and Kazakhstan allowed us to conclude that the penal legislation of the Republic of Kazakhstan in the matter of legal regulation of educational work with convicts is preferable.

Firstly, the Kazakhstan legislator formulated the concept and content of educational work, revealed its types and forms. Secondly, the Republic of Kazakhstan has a special subordinate legislation defining the basis for the

organization and conduct of educational work with convicts. However, the PC of the Republic of Kazakhstan still has some disadvantages inherent in the PC of the Russian Federation. In addition, the organization and conduct of educational work in Kazakhstan is not different from the Russian penitentiary practice, since it is provided by almost identical organizers of the educational process as the main object of educational activities. The difference can be seen in the preservation as subjects of educational work of convicts themselves within the framework of voluntary organizations of convicts, the involvement of probation officers in the educational work at the final stage of serving a criminal sentence.

Thus, the comparison of the penal legislation of the two countries will not only allow to learn the specifics of educational work with convicts in them, but also to identify ways to improve the legal regulation in the direction of convergence with international standards.

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Reent Ya. Yu., Kiyko N. V.**Реент Я. Ю., Кийко Н. В.****LEGAL REGULATION OF PUBLIC CONTROL
OVER ENSURING THE RIGHTS OF CONVICTS:
THE EXPERIENCE OF RUSSIA AND BELARUS****ПРАВОВОЕ РЕГУЛИРОВАНИЕ ОБЩЕСТВЕННОГО КОНТРОЛЯ
ЗА ОБЕСПЕЧЕНИЕМ ПРАВ ОСУЖДЕННЫХ:
ОПЫТ РОССИИ И БЕЛАРУСИ**

Abstract. The penitentiary service is a part of the state law enforcement system and its activities are related to the interests of society. In this case, the process of execution of criminal penalties may be accompanied with harm to law enforcement interests of persons detained in prisons. The practice of penitentiary services around the world shows that there are still cases of violations of the rights and freedoms of convicts. That is why special attention has been paid to the involvement of various social groups for monitoring the rights of convicts. In each individual state, the system of control over the activities of the penitentiary service varies depending on the social and state system, the type of legal system, and the level of development of democracy. At the same time, regardless of these factors, the control over the penitentiary service is expressed in the collection of information about the activities of penitentiary institutions, the detection of violations in their work, and at the final stage in the notification of the competent authorities about the violations, monitoring the elimination of violations and shortcomings, informing the public of the results of their work. Exercising control, most democratic states draw attention to the fact that prisons, as an important part of public life, must be information-based, open and democratic. The main task of monitoring should be to ensure compliance with generally accepted ethical standards in the execution of penalties related to isolation from society. So, according to the professor of the International center for prison studies at the University of London Vivien Stern: «The international community has said, and international law has also noted, that the whole process of depriving a human being of liberty from the moment of arrest to the moment of release from a correctional institution must be humane. Humane means ethical. Throughout this process, we must remember that a prisoner is a human being like us and has the right to have his or her human nature respected». The presented work is devoted to the description and analysis of legal regulation of public control over ensuring the rights of convicts in Russia and Belarus.

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The review reveals the actual problems of normative regulation activities of public control subjects, as well as provides a comparative legal analysis of the regulatory framework of Russia and Belarus in this area.

Keywords: penal system, legal regulation, public control, rights of convicts, Belarus.

Аннотация. Пенитенциарная служба является частью правоохранительной системы государства и ее деятельность связана с обеспечением интересов общества. При этом процесс исполнения уголовных наказаний может сопровождаться причинением вреда правоохраняемым интересам лиц, содержащихся в пенитенциарных учреждениях. Практика деятельности пенитенциарных служб во всем мире показывает, что пока еще имеют место случаи нарушения прав и свобод осужденных. Этим обусловлено особое внимание, которое стало уделяться привлечению различных общественных формирований к осуществлению контроля за обеспечением прав осужденных. В каждом отдельно взятом государстве система контроля за деятельностью пенитенциарной службы разнится в зависимости от общественного и государственного строя, типа правовой системы, уровня развития демократии. В то же время вне зависимости от указанных факторов контроль за пенитенциарной службой выражается в сборе информации о деятельности пенитенциарных учреждений, выявлении нарушений в их работе, а на завершающем этапе – в уведомлении компетентных органов о допущенных нарушениях, контроле за устранением нарушений и недостатков, доведении до сведения общественности результатов своей работы. При осуществлении контроля в большинстве демократических государств исходят из того, что тюрьмы, являясь важной частью общественной жизни, должны быть информационно открытыми и демократичными учреждениями. Основной задачей контроля должно стать обеспечение соблюдения общепринятых этических норм при исполнении наказаний, связанных с изоляцией от общества. Так, по словам профессора Международного центра изучения тюрем Лондонского университета Вивьен Стерн: «Международное сообщество сказало, и в международном праве это также отмечено, что весь процесс лишения человеческого существа свободы с момента ареста до момента освобождения из исправительного учреждения должен быть гуманным. Гуманным означает этическим. На протяжении всего этого процесса мы должны помнить о том, что заключенный такой же человек как мы и имеет право на то, чтобы его или ее человеческая природа уважалась». Представленная работа посвящена описанию и анализу правового регулирования общественного контроля за обеспечением прав осужденных в России и Беларуси. В обзоре раскрываются актуальные проблемы нормативного регулирования деятельности субъектов общественного контроля, а также содержится сравнительно-правовой анализ нормативной базы России и Беларуси в рассматриваемой сфере.

Ключевые слова: пенитенциарная система, правовое регулирование, общественный контроль, права осужденных, Республика Беларусь.

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The concept, essence and purpose of public control over ensuring the rights of convicts

In any democratic state, power is based on the rule of law, and the legality of the exercise of power is achieved through control of power. As A. S. Panarin rightly points out (2002, p. 10), there is nothing more dangerous than uncontrolled power, based not on the law, but on the threat of violence, so reliable democratic control is necessary.

The term “public control” appeared in the legal literature quite a long time ago. Legal encyclopedia offers the following definition of public control – “the activities of citizens and their associations to verify compliance with the rules established in a certain area of relations” (Tihomirov, M. YU. & Tihomirova, L. V. 2008, p. 618). Powers, forms and methods of activity of subjects of public control usually have legislative fixing. However, even in subjects of public control that do not have legally defined powers, the control influence can be carried out within the legal framework (for example, the activities of public associations, the media and other institutions of civil society).

The main characteristic features of public control, distinguishing it from the state control, were investigated in a number of scientific works on jurisprudence. In the most general form they can be represented as follows:

- public control has no imperious character;
- public control is not mandatory;
- public authorities and local self-government bodies cannot be subjects of public control;
- public control is carried out on behalf of the public and citizens (Grib, V. V. 2010, p. 35).

Since the subjects of public control have no authority, they are forced to act through state bodies or appealing to public opinion. It follows that the subjects of public control apply both legal and social control mechanisms. Using legal mechanisms, the subjects of public control exercise their right to appeal to various state authorities to take the necessary measures to detect violations in the activities

of state bodies. Using social mechanisms, the subjects of public control influence state bodies by influencing public opinion, making public information about violations and forming a negative attitude of society to such facts and guilty officials. Often, public censure can have a greater effect than the use of measures of state coercion. The dissemination of information on violations of the rule of law by public officials can also serve as a basis for the intervention of the relevant public authorities.

Having defined the concept and identifying the essence of public control in general, we proceed to the consideration of such areas of public control as public control over ensuring the rights of convicts.

The execution of criminal penalties is the area of state activity where human and civil rights are most vulnerable and require special control by the state and the public. Since the penitentiary service is an element of the state law enforcement system, it can be argued that its activities are aimed at ensuring the law enforcement interests of society.

Society is objectively interested in the isolation of offenders, and to implement its interests, it gave the state the function of the execution of sentences in respect of persons breaking the law. In the exercise of this function by the state, the possibility of violating the rights of convicted persons is not excluded. Public control in the penitentiary sphere is an important tool to counteract such vicious practices.

The object of public control in the penitentiary sphere is the social relations developing in the process of ensuring the rights, freedoms and legitimate interests of convicts.

Taking into account the analysis of the complex of rights, freedoms and legitimate interests of convicts, it can be argued that the subject of public control in the penitentiary sphere includes: the quality of material, housing, social, cultural, medical, educational, security, organization, working conditions of convicts, and conditions and regime of detention in correctional institutions. At the same time, the

subject of public control in this case can not be attributed to the organization of the protection of institutions, operational-search activities carried out against convicts, jurisdictional decisions of the administration of correctional institutions on the application of disciplinary measures and other legal restrictions. These specific activities are only in competence of the state bodies control and supervision.

Considering the subjects of public control, they can be divided in two independent groups. The first includes independent public formations that carry out control activities on their own initiative (public associations, the media). To the second group – the public formations created at the initiative of public authorities for achievement of socially significant purposes (public chambers, public councils, public supervisory commissions). According to S. M. Zubarev, the control of the subjects of the first group should be called the control of public structures, and the second of public-state structures (2006, p. 80).

Thus, public control over ensuring the rights of convicts is the activity of public and public-state formations to record, collect and analyze information on the state of ensuring the rights of convicts, sentenced to deprivation of liberty, and to respond to violations identified through an appeal to the state authorities or public opinion, as well as public inspection, analysis and evaluation of acts issued by state bodies and decisions taken on the legal support of convicts, sentenced to deprivation of liberty.

Features of legal regulation of public control over ensuring the rights of convicts in Russia

According to the Constitution, Russia is a democratic state governed by the rule of law, in which citizens have the right to participate in the management of state affairs. These provisions are the legal expression of the idea of democracy.

The legal basis of public control over ensuring the rights of convicts is described in part 1 of the article 3 of the Constitution of the Russian Federation, which establishes

that the people are the bearer of sovereignty and the only source of power in the Russian Federation. The provisions of the current legislation contain specific rules that provide for the possibility of monitoring the rights of convicted persons, various public formations and the mass media (article 23, 24 of the Penal code of the Russian Federation, Federal laws “On the basis of public control in the Russian Federation”, “On public associations”, “On the procedure for consideration of appeals of citizens of the Russian Federation”, “On the Public chamber of the Russian Federation”, article 47 of the Law of the Russian Federation “On mass media”, etc.).

Considering the issue of the subject composition of public control over ensuring the rights of convicts in Russia, it should be noted that the list of subjects of public control in General is specified in the article 9 of the Federal law No. 212 (adopted on 21.07. 2014) “On the basis of public control in the Russian Federation”. In accordance with this norm, the subjects of public control include: public chambers, public councils under executive bodies; public monitoring commissions, public inspections, and public control groups. The listed subjects belong to public-state subjects of control according to the classification given earlier. The analysis of the structure of the Russian civil society allows us to identify the public subjects of control, namely public associations and the mass media.

Next, we will proceed to a more detailed consideration of the legal regulation of the activities of individual subjects of public control in the penitentiary sphere. It is necessary to begin with research of legal regulation of public chambers activity. The public chamber is called upon to ensure coordination of socially significant interests of citizens of the Russian Federation, public associations, other non-profit organizations, public authorities and local governments to solve the most important issues of economic and social development, national security, protection of the rights and freedoms of citizens of the Russian Federation, the

constitutional system of the Russian Federation and democratic principles of civil society in the Russian Federation (Federal law of April 4, 2005). No. 32 “On the Public chamber of the Russian Federation”) by means of:

1) attraction of citizens, public associations and other non-profit organizations;

2) promotion and support of civil initiatives of national importance and aimed at the implementation of constitutional rights, freedoms and legitimate interests of citizens, the rights and interests of public associations and other non-profit organizations;

3) public examination of draft federal laws and draft laws of the subjects of the Russian Federation, as well as draft regulatory legal acts of the executive authorities of the Russian Federation and draft legal acts of local governments;

4) implementation in accordance with this Federal law of public control over the activities of the Government of the Russian Federation, Federal executive authorities, executive authorities of the Russian Federation and local authorities, as well as the observance of freedom of speech in the media;

5) development of recommendations for public authorities of the Russian Federation in determining priorities in the field of state support of public associations, other non-profit organizations and other associations of citizens of the Russian Federation, whose activities are aimed at the development of civil society in the Russian Federation;

6) providing informative, methodological and other support to public chambers established in the subjects of the Russian Federation, public associations and other non-profit organizations whose activities are aimed at the development of civil society in the Russian Federation;

7) involvement of citizens, public associations, other non-profit organizations and representatives of the media in the discussion of issues relating to the observance of freedom of speech in the media, the implementation of the right of citizens to disseminate information in a lawful manner, ensuring guarantees of

freedom of speech and freedom of the media, and the development of recommendations on these issues;

8) implementation of international cooperation in accordance with the purposes and objectives defined in this article and participation in the work of international organizations, as well as in international conferences, meetings and other events.

These functions are performed by the Public chamber of the Russian Federation, and regional public chambers perform similar functions at the regional level in relation to regional bodies of state and municipal authorities, the media, public associations, etc.

Analysis of the current legislation has led to the conclusion that the public chambers are an independent public institution, whose activities are aimed at strengthening the position of civil society as a whole.

Public chambers cannot be considered as the main subject of public control. This is due to the presence of specialized entities (public councils under the bodies of the penal system and public monitoring commissions). Nevertheless, the importance of public chambers in matters of public control in the penitentiary sphere should not be belittled. To determine the role of public chambers, we will consider some relevant regulatory documents.

According to the article 7 of the Federal law No. 76 (adopted on 10.06.2008) “About public control of ensuring human rights in places of detention and about assistance to the persons who are in places of detention” the Council of Public chamber of the Russian Federation solves the question of establishment and change of number of regional public monitoring commissions. The article 7.1 establishes that the code of ethics of Members of public monitoring committees is approved by the Public chamber of the Russian Federation. The article 10 imposes an obligation on the Public chamber of the Russian Federation to form regional public monitoring commissions. In accordance with article 11, the Public chamber of the Russian Federation may suspend the

activities of the public monitoring committees.

In accordance with paragraph 2.2 of the order of the FPS of Russia No. 542 (adopted on 01.10.2013) “On the establishment of the Public Council under the Federal penitentiary service on the issues of activities of the penal system and the approval of its composition”, membership of the Board is formed of the Federal penitentiary service of Russia in coordination with the Public chamber of the Russian Federation. According to paragraph 2.7 the Council sends to Public chamber of the Russian Federation the annual report on the activity.

On the basis of the given normative instructions it is possible to draw a conclusion that the Public chamber realizes the function of organization and coordination of public control in the penitentiary sphere.

Another subject of public control over ensuring the rights of convicts is the Public Council under the Federal penitentiary service of Russia, as well as public councils under the territorial bodies of the Federal penitentiary service of Russia. The councils consist of representatives of the public, have a formally defined structure and a list of powers related to the implementation of advisory, integrative, supervisory functions.

Public councils are established and operate in accordance with the Order of the President of the Russian Federation No. 842 (adopted on 4.08.2006) “On the procedure for the formation of public councils at Federal ministries, Federal services and Federal agencies, which are managed by the President of the Russian Federation, at Federal services and Federal agencies subordinated to these Federal ministries»; Resolution of the Government of the Russian Federation No. 481 (adopted on 2.08.2005) “On the procedure for the formation of public councils under Federal ministries, which are managed by the Government of the Russian Federation, Federal services and Federal agencies subordinated to these Federal ministries, as well as state committees, Federal services and Federal agencies, which are managed by the Government of the Russian

Federation”; the article 20 of the Federal law No. 32 (adopted on 4.04.2005) “On Public chamber of the Russian Federation “.

In accordance with the provisions of these normative documents, the Federal penitentiary service issued order No. 542 (adopted on 1.10.2013) “On the establishment of the Public Council under the Federal penitentiary service on the problems of the activities of the penitentiary system and the approval of its council membership.” The Council is a permanent Advisory body to the FPS of Russia. It carries out its work on the basis of the principles of legality, respect for human and civil rights and freedoms, non-interference in operational-search, criminal-procedural and penal activities, as well as in proceedings on administrative offences. The main objective of the Council is to involve the public in solving the problems facing the penal system, to protect the rights of officers, employees and veterans of the penal system, as well as convicts and persons suspected and accused of committing crimes in pre-trial detention facilities.

The competence of the Council includes work in the following areas:

- informing the public and the media about the activities of the Federal penitentiary service of Russia for the formation of the population an objective image of the institutions and bodies executing criminal penalties;
- assistance to convicts in obtaining education, social rehabilitation of persons released from serving their sentence;
- assistance in establishing relations between the FPS of Russia and the management of commercial enterprises to obtain orders for the development of production in the institutions of the FPS of Russia, improving the labor adaptation of convicts and their professional training;
- participation in discussions with public authorities improving the legal framework for the rights and legitimate interests of employees, veterans of the penal system, convicted and remand prisoners in institutions of the penal system;

– participation in the public discussion of normative legal acts and other documents, including software, developed by the FPS of Russia;

– creation (on the questions referred to competence of Council) the commissions and working groups which structure can include in coordination with the management of the FPS of Russia the public civil servants, representatives of public associations and organizations;

– propagating the positive experience of the institutions and bodies of the penal system in the solution of questions on protection of the rights and legitimate interests of the prison staff, prisoners and remand prisoners in institutions of the penal system.

It should be noted that the term “public control” does not appear in the text of the Regulation, but the control function follows from the normative act. Thus, paragraph 3.1.1, 3.1.6 traces the idea of focusing efforts on ensuring the rights of convicts. In accordance with paragraph 3.3.6 the Council has a duty to inform the leadership of the Federal penitentiary service of Russia on violations of prisoners’ rights. It would be logical to assume that information on violations of the rights of convicted persons should be obtained as a result of control measures.

The main subject of public control over ensuring the rights of convicts today are the public monitoring commissions (PMC). The issues of their establishment and functioning are regulated by the Federal law of No. 76 (adopted on 10.06.2008) “On public control over ensuring human rights in places of detention and on assistance to persons in places of detention”, as well as other normative documents.

Legal regulation of PMC activities is carried out in accordance with the Constitution of the Russian Federation, generally recognized principles and norms of international law, international treaties of the Russian Federation, the Federal constitutional law No. 1 (adopted on 26.02.1997) “On the Commissioner for

human rights in the Russian Federation”, the Penal code of the Russian Federation No. 1 (adopted on 8.01.1997), Federal laws No. 32 (adopted on 4.04.2005) “On the Public chamber of the Russian Federation”, No. 76 (adopted on 10.06.2008) “On public control over the protection of human rights in places of detention and on assistance to persons in places of detention”, No. 103 (adopted on 15.07.1995) “On the detention of suspects and accused persons in the commission of crimes”, as well as the Law of the Russian Federation No. 5473-I (adopted on 21.07.1993) “On institutions and bodies executing criminal penalties in the form of deprivation of liberty”.

In accordance with these normative documents, PMC is a public formation that is not a legal entity, acting on a permanent basis, in accordance with the procedure established by the legislation of the Russian Federation, in order to promote the implementation of the state policy in the field of human rights in places of detention. The PMC has three main tasks:

– implementation of public control over ensuring human rights in places of detention located in the territory of the subject of the Russian Federation in which the public monitoring commission is formed;

– preparation of decisions in the form of opinions, proposals and appeals on the results of public control;

– promote cooperation of public associations, socially-oriented noncommercial organizations, administrations of places of detention, state power bodies of constituent entities of the Russian Federation, bodies of local self-government, other bodies carrying out within the territory of the Russian Federation of powers to ensure the legitimate rights and freedoms, as well as the conditions of detention of persons in places of deprivation of liberty.

The article 15 of the Federal law “On public control over the protection of human rights in places of detention and on assistance to persons in places of detention” establishes the main forms of activity of public monitoring commissions, and article 16 – their authorities.

The first and most important activity of the PMC is to visit places of detention for public control. It is carried out without special permissions, but with the obligatory preliminary notification of the management of the relevant territorial authority of the FPS of Russia.

Visits to correctional facilities are carried out by members of the PMC consisting of at least two persons. Upon arrival at the correctional institution, members of the Commission are met by the head of the institution or the person entrusted with the escort. In order to enter the territory of the correctional institution, the members of the Commission must present the mandates of the established pattern and documents proving the identity of the members of the Commission. In the implementation of their powers, members of the PMC must comply with the provisions of the regulations governing the activities of correctional institutions, as well as comply with the legal requirements of representatives of the administration of the institution.

Members of the PMC have the right to visit living spaces, punishment cells, stationary departments, libraries, canteens, penal and disciplinary isolators, premises for ensuring the personal safety of convicts, and other premises, with the exception of objects and structures for which the consent of the administration of the institution is required, namely – objects and structures ensuring the safety and security of the institution. Filming, photo and video recording of sensitive facilities are carried out with the written permission of administration of correctional institution or territorial authority of FPS.

During the visits, PMC members can talk to prisoners in conditions that allow representatives of the prison administration to see them but not to hear them. The requirement on location of talking convicts and members of the PMC within sight of representatives of the administration of the institution is also established in the article 18 of the Federal law “On public control over ensuring human rights in places of detention and on assistance to

persons in places of detention.” Only the written permission of convicted persons is required for filming, photo and video recording, interviewing of convicts.

The administration of correctional institutions is responsible for facilitating and ensuring the activities of public observers during visits. In accordance with the Provisions of the article 11 of the Order of the FPS of Russia No. 652 (adopted on 28.11.2008) “On approval of the Regulations on the procedure of visiting establishments of the penal system by members of public monitoring commissions” the administration of the penal system institutions are required:

- to carry out explanatory work with suspects, accused and convicted persons on the purposes, tasks and forms of activity of the commissions; to post on bulletin boards the names of members of the Commission, including their mailing addresses;

- to appoint persons ensuring the maintenance and safety of members of the Commission during a visit to the institutions of the FPS;

- to provide an opportunity for PMC members to talk to convicts, including the provision of premises for individual interviews and receiving complaints, equipped with the necessary furniture, office supplies, as well as with an alarm button;

- to provide the opportunity for members of the Commission to participate in collective events (questions & answers evenings, cultural and sports events).

The second form of activity of PMC is the consideration of proposals, applications and complaints of convicts and other persons who became aware of the violation of the rights of convicts. When receiving offers, statements and complaints of convicted persons and other persons who became aware of violation of the rights of convicted persons, PMC conducts their consideration in the course of which the Commission:

- provides objective, comprehensive and timely consideration of the appeal, if necessary

with the participation of the person who sent the appeal;

- requests documents and materials necessary for consideration of the appeal in state bodies, local governments and other officials, except for courts, bodies of inquiry and bodies of preliminary investigation;

- takes measures aimed at restoring or protecting the violated rights, freedoms and legitimate interests of the citizen;

- notifies a citizen of the direction of his appeal for consideration to another state body, local government or other official in accordance with their competence.

In accordance with paragraph 2 of the article 91 of the PC of the Russian Federation, correspondence of convicts with public observers is not subject to censorship. This rule applies to both outgoing and incoming correspondence.

After visiting the correctional institutions and considering the appeals of convicted persons, the preparation and adoption of PMC decisions is carried out. They shall be adopted in accordance with the rules of the Commission by a majority vote of the number of presented members. Decisions of the public monitoring Commission are advisory.

As a result of the implementation of control measures, materials are sent in accordance with the established requirements. They are sent to the relevant state bodies of the Russian Federation, local self-government bodies, territorial bodies of Federal executive authorities, public associations and other bodies where it is possible to consider issues related to ensuring the rights of convicted persons.

Materials are sent to the Commissioner for human rights in the Russian Federation, the Commissioner for human rights in the relevant subject of the Russian Federation, to the Public chamber of the Russian Federation, the public chamber of the relevant subject of the Russian Federation, the administration of places of detention, public associations that have nominated candidates for members of the public monitoring Commission, the media, the

FPS of Russia and its territorial bodies, local governments, as well as to other competent state bodies or their officials. Materials are also sent to the Commissioner at the President of the Russian Federation for the rights of the child, the Commissioner for the rights of the child in subjects of the Russian Federation within the relevant territories, following the results of implementation of public control ensuring the rights of the juveniles, pregnant women and women having children who are in places of detention.

PMC cooperates and have the right to appeal on the issues of ensuring the rights of convicts in the state authorities of the Russian Federation, the state bodies that are not public authorities, local self-government bodies and their officials, the Commissioner for human rights in the Russian Federation, the Commissioner at the President of the Russian Federation for the rights of the child, the Commissioner for human rights in subjects of the Russian Federation, the Commissioner for the rights of the child in subjects of the Russian Federation, Public chamber of the Russian Federation, public chambers of subjects of the Russian Federation, public associations, mass media, the public monitoring Commissions formed in other subjects of the Russian Federation, and other subjects at its discretion.

In addition, the PMC have the right to request from the administrations of the institutions of the penal system and receive from them the information and documents necessary for monitoring activities and preparation of conclusions and proposals.

Also, PMC participate in the work of the commissions of correctional institutions in deciding on the transfer of convicts from one condition of serving a sentence to another. The condition of presence necessity of the public representatives at meetings of the commissions is fixed in provisions of the Concept of development of the penal system of the Russian Federation till 2020.

PMC may hold public discussions and hearings on its activities.

Among the subjects of public control over ensuring the rights of convicts in Russia can also be attributed to public associations of human rights orientation. Unlike public-state subjects of control, such public associations are the most independent from the state. Public associations of human rights orientation have a number of characteristic features that distinguish them from other public formations:

- their main goal is to protect human rights and freedoms;
- their activities are not aimed at profit or other own benefit;
- they do not support political parties or movements;
- they have sources of financing independent from the state (Chayka, Yu. Ya. (ed.) 2002, p. 490).

The possibility of participation of public associations in the control over ensuring the rights of convicts follows from the article 30, which guarantees the freedom of activity of public associations, as well as the article 32 of the Constitution of the Russian Federation, according to which Russian citizens have the right to participate in the management of state affairs. The main normative document directly regulating the activities of public associations is the Federal law No. 82 “On public associations” (adopted on 19.05.1995). The article 5 of this document gives the concept of a public association. This is a voluntary, self-governing, non-profit formation created on the initiative of citizens united on the basis of common interests for the implementation of common goals specified in the Regulations of the association.

Legal guarantees of participation of public associations in control over ensuring the rights of convicted persons are contained in the PC of the Russian Federation. Although article 23 of the criminal code defines PMC as the only source of public control, and public associations are only allowed to assist correctional institutions and participate in the correction of convicts, article 12 gives convicts the right to send their appeals to public associations. This provision

indicates the possibility of considering public associations as a full-fledged subject of public control over ensuring the rights of convicts.

Special attention should be paid to the activities of the mass media to monitor the rights of convicted persons. The great influence of the mass media in society is due to the fact that “they serve as a powerful and relatively independent means of communication between all other elements, state bodies, public organizations” (Naumkin, Yu. V. 2003, p. 63).

The mass media are the link between society and the penal system. The mass media inform the society, at the same time create a common information base, unite norms and values of different parts of society, spread models and experience of behavior in different situations, transmit this information baggage in time, from generation to generation (Fomicheva, I. D. 2002, p. 46). The mass media produce and disseminate information influencing the formation of public opinion and influencing various processes within society. Also, the mass media perform a communicative function and are means of communication and exchange of information in society. Mass communications, especially television, significantly change the system of socio-cultural perception of information, allow to quickly orient the recipients of information in the right direction and influence the assessment and opinions of people and contribute to the formation of the image (Halipov V. F. (ed.) 1998, p. 46).

Under the participation of mass media in the activities of the penal system to understand any of the information activity of the mass media, aimed at improving and developing the information integration of society and the penal system, as well as ensuring the openness of the penitentiary system.

The normative basis for the participation of the media in monitoring the rights of convicts is the Constitution of the Russian Federation. The article 29, paragraph 5, guarantees freedom of the mass media and the prevention of censorship. The Federal law No. 2124-1

(adopted on 27.12.1991) "On mass media" is the main normative act regulating the activities of mass media. Thus, the article 1 establishes that the search, receipt, production and distribution of mass information are not subject to restrictions, except in cases provided for by law. That is, the receipt and dissemination of information about the activities of the penal system may be limited in cases provided for in the article 4 of the Federal law "On mass media". Such circumstances include the use of the mass media to commit criminal offences, the disclosure of information constituting a state or other secret specially protected by law, the conduct of extremist activities, the dissemination and promotion of pornography, extremism, drug addiction, the cult of violence and cruelty. It is also prohibited to disseminate information about a juvenile who has suffered as a result of illegal actions (inaction), including the names, patronymic names, his photo and video images, his parents and other legal representatives, the date of his birth, audio recording of his voice, his place of living or temporary residence, and place of study or work.

Summarizing the information provided on the legal regulation of the activities of various subjects of public control in the penitentiary sphere, it should be noted that for such subjects as public chambers and public councils under the bodies of the Federal penitentiary service of Russia control activities are not the main focus of work. The powers of public associations allow them to implement public control in the form of consideration of convicts' appeals without the possibility of inspections in the territory of correctional institutions. The media usually perform a control function only when the most resonant violations of the rights of convicts are detected. Today, the most effective tool of public control over ensuring the rights of convicts in Russia is the activity of the PMC. These social groups are endowed with a wide range of control powers and are sufficiently free from the influence of state bodies, which allows them to effectively detect violations of the rights of convicted persons.

Features of legal regulation of public control over ensuring the rights of convicts in Belarus

The broad desire to involve public forces in the resocialization of persons serving sentences is reflected in international instruments. Thus, the paragraph 61 of the Standard minimum rules for the treatment of prisoners states that "social organizations should be involved wherever possible in cooperation with the staff of institutions in order to return prisoners to life in society". A similar recommendation is contained in the UN Minimum standard rules for non-custodial measures: "efforts should be made to make the public aware that it plays an important role in the application of non-custodial measures" (art. 18.4).

The public plays an important role in the work of penitentiaries in Belarus. The main tasks of public participation in the activities of penitentiary institutions include the promotion of correction of convicts and resocialization of persons who have served their sentences, as well as monitoring the rights of convicts.

Under the control of the activities of the bodies and institutions executing the punishment, it is necessary to understand the system of monitoring and verification of their activities compliance with the requirements of the penal legislation and other regulatory legal acts in order to identify and eliminate existing violations and prevent them in the future.

Control and participation of public associations in the work of bodies and institutions executing punishment and other measures of criminal responsibility are carried out in accordance with the requirements of the article 21 of the Penal code of the Republic of Belarus (PC of the Republic of Belarus). Public associations take part in the correction of convicts, as well as assist in the work of bodies and institutions executing punishment and other measures of criminal responsibility. According to paragraph 3 of this article, correction of convicts, as well as the implementation of public control over the activities of bodies and institutions executing sentences and other

criminal liability measures, is organized by Supervisory commissions at local executive and administrative bodies, and in respect of juvenile convicts — commissions on juvenile affairs. The order of the activities of these committees are governed by the provisions of the PC of the Republic of Belarus and the regulations on the supervisory commissions at the regional (Minsk city), district, city executive committees, local administrations, approved by the Order of the President of the Republic of Belarus No. 460 (adopted on 28.08.2001), the regulations on the procedure of formation and activity of commissions on juvenile affairs, and the approved resolution of Council of Ministers of the Republic of Belarus No. 1599 (adopted on 10.12.2003).

The monitoring functions of these commissions have much in common. The main difference is that the competence of the monitoring commissions relates to the activities of correctional institutions where adult convicts are serving their sentences, and the juvenile commissions to correctional colonies.

The main tasks of the supervisory commissions are:

- monitoring of the activities of the bodies executing the punishment, the procedure and conditions of serving the sentence, the use of preventive measures against them, the detection of violations and assistance in their elimination;

- assistance to the bodies executing the punishment in the organization of the correctional process in respect of convicts and their readaptation, and to the local executive and administrative bodies in ensuring the resocialization of persons released from serving the sentence.

The activity of the commissions under consideration is one of the forms of social control over the work of the bodies and institutions executing punishment. In accordance with the requirements of the legislation, the commissions are obliged to keep records and monitor those who released from punishment, to check the validity of refusal of employment,

to assist them in employment. The Commission on affairs of juveniles, in addition to this, work with a juvenile, exempted from punishment, and teenagers under the age of criminal responsibility, but committing the offense.

In order to carry out their functions, the supervisory commissions and commissions for minors have certain powers. Members of these commissions have the right to inspect the activities of the bodies and institutions executing sentences in these areas, to demand the submission of documents and certificates, to get acquainted with the personal files of convicts, to receive them, to receive complaints and statements.

At their meetings, the commissions periodically hear reports of heads of institutions, information of heads of enterprises on issues within the competence of the commissions, make proposals to the administration of the relevant executive and administrative bodies. The Commission shall also have the right to direct the heads of the institutions of representation about elimination of the revealed deficiencies, to improve work with prisoners. They can independently make decisions on the elimination of shortcomings in the activities of colonies, remand centers and prisons, enterprises and institutions that allow violations in the employment of released convicts, do not take educational measures to these persons, as well as other convicts working in enterprises.

To implement the assigned tasks, the Supervisory commissions have the right:

- to conduct (in agreement with the administration of the authority executing the punishment) convicted prisoners on issues relating to punishment, to accept and consider proposals, applications and complaints;

- to request together with the administration of the body executing the punishment for pardon of convicted persons;

- to consider at its meetings the information of the administration of the body executing the punishment on the work to correct convicts and make proposals to eliminate shortcomings in the work;

to submit for consideration of the relevant local executive and administrative bodies of the offer on improvement of correctional process in the bodies executing punishment;

to study the possibility of employment of released from prison persons, who have served a sentence in the form of restriction of liberty;

to make proposals to the local executive and administrative bodies on the formation of a jobs limit for the employment of persons released from places of deprivation of liberty;

to apply on their own initiative with the submission to the court for release from punishment, mitigation of punishment or other improvement of the situation of the convicted person due to the entry into force of the criminal law having retroactive effect;

to coordinate the submission of the administration of the correctional institution to the court on the change of the type of correctional institution;

to give consent to the administration of the correctional institution to transfer a convicted person serving a sentence in prison from the general regime to the strict regime, as well as from the strict to the general regime;

to coordinate the decision of the administration of the correctional institution to stay outside the colonies of convicted women for the period of their release from work on pregnancy and childbirth, as well as until the child reaches the age of three;

to give consent to the administration of the medical correctional institution to transfer the convicted person in the case of unsuccessful application of disciplinary action to a specialized chamber for a period of up to six months;

to participate through their representatives in the consideration by the courts of issues about parole, the replacement of the unserved part of the punishment with a milder punishment, the change of the type of correctional institution;

The consent of the Commission on juvenile affairs is required when transferring a convicted person who has reached the age of 18 from an educational colony to a correctional colony, as well as for detention a convicted person who

has reached the age of 18 in an educational colony.

Commission acts are mandatory. Most of the Commission members work on a voluntary basis, free of charge, in their free time. All this makes it possible to determine the legal basis for the control of monitoring commissions and commissions on juvenile affairs as state and public control.

In addition to the list of powers, the Regulation also contains a list of prohibitions. A member of the PMC is prohibited:

- to prevent the implementation of official duties by employees of bodies and institutions executing punishment and other measures of criminal responsibility;

- to get acquainted with the materials of operational and service activities, personal files of convicts, other documents relating to the execution of punishments and other measures of criminal responsibility in respect of specific convicts;

- to provide access to the complex of engineering and technical means of ensuring protection and supervision of convicts in correctional institutions;

- to transfer of correspondence, money and other property to convicted persons in correctional institutions;

- to carry out film, photo, video and audio recording;

- to accept written addresses from the convicts serving punishment in the form of arrest, imprisonment or life imprisonment.

In case of violation of the above prohibitions, as well as violations of the requirements of the penal enforcement legislation, a member of the Commission may be excluded from the PMC by providing a foreign state, foreign or international organization, the mass media with false information about the activities of bodies and institutions executing punishment and other measures of criminal responsibility, committing acts disorganizing the work of institutions, inciting convicted persons to disobey the lawful demands of employees and committing other illegal actions. The decision on exclusion is

made by the Minister of justice or the head of the regional department of justice on the recommendation of the heads of corrections departments of the Ministry of Internal Affairs in the regions.

The subjects of participation of public associations in the activities of bodies and institutions executing punishment and other measures of criminal responsibility are:

- public monitoring commissions;
- the public associations registered in accordance with the established procedure which coordinated actions for rendering assistance with administration of the bodies and organizations executing punishment and other measures of criminal responsibility.

Participation of public associations in the activities of bodies and institutions executing punishment and other measures of criminal responsibility is carried out:

- 1) in the following areas:
 - improvement of conditions of detention and health care of convicted persons in institutions;
 - participation in the organization of work, leisure, training of convicts;
 - participation in moral, legal, cultural, social, labour, physical education and development of convicts;
 - ensuring freedom of conscience and freedom of religion of convicted persons in institutions;
 - assistance to convicts in preparation for release, solution of living conditions, employment, medical care and social security, social and psychological rehabilitation and adaptation;
 - strengthening of the material and technical base of the bodies and institutions executing punishment and other measures of criminal responsibility;
- 2) taking into account the commissions' recommendations in the following forms:
 - provision of gratuitous (sponsorship) assistance to the bodies and institutions executing punishment and other measures of criminal liability;

- financing of assistance programmes for bodies and institutions executing punishment and other criminal sanctions;

- in other forms not prohibited by legislative acts.

Public associations may provide free (sponsorship) assistance to such bodies and institutions in accordance with the procedure established by legislative acts of the Republic of Belarus.

Speaking about the organizational and logistical support of PMC activities in Belarus, we can say that it has a mixed nature. That is, the Ministry of justice of the Republic of Belarus and its regional offices implement organizational support for the PMC activities, provide them with meeting rooms, computer and other equipment for the preparation of necessary documents, and provide methodological assistance.

The administration of the bodies and institutions executing punishment and other criminal liability measures also assists the commissions in the implementation of public control. At the same time, the Regulation establishes that the Public Association that nominated a member of the PMC has the right to reimburse the member of the Commission for the costs associated with the implementation of its activities. Only the actual costs directly related to the implementation of control activities can be reimbursed, but the activities of PMC members are organized on a voluntary basis and cannot be paid.

PMC and their members may not receive material compensation for their activities in the implementation of public control from government agencies, organizations, regardless of ownership form and individual citizens.

One of the forms of public control over the activities of correctional institutions in the Republic of Belarus is the work of the boards of trustees. According to the article 105 of the Criminal code of the Republic of Belarus, they are established in correctional institutions,

as well as in the territorial and Republican bodies of correctional institutions to assist the administration of correctional institutions in the organization of the correctional process; in receiving general secondary, vocational education and training by convicts; in strengthening the material base of the correctional institution, the implementation of social protection of convicts, labor and household organization of convicts released from correctional institutions, and also for the purpose of the solution of questions of social protection of employees of correctional institutions and increase of their professional level.

Boards of Trustees are established on the rights of public associations and are registered in the manner prescribed by the Law of the Republic of Belarus № 3254-XII “On public associations” (adopted on 4.10.1994). The Board of Trustees may include representatives of state bodies, enterprises, institutions, organizations (regardless of the form of ownership), the mass media, public associations and religious organizations, scientists and cultural workers and individual citizens.

Summing up the results of the study of the organization and legal regulation of public control over the rights of convicts in the Republic of Belarus, it can be argued that the only mechanism for the implementation of the control function of civil society is the activity of the Supervisory commissions. They are, of course, a public-state entity, which is confirmed by the procedure for the formation and material and technical support of the activities of these bodies, as well as the powers of state bodies to terminate the powers of members of the Supervisory commissions. It should also be noted that the monitoring commissions have sufficient tools to carry out effective public control, including the possibility to visit correctional institutions, interview with convicts, send requests to state bodies and to send the results of the monitoring activities to the competent authorities.

Comparative legal analysis of normative regulation of public control over ensuring the rights of convicts in Russia and Belarus

From the analysis of the normative regulation of public control over ensuring the rights of convicts in Russia and Belarus, it becomes clear that in both countries the main subject of control in this area is the PMC. The commissions have a wide range of monitoring powers, the most important of which is the possibility of carrying out visits to penitentiary institutions. According to this, it seems appropriate to conduct a comparative legal analysis of normative regulation of the activities of these subjects of public control in the two states.

To clarify the legal nature of the control measures carried out by the PMC, a comparative analysis should be started by considering the procedure for the formation of these public bodies in Russia and Belarus. As already mentioned, the personal staff, as well as the candidacies of the PMC chairmen in Belarus are approved by the heads of the relevant justice bodies, while in Russia the personal staff of the PMC is approved by the Council of the Public chamber of the Russian Federation. This procedure for the formation of PMC in Belarus indicates a high degree of dependence on public authorities in contrast to the Russian PMC, which is formed not by the state body, but by another public structure. The high degree of dependence of the Belarusian PMC on public authorities is also due to the established procedure for suspension and termination of powers of PMC members, in which decisions on suspension or termination of powers are taken by the heads of the relevant justice bodies, while in Russia the Council of the Public chamber of the Russian Federation has these powers.

The analysis of the requirements for the identity of MPC member shows that the Russian legislation contains more restrictions for membership in the Commission. Thus, in Belarus, PMC members may be citizens who have reached the age of 25 years, who

are representatives of public associations registered in accordance with the established procedure, whose statutory purpose or activity is to protect the rights of citizens, including assistance in protecting the rights of convicted persons to penalties and other criminal liability measures, and other public associations. Members of the PMC may not be persons with an outstanding criminal record or recognized by a court as incapable or with limited legal capacity, as well as judges and lawyers. In Russia, the list of requirements is supplemented by the mandatory presence of experience in the field of protection of citizens' rights, as well as a ban on membership in the PMC for employees of the Prosecutor's office, persons substituting state positions of the Russian Federation, positions of the Federal public service, state positions of the subjects of the Russian Federation, positions of the State civil service of the subjects of the Russian Federation, positions of the municipal service, as well as persons substituting elected positions in local governments.

Another significant difference in the organization of PMC activities in the two countries is the presence of a Central PMC body in Belarus and the absence of a similar body in Russia. As already noted, the system of commissions in Belarus includes the Republican PMC under the Ministry of justice and regional PMC under the main departments of justice in the regions. Regional PMC interact with the Republican PMC in various areas of its activities to solve problems of the national level. The decisions taken at the meetings of the regional PMC are sent to the Republican Commission for discussion at its meetings. The Republican PMC may send proposals and conclusions of regional commissions to the Ministry of justice of the Republic of Belarus and the Ministry of Internal Affairs of the Republic of Belarus. In Russia, there is no Central PMC management and coordination body at the Federal level, but in fact these functions are assigned to the Public chamber of the Russian Federation.

One of the main criteria for assessing the effectiveness of building a national system of public control over ensuring the rights of convicts is the scope of control powers of public control subjects. PMC in both countries have the right to visit penitentiary institutions and conduct interviews with convicts, but a significant difference in the procedure for the implementation of these rights does not make it possible to talk about the equality of powers of the commissions in Russia and Belarus. Thus, the Russian PMC conducts visits to correctional institutions without special permits, but with the obligatory prior notification of the leadership of the relevant territorial authority of the FPS of Russia. Belarusian PMC to visit the institutions must submit a written request to the head of the regional Department of corrections of the Ministry of Internal Affairs, indicating the purpose of the visit and the number of members of the Commission who will participate in the visit. After receiving permission to visit the institution, the PMC must inform the head of the institution in advance of the date and time of the visit. The authorization procedure for visits in a significant extent restricts the control possibilities of PMC in comparison with the notification procedure or the conduct of surprise visits. This circumstance cannot but affect the objectivity of the control measures.

Another area of activity of the Russian PMC is the consideration of proposals, applications and complaints of persons in places of detention, and other persons who became aware of the violation of convicts rights. Belarusian PMC are not endowed with such powers, as the article 11 of the Regulations on the procedure for public associations to control the activities of bodies and institutions executing punishment and other criminal sanctions, contains a direct ban to take convicts' written appeals. This approach is due to the fact that in accordance with part 5 of article 10 of the criminal code of the Republic of Belarus convicts, including foreign citizens and stateless persons, have the right to apply to the administration of the body or institution executing punishment and

other criminal liability measures, the court, the Prosecutor's office with proposals, applications and complaints. At the same time, convicts, including foreign citizens and stateless persons, have the right to apply to state bodies and other organizations, to individual businesspersons in the manner prescribed by the legislation of the Republic of Belarus on appeals of citizens and legal entities.

Studying the issue of financial and logistical support of the PMC, it is impossible not to note the more favorable position of the Belarusian commissions. In the Russian legislation, the obligation to reimburse the expenses of PMC members related to the implementation of their powers, as well as assistance in material, technical and informational support is assigned to public associations that have nominated candidates for membership in the Commission. The expenses of the members of the Belarusian PMC related to the implementation of their powers are also entrusted by public associations, but the premises for meetings, computer and other equipment are provided by the relevant justice bodies. The courts of justice assist in the organization of meetings of the PMC and other training support.

A comparative analysis of the regulatory activities of PMC in Russia and Belarus reveals other, less significant differences. The revealed difference sufficiently characterizes the specifics of the public control organization in both states and allows us to focus on the advantages and disadvantages of the organization of PMC activities, which should be taken into account in the creation of a modern system of public control that meets the realities of the new reality.

Conclusion

In recent years, both in Russia and in Belarus, a huge amount of normative and law enforcement work has been done in the field of introducing the practice of public control over ensuring the rights of convicts. Today, public monitoring commissions show real positive results in their daily work, and further strengthening of the integration of penitentiary

services with civil society institutions is required to consolidate and improve these results.

It should be noted that the sphere of execution of criminal penalties remains one of those areas where the rights of citizens are most vulnerable and need special control by the state and the public. In this regard, it is extremely important to work on overcoming the crisis of trust of society, the search for new ways to take into account public opinion to assess the work of the penitentiary service. The first priority is to create more favourable conditions for public control over the activities of institutions executing the punishment of deprivation of liberty. Such work can and should make full use of the positive experience gained in the course of interaction between the penitentiary systems and social formations of the most developed states in this regard, as well as the positive experience of individual penitentiary institutions.

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**Пастушеня А. Н., Васищев А. А., Филаретов С. В.,
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IMPROVEMENT OF PSYCHOLOGICAL TESTS
TO IDENTIFY PERSONS PRONE TO ESCAPE
FROM CORRECTIONAL INSTITUTIONS
AND PLACES OF DETENTION

СОВЕРШЕНСТВОВАНИЕ ПСИХОЛОГИЧЕСКИХ ТЕСТОВ
ПО ВЫЯВЛЕНИЮ ЛИЦ, СКЛОННЫХ К ПОБЕГУ
ИЗ ИСПРАВИТЕЛЬНЫХ УЧРЕЖДЕНИЙ
И МЕСТ СОДЕРЖАНИЯ ПОД СТРАЖЕЙ

Abstract. The article is devoted to the problem of developing tests for predicting escapes of convicts, suspects and accused from pre-trial detention centers, prisons and correctional institutions, as well as the algorithm of their implementation in the automated workplace of a penitentiary psychologist. In the overall picture of penitentiary crime, the problem of escapes of convicts, suspects and accused is actual and important. The analysis of literary sources shows that in case of escapes prediction, it is necessary to consider not only criminal, but also social, biological and psychological features of convict's personality. The psychological determinants of convicts' escape activity include: emotional instability, conformity, increased anxiety, aggressiveness, rigidity of thinking, pessimism, suspicion, difficult process of adaptation to the conditions of serving punishment; low level of intelligence, presence of negative mental states, expressed motivation to evade serving punishment, an irresistible desire to be free, a desire to protect themselves from physical or psychological impact, active illegal activity in criminal communities. However, identification of the above qualities in convicts, suspects and accused does not allow calculating the probability of their escapes qualitatively. In order to develop psychodiagnostic tools to predict the convicts', suspects' and accused persons' escape probability in terms of predictive validity, the use of "empirical-inductive" strategy of test construction is more effective. As part of this strategy, the scales of escape prediction of convicts, suspects and accused persons in the automated workplace of a penitentiary psychologist, using the psychodiagnostic system "Psychometric Expert", were implemented. Two scales "Escape 365"

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and “Escape 90” were added to the method of accentuation research (G. Smishek, K. Leongard). In the method “Comprehensive study of the personality of a convict” – CSPC (E. A. Chebalova) scale “Escape 540” was added. In the method “Abbreviated multifactorial questionnaire for personality research” – Mini-mult (V. P. Zaytsev) scales “Escape 365” and “Escape 180” were added. The analysis of the practice of using predicting scales, implemented in the automated workplace of a penitentiary psychologist, shows that they are additional tools for escapes prevention.

Keywords: escape, convicts, automated workplace of penitentiary psychologist, prediction, tests.

Аннотация. В статье рассматривается проблема разработки тестов прогноза побега осужденных, подозреваемых и обвиняемых из следственных изоляторов, тюрем и исправительных колоний, а также алгоритм их реализации в автоматизированном рабочем месте пенитенциарного психолога. В общей картине пенитенциарной преступности проблема побегов осужденных, подозреваемых и обвиняемых занимает не последнее место. Анализ литературных источников показывает, что при прогнозе побегов необходимо учитывать не только криминальные, но и социальные, биологические и психологические особенности личности осужденного. К психологическим детерминантам побеговой активности осужденных относят: эмоциональную неустойчивость, конформность, повышенную тревожность, агрессивность, ригидность мышления, пессимистичность, подозрительность, затрудненный процесс адаптации к условиям отбывания наказания; низкий уровень интеллекта, наличие отрицательных психических состояний, выраженную мотивацию уклониться от отбывания наказания, непреодолимое желание побывать на свободе, стремление защитить себя от физического или психологического воздействия, активную противоправную деятельность в составе преступных сообществ. Однако выявление вышеперечисленных качеств у осужденных, подозреваемых и обвиняемых не позволяет качественно рассчитывать вероятность совершения ими побегов. В целях разработки психодиагностического инструментария, предназначенного для прогнозирования вероятности побегов осужденных, подозреваемых и обвиняемых, с точки зрения прогностической валидности, более эффективно использование «эмпирико-индуктивной» стратегии построения тестов. В рамках данной стратегии реализованы шкалы прогноза побегов осужденных, подозреваемых и обвиняемых в автоматизированном рабочем месте пенитенциарного психолога, работающем на базе психодиагностической системы «Psychometric Expert». В методике исследования акцентуаций (Г. Smishek, К. Леонгард) добавлены две шкалы «Побег 365» и «Побег 90». В методике «Комплексное исследование личности осужденного» – КИЛО (Е. А. Чебалова) добавлена шкала «Побег 540». В методике «Сокращенный многофакторный опросник для исследования личности» – Mini-mult (В. П. Зайцев) добавлены шкалы «Побег 365» и «Побег 180». Анализ практики использования шкал прогноза, реализованных в автоматизированном рабочем месте пенитенциарного психолога, показывает, что они являются дополнительным инструментом профилактики побегов.

Ключевые слова: побеги, осужденные, автоматизированное рабочее место пенитенциарного психолога, прогноз, тесты.

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Introduction

One of the most pressing problems of the penal system is the problem of penitentiary crime. Penitentiary crime not only has a negative impact on the rule of law in the country, but also is a destructive factor in the activities of institutions and bodies executing punishments.

The problem of convicts, suspects and accused persons' escapes is also urgent in the overall system of penitentiary crime. Thus, according to official data of the Federal penitentiary service of Russia, the number of convicts, suspects and accused persons, who have escaped from pretrial detention centers and prisons, as well as correctional institutions, remains at a high level. Although it has some tendency to decrease: 197 people in 2010; 186 people in 2011; 174 people in 2012; 143 people in 2013; 125 people in 2014. In addition, the relevance of this problem is evidenced by the data on the number of prevented escapes of convicts, suspects and accused. For example, in detention centers and prisons, as well as in correctional institutions 6114 escapes in 2010; 5254 escapes in 2011; 4716 escapes in 2012; 4437 escapes in 2013; 4757 escapes in 2014 were prevented. As the criminal legislation, pursuing certain purposes of punishment, assumes that a punishment should be realized fully, it is possible to claim: evasion of punishment interferes with achievement of the specified purposes and, as a consequence, undermines foundations of modern society.

In view of the above, the problem of escape prevention remains relevant at the present stage of the penal system development and requires mobilization of all units of penitentiary institutions resources, including psychological services. For this reason, the task to increase the efficiency of escape prediction of convicts, suspects and accused persons is set for practical penitentiary psychologists. In the works of Yu. M. Antonyan (1982, p. 21) were noted that "the study of the criminal personality without studying his/her psychology

is meaningless". Thus, it seems necessary to improve the psychodiagnostic tools to identify individuals prone to escape.

The problem of studying the psychological characteristics of individuals prone to escapes from correctional institutions and detention facilities is considered in the works of experts in the field of criminology (V. E. Kvashis (1978), V. K. Saulyak (1978), Yu. K. Shevelev (1978), V. D. Volobuev (1979), V. D. Pakhomov (1988), G. F. Khokhryakov (1991), L. V. Pertsova (1993), V. I. Alekseev (1994), A. V. Brilliantov (1994), A. V. Chepelev (1994), N. P. Barabanov (2003), V. A. Ponkratov (2005), V. M. Gavriloy (2007), V. V. Senkevich (2009) S. A. Khokhrin (2012) etc.), and in the works of prison psychologists and educators (V. F. Pirozhkov (2001), M. G. Debol'skiy (2004), I. A. Matveeva (2004), D. N. Krotova (2013), S. S. Piyukova (2014) etc.).

Focusing on the conceptual apparatus of the problem under consideration, it can be noted that the classical definition of the concept of "escape" in prison psychology is "evasion of serving a criminal sentence by prisoners" (Debol'skiy, M. G. & Krotova, D. N. 2013).

According to the definition of N. P. Barabanov, "escape should be understood as a secret, hidden, clever, as well as obvious way of abandonment of correctional institutions by convicts, their leaving without any impact on the persons carrying out the protection and other employees or involving the use of violence, weapons or objects used as weapons, attack on persons carrying out the protection and possession of weapons, causing harm to the health of these and other persons or killing them" (Barabanov, N. P. 2003, p. 222).

Considering the problem of escapes in general, V. F. Pirozhkov revealed that any escape of a prisoner has two aspects: psychological and technical. In turn, the psychological aspect includes the reasons, conditions and motives that prompted him to escape (Pirozhkov, V. F. 2001).

Knowledge of the specific reasons that prompted convicts to escape allows us to present a certain system of subjective reasons

for crimes commission and opens in the study of escape prevention its reasons.

Such reasons include: deep and persistent antisocial personal views in which the part of convicts has negative attitude to the requirements in correctional institutions, reluctance to take responsibility for their actions; the combination of serious personal circumstances, and threats posed by other prisoners; features of convict's personality: instability, avoidant behavior, increased emotionality, anxiety, and other character traits, hindering persons adaptation to places of imprisonment.

According to the position of many authors, the direct subjective reason for escapes from correctional institutions is a particularly persistent antisocial orientation of the offender's personality.

O. V. Starkov considers internal and external reasons and conditions of criminal behavior in places of imprisonment. The internal cause is criminal motivation, especially motivation of prestige and gain credibility among other prisoners, culminating in some cases in violent and selfish motivation. Internal conditions that contribute to commission of crimes are: neurotic deviations, negative value orientations, emotional instability, increased anxiety, increased self-esteem, stubbornness, various mental states (sadness, despondency, depression, etc.). The external reason, according to the author, is a conflict crime situation (Starkov, O. V. 1997, pp. 22–30).

N. P. Barabanov (2003, pp. 312–317) The author believes that features of convicts' personality play great importance in the prevention of escapes; they are such as: age; educational level; marital status; conditions of family education; place of residence and occupation before conviction; age at which a convict began to commit offenses; personal characteristics predisposing to commission of illegal acts; information about criminal nature of convicts' personality; psychological structure of convict's personality; attitude to work; response to measures of educational influence; attitude

to personnel and requirements; the situation among convicts; building plans for the future.

Among the factors contributing to the predisposition of an individual to commit illegal acts, N. P. Barabanov (2003, p. 314) distinguishes: impact of social environment; disadvantages of family education; absence of a specific occupation; financial difficulties; attraction to alcohol, drugs, participation in criminal groups and communities; use of official position; mental health problems; criminal quality purchased in places of deprivation of liberty, etc.

Analysis of the practical experience of psychodiagnostics in correctional institutions among several regions and the study results conducted by M. G. Debol'skiy and I. A. Matveeva (2004) allow us to conclude that "...important indicators of convicts' prone to escape ("escape activity") are: attitude to the crime and sentences of the court; strong desire by any means to change the place of punishment; desire to expand their psychological space, possibility of free movement; active illegal activity in groups of criminal communities." According to M. G. Debol'skiy and D. N. Krotova, the following features should be taken into account, predicting propensity of a convicted person to escape:

- criminal: high criminal infection (recurrence of criminal behavior and perception of punishment as unfairly strict, presence of convicted relatives, importance of status and power, as a rule, in criminal environment); average status in the colony; presence of a negative personality orientation; a negative reaction to educational measures, a possibility of only minor correction; violations of detention regime in correctional institutions associated with self-harm; violations of the daily routine; manufacture, storage and transfer of prohibited items;

- social: young age;

- biological: presence of mental abnormalities;

- psychological: exposure to changing of mood; propensity to risk in high activity

phase (persistent elevated mood); stealth, a low degree of sociability in the colony; weak suggestibility, distrust of people, high criticality; an ability to suppress or hide, aggression, anxiety, instability of self-esteem with a tendency to overestimation; presence of externally accusatory reactions;

– moral: negative attitude to the world and people; weakness of moral censorship as a mechanism of psychological protection; rejection or distortion of moral values on the principle: “The end justifies the means»;

– behavioral: low ability to change behavior and lack of desire for it; presence in childhood and adolescence experience of repeated escapes from home (or special institutions), as well as in adolescence and adulthood experience of escaping from prison, evasion of the route; low discipline, focus on satisfying selfish needs, entertainment; expression of intentions to take revenge on people at large (investigators, judge, victims, relatives), presence of “insoluble” conflict with convicts and employees (Debol’skiy, M. G. & Krotova, D. N. 2013).

Summarizing the above, it can be argued that the psychological characteristics of convict’s personality are one of the important factors determining an escape. With regard to the specification of psychological characteristics that predispose convicts to escape from places of detention, domestic scientists identify a range of such qualities.

M. N. Gernet (1925, p. 237), examining the psychological aspect of escapes, came to the conclusion that in most cases convicts, who managed to escape, characterized by amazing foresight, a desire to foresee a long chain of all kinds of obstacles on the way out of prison, to avoid some of them and to overcome others.

The study of A. Ya. Markov, A. N. Volobuev, E. B. Galkin (1982, p. 99) of convicts who have committed escapes because of intrinsic motivation revealed that they have the following psychological characteristics: low mental ability; emotional instability; conformity; reticence, a tendency to introspection, pessimism; caution,

a tendency to minimize contact, anxiety, high self-esteem, stubbornness.

S. P. Shcherba, L. V. Pertsova (1993, pp. 23–27), conducting a psychological study of juvenile fugitives’ personality profiles with the use of Lichko A. E. diagnostic questionnaire, found out that the predominant accentuation in this category of convicted persons are conformance, persistent elevated mood and instability.

Among the psychological personality traits contributing to the escape of convicts, V. M. Gavriloy (2007, pp. 66) identifies “emotional instability and intemperance, conformity, introversion, increased anxiety, increased conceit, stubbornness.

Studies of the persons, who made escapes, carried out in 2008 by the staff of psychological service department of management of social, psychological and educational work with convicts of the FPS of Russia and interregional psychological laboratory of the FPS of Russia in Samara region showed that among personal risk factors there are: alcohol or drug dependence (38.7%); existence of mental deviations (9.8%); increased impulsivity and emotional unrestraint, aggression and cruelty (43.3%); high anxiety, fear and aspiration to self-defense (21%); hopelessness of life (1%). In addition, conducted psychodiagnostic investigation of convicts, who have committed escapes, using such techniques as 16-factor questionnaire by R. Cattell, questionnaire MMPI-71 allow us to reveal the following general personal qualities: rigidity of thought, low adaptive capacity, adventurism, risk aversion, activity, disinhibition, emotional instability, spontaneity, conformity, pessimism, suspicion (Psychological prevention of convicts’ escapes in colonies-settlements 2008, pp. 12–16).

E. O. Alaukhanov (1998) refers to subjective conditions of crimes commission in correctional institutions: mental features of a person: unbalance of character, mental and nervous diseases, increased excitability and nervousness, degree of pedagogical neglect, etc.

A. E. Ashkov (2006, pp. 15–16), considering the features of the personality prone to escape and convicts serving sentences in correctional colonies, highlights their immaturity, conformity, difficult adaptation to the conditions of imprisonment, inability to stand for themselves, isolation, desire for solitude, increased level of anxiety, inconsistency, mood swings, suspicion, superstition, violations of motivational and volitional sphere of personality, inconsistency of socio-psychological attitudes.

The results of a study conducted by M. G. Debol'skiy and I. A. Matveeva (2004) show that “the characteristics of the convict, prone to escape, can be called: emotional instability, impulsivity; a tendency to rely more on feelings than on reason during actions; increased conflictness and at the same time dependence on others; secrecy, a tendency to reflection, immersion in their experiences, caution, increased anxiety, suggestibility; low intelligence, “blunted” consciousness; aggression, weak self-control, etc.”

V. M. Gavriloy believes that escapes commission also contribute to the negative mental states: “One of these negative states of convicts is an excited state, which complicates the inhibitory processes and often turns into affective state, in which the normal activity of the convict is violated and he lost self-control. The mental peculiarity of the majority of convicts is a sharp transition from a state of hope and confidence in their future to a state of complete hopelessness and despair. In this state, many convicts often consciously commit escapes and other crimes” (2007, pp. 57–58). Thus, mental states specific to convicts (melancholy, despondency, depression, etc.), according to the author, also contribute to escapes commission (Gavriloy V. M., p. 66).

Specialist-psychologists, according to V. M. Gavriloy (2007, pp. 166–167), should identify convicts who are in a state of anxiety, depression, paranoid mood, with maliciously affective reactions, as well as drug addicts, with signs of an acute need for drug use and

the inability to implement it in a correctional institution, a pre-trial detention center, as these persons may be predisposed to escape.

S. S. Piyukova pays also great attention to mental state of convicts as determinants for escapes (2014, pp. 12–14), considering strategies of human behavior in stressful situations. She notes that due to the inability of convicts to adapt to stressful situations caused by isolation, the following reactions are possible, which may indicate the possibility of escape: claustrophobic, anxiety-depressive, negative-depressive, negative-hysterical reactions.

G. F. Khokhryakov considers that commission of crimes in places of imprisonment is connected with mental states causing convicts' internal tension (fears, fears, anxiety, suspiciousness, mistrust, touchiness, suspicion, anxiety, excitability, irritability, hostility, aggression, uncertainty, indecision, emotional instability). This is the cause of unmotivated crimes. The second reason is convicts' consolidation, increasing their alienation from society, acting as a prerequisite for the conflict of behavior norms. Self-organization of convicts is the third reason personifying the conflict. The values of convicts also determine the principles of behavior and the norm in their sphere (Khokhryakov, G. F. & Kudryavtsev, V. N. (ed.) 1999, pp. 72–73).

Based on the study of escapees conducted in 2008 by the staff of psychological services division of the department of social, psychological and educational work with convicts of the Federal penitentiary service of Russia and the Interregional psychological laboratory of the Federal penitentiary service of Russia in Samara region, among personal risk factors for escapes, motivation, status and individual psychological properties of personality were identified. In this case, the leading factor, according to the researchers, is motivation. Among the most probable motives of escapes according to the results of the study were: a desire to evade serving a sentence (65.5%); an irresistible desire to be free (53.1%);

a desire to protect themselves from physical or psychological impact (8.8%) (Psychological prevention of escapes of convicts in colonies-settlements 2008, pp. 12–16).

On the basis of motives systematization of escapes commission from correctional institutions A. Ya. Markov, A. N. Volobuev, E. B. Galkin (1982, p. 98) identified main groups of convicts committing escapes: 1) persons escaping for the solution of their personal problems; 2) persons having serious conflicts with other prisoners; 3) persons deeply affected by hopelessness of the situation (convicts with internal motivation).

V. V. Senkevich (2009, p. 9) conducted a study of convicts who escape from prison, and it showed that “the main motives for committing a crime is reluctance to serve a sentence because of disagreement with the court verdict, and a desire to see the family and other close relatives”.

Referring to the problem of complex escape prevention from prisons, V. M. Gavriloy notes that an important role in escape prevention should be assigned to “psychological laboratories: continuous psychological examination of prisoners in quarantine, in order to identify persons with predisposition to deviant behavior associated with escapes commission; individual psychological consultation of convicts who are on preventive registration as prone to escapes; identification of convicts with mental disorders that may lead to actions associated with escapes commission and other crimes; organization of interaction with psychiatrists to make a decision on the use of specialized treatment; conducting socio-psychological study of convicts in order to identify negative processes in interpersonal relationships, mood of criminogenic and criminal nature, including escapes; provision of information relevant to the prevention of escapes; development of measures aimed at the formation of teams, brigades, determination of types of convicts work, eliminating the risk of creating criminal tension, development of interpersonal conflicts, phenomena

and processes that contribute to escapes commission; development of operating officers, heads of units and employees of the security department, methodical recommendations on improvement of individual educational and preventive impact on prisoners, predisposed to escapes commission, and other prisoners, criminal behavior of which may contribute to this” (Gavriloy, V. M. 2007, p. 136).

Among psychological measures of escapes prevention, in 2008 the staff of the department of social, psychological and educational work with convicts of the FPS of Russia and the FPS of Russia in Samara region proposed to implement the following measures: a complex study of convicts’ personalities; dynamic monitoring of mental states and moods of convicts; group and individual correctional work with persons who are on preventive record; work with convicts’ relatives in terms of solving family problems, which are one of escapes causes; psychological education of prison staff; support and development of groups of convicts who demonstrate a positive orientation; timely response of the administration of correctional institutions to the problems of personal and family nature of convicts (Psychological prevention of escapes of convicts in colonies-settlements 2008, pp. 16–18).

On the basis of the theoretical material we can draw the following conclusions:

1. Predicting escapes, it is necessary to take into account not only criminal, but also social, biological and psychological characteristics of convict’s personality.

2. The psychological determinants of convicts’ escape activity include: emotional instability, conformity, increased anxiety, aggression, rigidity of thinking, pessimism, suspicion; difficult process of adaptation to the conditions of serving sentences; low level of intelligence; presence of negative mental states; expressed motivation to evade serving sentences, an irresistible desire to be free, the desire to protect themselves from physical or psychological impact; active illegal activities in criminal associations.

Methods

One of the promising measures of escapes prevention, in our opinion, is the improvement of psychodiagnostic tools that predict convicts' escapes. Speaking about the creation of psychodiagnostic tools to identify persons prone to escape from the institutions of the penal system of Russia, it is necessary to raise the issue of currently existing strategies for creating test methods.

According to A. G. Shmelev (2013, p. 126) there are three main strategies:

- 1) theoretical and deductive strategy "from scales to questions";
- 2) empirical and inductive strategy "from questions to scales";
- 3) pragmatic strategy "from quota grades to scales".

The first strategy of tests creating is based on the initially given theoretical construct describing the psychological phenomenon. This phenomenon is decomposed into structural components corresponding to the test scales. Then the stimulus material describing the behavioral manifestations inherent in the theoretical construct is selected. The keys to the tasks are created during the work on the tasks-questions. In accordance with this strategy, the majority of domestic personality questionnaires are compiled, as well as the majority of knowledge tests and intellectual tests are designed. However, in relation to personality questionnaires, this strategy does not have high predictive value, because in relation to the prediction of human behavior, which is a complex multifactorial system, it is often almost impossible to build an adequate comprehensive theoretical model.

The second test creation strategy is empirical and inductive. According to A. G. Shmelev, it is "less understandable and natural for common sense" and is realized on the way "from questions to scales". Psychologists, operating with some "bank of judgments", which can be formed in a variety of ways (in conversations with subjects, analysis of medical reference books, patient complaints, statements on

forums on the Internet, etc.), offer them to a wide range of respondents for answers, and then using the methods of mathematical statistics, provide empirical and statistical grouping of these judgments on the scales. It is often impossible to understand the laws of grouping these judgments on scales. In accordance with this strategy, a test-questionnaire of R. Cattell "Sixteen personality factor questionnaire" (16PF) was created. In contrast to the questionnaires created in accordance with the theoretical and deductive strategy, factor scales in it were secondary to the "bank of questions".

A slightly different path, but also developed using the methods of mathematical statistics, was chosen by S. Hathaway and J. McKinley in creation of the famous test-questionnaire "Minnesota Multiphasic Personality Inventory" (MMPI). The bank of judgments, formed on the basis of complaints of patients, descriptions of symptoms of these or those mental diseases, was grouped on scales with the use of contrast group method. The scales corresponding to a particular mental illness included questions that well differentiated mentally ill people from healthy ones (Burlachuk, L. F. 2008, pp. 248–253).

The second model of test methods can be realized through exploratory approach, in which scale methods are constructed by using external criteria (based on it using methods of mathematical statistics models of subjects differentiation are created). An important advantage of this approach is the possibility of its application to form synthetic models that give a higher accuracy of the prediction. A model created on the basis of an external criterion will always take into account the complex relationship between latent variables, and (that is very important) both internal and external. The question of the nature of these relationships can be left for later theoretical reflection by those who are primarily engaged in solving such problems.

The third strategy of tests creating is pragmatic, used mainly to solve certain management tasks and, unlike academic tests,

begins with organizational goals and has its own specific features. Thus, from the point of view of predictive validity, it is more effective, in our opinion, to use the second strategy of test creating.

Regarding the grouping of the bank of test tasks for diagnostics of convicts' escape propensity, it would be possible to go the way of using materials of those scientific studies that are available in the scientific works of domestic scientists, and on the basis of a theoretical construct describing a profile of a convict prone to escape, to create test tasks for each of the scales describing the profile. However, we consider this way to be insufficiently effective, firstly, due to the low predictive value of personal questionnaires created on the basis of theoretical and deductive strategy, and secondly, due to the fact that the creation of test tasks "from scratch" requires a long time for I-tem analysis (mathematical and statistical analysis of the test items). For this reason, we have chosen a strategy for scales formation based on the most common techniques in the psychologists practice of penitentiary institutions, which test tasks meet psychometric requirements.

Results

Data from 69 regions of the Russian Federation in the form of databases of the multifunctional psychodiagnostic system "Psychometric Expert" with information on convicts, who escaped from prison, indicating the date of the escape and the psychodiagnostic work which was carried out with them, was requested to create scales for escapes predicting from places of detention. If in the region there were no escapes, the answer was that escapes for the last few years were not recorded (Kostroma region, the Chechen Republic, Lipetsk region). As a result, an experimental data base of 242 convicts was obtained and subsequently further processed. For each examination, during which any diagnostic work was carried out, a form with information on the number of days before the precedent was created in the psychodiagnostic system "Psychometric Expert", indicating the methods that were used during the test. Figure 1 shows an example of filling out a form on the escape date, as well as a form for recording information about the precedent in a particular survey.

Figure 1. Examples of filling out forms with information about the fact of escape

A control group of convicts (1,725 people) who are not on preventive record in correctional institutions, as well as who did not allow violations of the established order of punishment serving during their stay in prisons, was formed.

The analysis of the obtained database of psychodiagnostic data showed that the following methods are most often used in the practice of penitentiary psychologists: "Suicide Risk Questionnaire" (SRQ) (A. G. Shmelev, I. Yu. Belyakova); "Color test" (M. Lüscher) and "Color Selection Method" (L. N. Sobchik); "Methods of character accentuations research" (G. Smishek, K. Leongard), "Abbreviated multifactorial questionnaire for personality research" (V. P. Zaytsev), "Sixteen personality factor questionnaire" (R. Cattell), "Comprehensive study of personality of a convict" – CSPC (E. A. Chebalova), "Assessment of the level of volitional self-control (VSC)" (E. V. Eydman, A. G. Zverkov), "The test of eight drives" (L. Szondi) and "The method of portrait elections" (L. N. Sobchik). To analyze psychological

characteristics of convicts who committed escapes, and for further scales creation for escapes prediction from penitentiary institutions, we have chosen three main methods: "Methods of character accentuations research" (G. Smishek, K. Leongard); "Comprehensive study of personality of a convict" – CSPC (E. A. Chebalova) и "Abbreviated multifactorial questionnaire for personality research" – Mini-mult (V. P. Zaytsev), the most suitable on psychometric indicators (table 1) (Fetiskin, N. P., Kozlov, V. V. & Manuylov, G. M. 2002,).

Processing the results, we compared the main and control groups using the Student's t-test, and separately for each group we used structural analysis (method of correlation Pleiades) on the test results, which allowed to allocate the degree of measured parameters (scales) integration in personal structure, measured by the number of significant correlations. The highest rating of a trait in the list, obtained as a result of structural analysis, means the highest degree of its influence on all other characteristics of a personality.

Table 1

Methods	Test group	Control group
SRQ	163	449
Lüscher	107	105
Smishek	39	555
Mini-mult	62	138
16 PF C	38	172
CSPC	28	150
VSC	52	55
Szondi	34	45

Thus, the structural analysis allowed us to reveal those features which are the most significant in regulation of convicts' behavior and activity, and also play the leading role in subject's adaptation to the environment.

Due to the fact that analyzing the method of "Abbreviated multifactorial questionnaire for personality research" – Mini-mult (V. P. Zaitsev) not absolute values of each scale are interpreted; the ratio of scales in the profile for analyzing the differences in the group of convicts, who

escaped, and convicts in the control group, we have undertaken an analysis of the frequency of each of the scales occurrence in the profile peaks (table 2).

Thus, Hy (hysteria) and Ma (hypomania) scales showed the highest frequency of occurrence among the profile peaks in the group of convicts who escaped. In the control group of convicts, peaks of Ma (hypomania) and Pd (psychopathy) scales are more common.

Consideration of the structure of basic personality traits by Mini-mult method shows that the basic qualities in personality structure of escaped convicts, and change of which can lead to a shift in many of its parameters, are Pd (psychopathy), Hy (hysteria), Pt (paranoia), Ma (hypomania) and D (depression). At the same time, psychopathy and hysteria have the

greatest weight. It should be noted that the high rating of psychopathy and hysteria with a low rating of Sc (schizoid) and Pt (psychasthenia) indicate aggressiveness and conflictness of this category of persons, their desire to express and oppose themselves to others. At the same time, Ma (hypomania) is the main basic quality of convicts in the control group (table 3).

Table 2

Escaped convicts		Convicts of the control group	
Scale name	Percent occurrence of peaks by scales	Scale name	Percent occurrence of peaks by scales
Hypochondria (Hs)	9	Hypochondria (Hs)	11
Depression (D)	17	Depression (D)	19
Hysteria (Hy)	30	Hysteria (Hy)	18
Psychopathy (Pd)	20	Psychopathy (Pd)	32
Paranoia (Pa)	21	Paranoia (Pa)	16
Psychasthenia (Pt)	14	Psychasthenia (Pt)	19
Schizoid (Sc)	13	Schizoid (Sc)	13
Hypomania (Ma)	25	Hypomania (Ma)	32

Table 3

Basic personality traits of escaped convicts	Number	Basic personality traits of convicts in the control group	Number
Psychopathy (Pd)	33	Hypomania (Ma)	20
Hysteria (Hy)	27	Psychopathy (Pd)	18
Paranoia (Pa)	23	Depression (D)	12
Hypomania (Ma)	21	Paranoia (Pa)	11
Depression (D)	20	Hysteria (Hy)	9
Hypochondria (Hs)	12	Hypochondria (Hs)	8
Schizoid (Sc)	12	Psychasthenia (Pt)	4
Psychasthenia (Pt)	11	Schizoid (Sc)	4

Thus, summing up the results of two types of Mini-mult analysis, it can be assumed that the most significant factor in the personality structure of convicts committed escapes should be considered hysteria, and for convicts in the control group it is hypomania. In general, convicts in the control group have a more upbeat mood background than escaped convicts.

The presence of such features as increased anxiety, described by various authors, was not

revealed. In addition, according to the results of surveys, it is not a significant component of the personality structure. At the same time, psychopathy, which entails emotional instability, occupies the most significant place in the overall personality structure of escaped convicts.

The survey using of “Comprehensive study of personality of a convict” – CSPC” (E. A. Chebalova) method showed statistically significant differences between escaped

convicts and convicts from other groups on the scales: A (alienation and social exclusion), R (rigidity), I (impulsivity), ONR (tendency to overcome norms and rules), AT (aggressive tendencies), AA (autoaggression), IR (inclination to risk), ACS (adoption of criminal subculture). At the same time, the level of all these indicators among escaped convicts is higher than among other convicts. This severity level of these indicators among escaped convicts is a symptom complex, predisposing them to greater criminalization in comparison with the convicts in the control group (table 4).

Consideration of the structure of basic personality traits according to CSPC method shows the following: first, according to the results of this method a convicted person of both groups has a fairly coherent structure;

secondly, the most important basic qualities in the personality structure of escaped prisoners are: AT (aggressive tendencies), I (impulsivity), Mac (machiavellianism), HC (hedonic concepts), AA (autoaggression) and A (alienation), among the convicts of the control group – ACS (adoption of criminal subculture) and AT (aggressive tendencies) (table 5).

Low rating ACS (adoption of criminal subculture) and SDR (target on socially desirable responses) among escaped convicts does not mean that this category does not share values of criminal subculture, but suggests that behavior regulation of the internal affective determinants is much more important. This is also confirmed by high number of AT (aggressive tendencies), I (impulsivity) and HC (hedonic concepts) (table 5).

Table 4

Scales' names	Average values according to the method for escaped convicts	Average values according to the method for convicts of the control group	Student's t-test	P value for T
Anxiety (An)	5.054	4.529	1.013	0.156591
Alienation (A)	9.518	8.022	2.11	0.018568
Rigidity (R)	9.482	8.265	1.711	0.044981
Impulsivity (I)	9.25	7.199	2.855	0.002577
Vulnerability in interpersonal contacts (VIC)	8.768	8.147	0.893	0.186896
Ego power (EP)	8.304	8.941	1.355	0.089072
Tendency to overcome norms and rules (ONR)	6.893	6	1.737	0.042639
Tendency to lie (TL)	8.161	7.64	0.675	0.250712
Aggressive tendencies (AT)	4.411	3.228	2.658	0.004521
Autoaggression (AA)	3.982	2.831	2.661	0.004487
Hedonic concepts (HC)	6.446	6.706	0.453	0.325645
Inclination to risk (IR)	9.768	8.382	2.332	0.010762
Machiavellianism (Mac)	6.839	6.64	0.419	0.337963
Adoption of criminal subculture (ACS)	7.625	6.434	1.784	0.038623

Table 5

Basic personality traits of escaped convicts	Number	Basic personality traits of convicts in the control group	Number
Aggressive tendencies (AT)	55	Adoption of criminal subculture (ACS)	56
Impulsivity (I)	55	Inclination to risk (IR)	51
Machiavellianism (Mac)	52	Aggressive tendencies (AT)	44
Hedonic concepts (HC)	52	Target on socially desirable responses (SDR)	43
Autoaggression (AA)	52	Random response control (RRC)	41
Alienation (A)	50	Tendency to overcome norms and rules (ONR)	41
Tendency to lie (TL)	49	Machiavellianism (Mac)	40
Rigidity (R)	47	Autoaggression (AA)	40
Inclination to risk (IR)	46	Anxiety (An)	39
Anxiety (An)	40	Vulnerability in interpersonal contacts (VIC)	35
Tendency to overcome norms and rules (ONR)	40	Tendency to lie (TL)	34
Vulnerability in interpersonal contacts (VIC)	39	Alienation (A)	32
Ego power (EP)	36	Rigidity (R)	31
Random response control (RRC)	32	Hedonic concepts (HC)	25
Adoption of criminal subculture (ACS)	28	Ego power (EP)	24
Target on socially desirable responses (SDR)	25	Impulsivity (I)	12

Table 6

Scales' names	Average values according to the method for escaped convicts	Average values according to the method for convicts of the control group	Student's t-test	P value for T
Hyperactivity (Hyp)	14.05	15.05	1.727	0.042769
Stucking (St)	12.96	13.7	1.671	0.04809
Pedantry (Ped)	13.26	13.53	0.543	0.293738
Emotiveness (Em)	13.45	14.29	1.439	0.075774
Anxiety (An)	9.079	8.024	1.947	0.026385
Cyclothymia (Cyc)	13.5	13.36	0.249	0.401983
Excitability (Ex)	12.16	11.46	1.243	0.107583
Dysthymia (Dys)	11.55	11.49	0.128	0.449187
Demonstrativeness (Dem)	11.91	12.94	2.267	0.012192
Exultation (Ex)	12.84	15.48	4.018	0.00004

A comparative analysis of the test data on the above methods showed some differences in the results of Mini-mult and Smishek methods on such parameters as anxiety, stucking, demonstrativeness and exaltation. This fact can be explained, firstly, by absence of lies scales in the method of Smishek and impossibility of results verification, secondly, by different time periods, during which convicts were testing; thirdly, by different meaning of the listed scales; fourthly, by a strong exposure to the results of Smishek method on mood factor

due to the fact that only from 4 to 12 issues work on each scale. Thus, we prefer to rely more on the results of Mini-mult methodology, which has tools to assess the validity. Consideration of the structure of basic personality traits by Smishek method shows that the main personality traits of escaped convicts, on which the structure of personality most depends, are cyclothymia, pedantry, hyperactivity and emotiveness. Convicts of the control group have the main qualities in the personality structure; these are dysthymia and pedantry (table 7).

Table 7

Basic personality traits of escaped convicts	Number	Basic personality traits of convicts in the control group	Number
Cyclothymia (Cyc)	33	Dysthymia (Dys)	33
Pedantry (Ped)	30	Pedantry (Ped)	30
Hyperactivity (Hyp)	29	Cyclothymia (Cyc)	26
Emotiveness (Em)	28	Emotiveness (Em)	26
Demonstrativeness (Dem)	25	Stucking (St)	25
Anxiety (An)	25	Exultation (Ex)	19
Stucking (St)	23	Demonstrativeness (Dem)	19
Dysthymia (Dys)	22	Excitability (Ex)	18
Exultation (Ex)	20	Hyperactivity (Hyp)	14
Excitability (Ex)	19	Anxiety (An)	12

Thus, the results of database analysis of escaped convicts, allow us to draw the following conclusions:

1. Among individual typological features that are more common for escaped convicts, we can distinguish: hysteria, which in conjunction with psychopathy has the great importance in personality structure of this category of convicts.

2. Escaped convicts have a more pronounced symptom complex predisposing to criminalization or indicating its presence: alienation and social disadaptation, rigidity, impulsivity, a tendency to overcome norms and rules, aggression, autoaggression, a tendency to risk, adoption of criminal subculture.

3. The difference in the results of psychodiagnostic techniques is explained by:

– absence of a single plan for testing (the database formed after escapes was analyzed;

testing on all three methods before escapes was not synchronous);

– influence of social desirability factor on methods results, as well as limited ability of convicts to objective self-assessment;

– low retest reliability of described techniques (especially of Mini-mult and Smishek methods), which is a consequence of a small number of stimulus working on each scale.

As part of convicts escapes prevention, the main task of a psychologist in penitentiary institutions is to predict their behavior based on the results of psychodiagnostics. Predicting escapes, two values are described: first, the period for which the prediction is made (for 3 months, 6 months, 1 year, etc.), and secondly, the probability of an event occurring during the specified period. To solve the problem of creating prediction scales, we used an

empirical and inductive strategy for creating tests, namely discriminant analysis, which is one of the methods for solving classification problems with training. In case of several classes and a certain set of objects, which are known to belong to any class, with the help of this type of analysis, it is possible to build a formula that can give the output probability of referring the existing object to a certain class.

In our study we have two classes of objects:

1) convicts of the control group who are well-reputed during serving of their sentences in places of imprisonment;

2) convicts of the experimental group who escaped from the custody in institutions of the penal system of Russia.

Thus, for each of the convicts of our sample, we have information about their belonging to one of the classes and a set of parameters (in this case, the answers to the test questions), which will be used as independent variables in prediction formulas.

The number of classes allocated during the discriminant analysis can be increased if the time factor is introduced as the selection criteria. Since additional information about convicts in the database "Psychometric Expert" contains time data of the escape, and, therefore, it is possible to determine the time period between the conducted psychodiagnostic examination and the date of the escape. For a more accurate prediction, the group of convicts can be divided

into subgroups depending on duration of this period between these events (diagnosis – escape). For example, it is possible to distinguish one group, which includes convicts, tests for which were carried out less than six months before the escape, and another – for six months-a year before the escape.

Thus, the result of discriminant analysis will be an algorithm (discrimination formula), showing the probability of assigning a person (according to the results of diagnostics) to a certain class (figure 2).

For example, based on the results of Smishek method, it is necessary to decide to which sample of convicts the result is closest. Discriminant analysis gives the percentage of results similarity with the results of convicts in groups 1, 2 and 3. If the degree of similarity of the result with group 3 is 60%, it means that the person is closest to this group of people in their answers to the questions of the technique, and his condition is similar to the state of people before the escape (less than six months). Therefore, there is a statistically significant probability that a person is in a state of readiness to escape.

In order to create scales for convicts escapes prediction, we have chosen the methods of Smishek, Mini-mult and CSPC, because their questions have the highest discriminant properties, that is, they most effectively divide people by the degree of qualities severity.

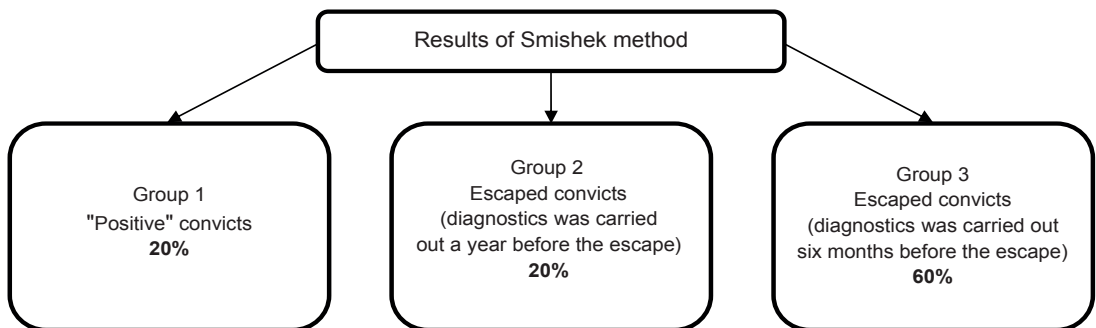


Figure 2. The example of a decision to classify a person to a certain class in a discriminant analysis

Discussion

As a result of the work with the database of psychodiagnostic data, two scales were added to the Smishek method: Escape 365 and Escape 90, which show the probability of escape within a year and within three months (that is, the number indicates the prediction period in days).

In the Mini-mult method two scales were added: Escape 365 and Escape 180, which show the probability of escape within a year and within six months.

In the CSPC method one scale was added: Escape 540, which shows the probability of escape within 1 year 6 months after diagnostics.

Table 8 shows the main characteristics of prediction models based on convicts' answers to the questions of these methods. All the coefficients are statistically significant, which indicates a high separating ability of the models, that is, an ability to classify the result of a convicted person as prone to escape for a specified period with an accuracy of 95–98%.

Table 8

Indicators	Smishek	Mini-mult	CSPC
Quality of the prediction	97%	95%	98%
Test group	39 people	62 people	28 people
Control group	555 people	138 people	150 people
Model accuracy metrics			
Wilks' Lambda:	0.66 (p<0.0075*)	0.45 (p<0.0001*)	0.29 (p<0.0001*)
Pillai's Test:	0.37 (p<0.0075*)	0.65 (p<0.0001*)	0.71 (p<0.0001*)
Hottelling-Lawley:	0.49 (p<0.0076*)	0.98 (p<0.0001*)	2.42 (p<0.0001*)
Roy's Max Root:	0.26 (p<0.0038*)	0.59 (p<0.0001*)	2.42 (p<0.0001*)
Used stimulus	88 stimulus	40 stimulus	60 stimulus
Applied method of discriminant analysis	Quadratic, with correction coefficients for regularization Labda = 0.3 Gamma = 0	Quadratic, with correction coefficients for regularization Labda = 0.3 Gamma = 0	Quadratic, with correction coefficients for regularization Labda = 0.3 Gamma = 0

The stimulus material of these methods "Methods of character accentuations research" – Smishek (G. Smishek, K. Leongard); "Comprehensive study of personality of a convict" – CSPC (E. A. Chebalova) and "Abbreviated multifactorial questionnaire for personality research" – Mini-mult (V. P. Zaytsev) is presented in the psychodiagnostic system "Psychometric Expert" both in the old and in the updated version. Scales of escapes prediction of convicts from correctional institutions and places of detention are presented in the version "Psychometric Expert" 8.7.0 and higher. To work with them, you need to update the program "Psychometric Expert" to version 8.7.0

or higher, where the mechanism for values calculating of scales by discriminant formulas is implemented, as well as a special representation of the result in percentages on scales of methods Smishek, Mini-mult и CSPC.

In conclusion, it can be summarized that escape prediction scales created on the basis of the empirical and inductive strategy make it possible to identify persons prone to escape from institutions of the penal system.

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Rumyantsev N. V., Ponomarev S. B., Sterlikov S. A., Gorokhov M. M.**Румянцев Н. В., Пономарев С. Б., Стерликов С. А., Горохов М. М.****ON THE ISSUE OF IMPROVING
THE INTEGRATION OF PENITENTIARY
AND CIVIL TUBERCULOSIS SERVICES****К ВОПРОСУ О СОВЕРШЕНСТВОВАНИИ
ИНТЕГРАЦИИ РАБОТЫ ПЕНИТЕНЦИАРНОЙ
И ГРАЖДАНСКОЙ ФТИЗИАТРИЧЕСКИХ СЛУЖБ**

Abstract. The article is devoted to the problem of post-penitentiary maintenance of tuberculosis patients released from prison. It is shown that despite significant progress in the fight against tuberculosis in the penal system, there is a range of unresolved problems, one of which is the lack of continuity in the interaction of civil and penitentiary sectors of anti-tuberculosis service. The number of appealing of tuberculosis patients released from prison for further observation and treatment in specialized medical institutions of the Ministry of Health of the Russian Federation are given. The ten-year dynamics of appealing is analyzed, which indicates an insufficient proportion of tuberculosis patients who continued active treatment after release from prison. The number of such patients does not exceed 75% and ranges from 50.8% to 73.4%. The authors believe the lack of medical literacy of patients, their belonging to marginal layers of Russian society, as well as the lack of proper control over former prisoners with tuberculosis are reasons for this phenomenon. The negative circumstances noted in the article are powerful factors influencing the spread of tuberculosis in the population as a whole. A brief history of the issue is given, previously made proposals to solve the existing problem are analyzed. The legal assessment of the situation is given. The analysis of ways to solve the problem, which the authors see in the introduction of information technologies, allowing in the future to carry out automated control of tuberculosis patients movement, and to create a single information space common to penitentiary and civil medicine.

Keywords: tuberculosis, penal system, medical service, information system.

Аннотация. В статье рассматривается проблема постпенитенциарного ведения больных туберкулезом, освобождающихся из мест лишения свободы. Показано, что, несмотря на значительные успехи в деле борьбы с туберкулезом в уголовно-исполнительной системе существует круг нерешенных проблем, одной

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из которых является недостаточный уровень преемственности при взаимодействии гражданского и пенитенциарного секторов противотуберкулезной службы. Приведены цифры обращаемости больных туберкулезом, освободившихся из мест лишения свободы, для дальнейшего наблюдения и лечения в специализированные медицинские учреждения Министерства здравоохранения Российской Федерации. Проанализирована десятилетняя динамика обращаемости, которая свидетельствует о недостаточном удельном весе больных туберкулезом, продолживших активное лечение после освобождения из мест лишения свободы. При этом число таких больных не превышает 75 % и колеблется в пределах от 50,8 до 73,4 %. Причинами данного явления авторы считают недостаточную медицинскую грамотность больных, их принадлежность к маргинальным слоям российского общества, а также отсутствие должного контроля над бывшими заключенными – больными туберкулезом. Отмеченные в статье негативные обстоятельства являются мощным фактором, влияющим на распространение туберкулеза в популяции в целом. Приведена краткая история вопроса, проанализированы ранее сделанные предложения по решению существующей проблемы. Дана юридическая оценка сложившейся ситуации. Проведен анализ путей решения проблемы, которые авторы видят во внедрении информационных технологий, позволяющих в перспективе осуществлять автоматизированный контроль движения больных туберкулезом, создать единое информационное пространство, общее для пенитенциарной и гражданской медицины.

Ключевые слова: туберкулез, уголовно-исполнительная система, медицинская служба, информационная система.

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Currently, the penitentiary health service demonstrates significant progress in prevention, diagnosis and treatment of tuberculosis in prisons (Sterlikov, S. A. (ed.) 2017, pp. 38–42). Anti-tuberculosis service of the penal system is characterized by a systematic approach, a clear algorithm of actions, high efficiency, superior, according to some authors, the effectiveness of anti-tuberculosis service of the civil health sector (Polovinkina, T. A. 2011, pp. 66–67; Shilova, M. V. 2014, pp. 156–158). Medical service of the penal system has a wide network of tuberculosis medical and correctional institutions and specialized hospitals (Nechaeva, O. B. & Sterlikov, S. A. 2017, pp. 58–64). From year to year, the main indicators of tuberculosis in the penitentiary system have been improved. For example, the mortality rate due to tuberculosis decreased from 81 cases per 100,000 persons in 2011 to 9.8 cases per 100,000 persons in 2017.

Meanwhile, the problem of prison tuberculosis is still far from being solved. Thus, tuberculosis incidence in the penal system is significantly higher than the corresponding level in the system of the Ministry of Health of the Russian Federation (Tuberculosis in the Russian Federation, 2012–2014. Analytical review of statistical indicators used in the Russian Federation and in the world 2015, pp. 166–173). The risk of contracting tuberculosis in prison is much higher than in the general population (Russskikh, O. E. 2007, pp. 38–39; Tuberculosis surveillance and monitoring report in Europe 2017: surveillance report 2017, pp. 26–27). In some years, the proportion of new cases of tuberculosis detected in penitentiary institutions reached 27% of the total number (Shilova, M. V. 2014, p. 37). Currently, it is 8.5%, which is also significant.

The conditions that contribute to the spread of tuberculosis in the penal system, according to penitentiary scientists, include: overcrowding, poor sanitary and hygienic conditions, social disadaptation of citizens in custody,

unbalanced nutrition and stress. In addition, a very significant cause of tuberculosis spread in prison is of convicts' reluctance to be treated and to follow medical prescriptions (Yudin, S. A. 2014, p. 134). However, some prisoners deliberately contribute to tuberculosis spread (so-called *mastyrshchik*).

It should be noted that many authors emphasize close relationships of indicators reflecting the epidemic situation of tuberculosis in civil and penitentiary sectors of the health system. Naturally, effective continuity in joint and coordinated work of these systems, which today needs to be improved, should be a priority for the fight against tuberculosis. According to S. A. Yudin, more than half of the specialists, interviewed by him, consider the existing level of interaction between civil and penitentiary anti-tuberculosis service to be low and ineffective (Yudin, S. A. 2014, p. 134).

Meanwhile, the integration of civil and departmental systems of anti-tuberculosis service is the key to success of clinical maintenance for patients (from disease detection and diagnosis of its features, to the completion of treatment after release of a person), who have served a sentence of imprisonment. The Standard Minimum Rules for treatment of prisoners, approved by the United Nations, state that medical care should be organized in close connection with local or state health authorities.

Such integration is very important, as the epidemic situation of tuberculosis in the penitentiary health sector has a significant impact on the fight against tuberculosis in society as a whole.

The penitentiary health sector requires introduction of new effective forms of treatment process organization and strict continuity maintenance of patients with tuberculosis.

The purpose of this study is to analyze the existing problem of continuity in work and the level of integration of anti-tuberculosis services in civil and penitentiary health sectors.

It is known that among many issues related to the treatment of tuberculosis while serving

a sentence, there is the problem of a specific prison society existence (epidemic significant category of prisoners). These are patients with tuberculosis, released from prison. A significant proportion of them does not go to anti-tuberculosis institutions after the end of their sentence and does not continue treatment.

The authors give different percentage number of such patients: from 40% to 80% (Russkikh, O. E. 2008, p. 13; Shilova, M. V. 2007, p. 14).

In the period from 2006 to 2017, from 50.8% to 73.4% of active tuberculosis patients released from prison applied for record in medical organizations of public health (figure 1).

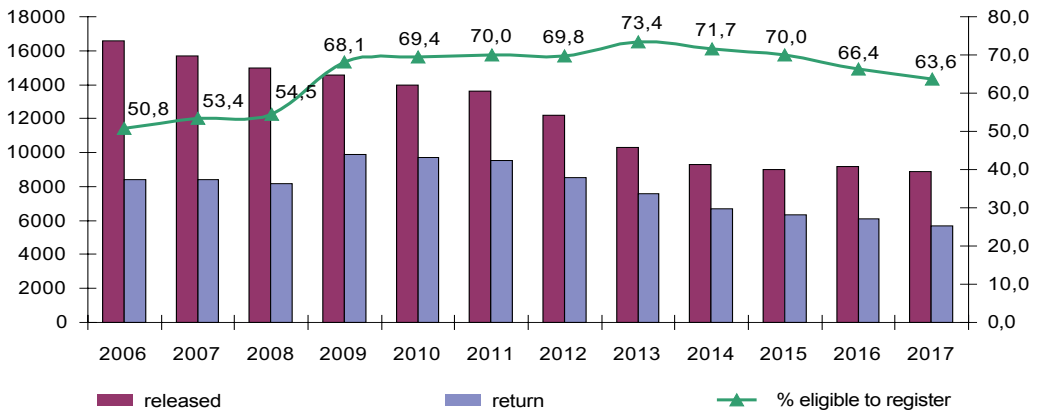


Figure 1. Dynamics of proportion of tuberculosis patients released from institutions of the Federal Penitentiary Service of Russia and arrived in medical organizations of public health, Russian Federation, 2006–2017

From 2006 to 2013, there was an increase in the proportion of tuberculosis patients released from prison and who were on record in public health organizations. This is probably due to the implementation of international projects to fight against tuberculosis, which inevitably raised issues of interdepartmental cooperation. The maximum value of the indicator was noted in 2013, and in recent years it has been decreased. This indicates the expediency of intensifying measures to strengthen interdepartmental cooperation on continuity of treatment and dispensary observation of patients with tuberculosis.

According to O. E. Russkikh, who investigated fates of released patients with tuberculosis, in a year only 37.3% of persons after release were on the dispensary record, in two years 22.4% of persons, and in 3 years 7.5% of persons. That is, the majority of patients (former convicts) do not show initiative to preserve their

health. They stop treatment and change their place of living (Russkikh, O. E. 2008, p. 52). Studies show that these people are socially disadapted and have low general and hygienic culture (Tulenkov, A. M. 2014, p. 6). These are representatives of marginal strata of Russian society, prone to vagrancy, parasitism, and drug and alcohol abuse. Naturally, the antisocial behavior of such patients significantly increases the risk of chronic forms of tuberculosis and increases probability of drug resistance to anti-tuberculosis drugs. This category of patients is one of the main sources of infections; it contributes to the spread of tuberculosis among the general population.

Despite the fact that this problem was identified in the USSR and was further developed in Russia (Russkikh, O. E., Stakhanov, V. A. & Polushkina, E. E. 2007, p. 8), until now the practical organization of treatment and preventive care for tuberculosis

patients released from prison is still insufficiently studied, as well as approaches to penitentiary and civil health sectors interaction in order to organize effective anti-tuberculosis measures among the contingent subordinated to the FPS of Russia.

The problem is complicated by the fact that penitentiary medicine is a departmental structure that exists as if “in parallel” to the Ministry of Health of the Russian Federation, using departmental orders and regulations in its activity and having independent reporting.

To ensure the continuation of tuberculosis treatment for this category of persons after their release from prison, scientists have proposed various schemes for activities organization of the anti-tuberculosis service. Thus, the algorithm of departments integration on interaction in anti-tuberculosis work and recommendations for improvement of dispensary service for former convicts with tuberculosis were developed and presented in works of O. E. Russkikh (2007, p. 38; 2008, p. 8–12; Russkikh, O. E., Stakhanov, V. A. & Polushkina, E. E. 2007, p. 52). He suggested sending data on patients with tuberculosis to the antitubercular dispensary one month prior to expected release, and 10 days prior to release to send copies of medical documents to the address where the patient will live. A special route map was developed for the patient. The psychological service of the medical correctional institution was recommended to carry out motivational work (interviews, testing, role-playing games).

In case that former convicts with tuberculosis do not arrive to anti-tuberculosis facilities during 10 days after release, O. E. Russkikh proposed to provide the forced arrival of such patients for their treatment by court order. The author used the decree of the Government of the Russian Federation № 892 “On the implementation of the Federal law “On prevention of tuberculosis spread in the Russian Federation” (adopted on 25.12.2001) (paragraph 10 – after release a patient with tuberculosis is obliged to address in medical and prophylactic specialized anti-tuberculosis institution for dispensary record

within 10 days from the date of arrival to his residence; paragraph 11 – in case of violation of the order of dispensary supervision by patients, they are subject to obligatory survey and treatment in a judicial proceeding according to article 10 of this Federal law).

In addition, referring to the Code of administrative violations and the Law of the Russian Federation “On the police”(adopted on 18.04.1991), the author argued that the system of the Ministry of Internal Affairs of Russia should ensure arrivals of persons, evading appearance and representing a direct danger to others, in health care institutions.

However, despite the extreme clarity and simplicity of the scheme of interaction between penitentiary and civil medical services, the Ministry of Internal Affairs of Russia and courts, the algorithm proposed by the author has not received practical application. There are several reasons for this: the lack of personal responsibility of the released tuberculosis patient to the population and desire to prevent infection spread; and gaps in the legislation.

Until recently, the poor integration of civil and penitentiary anti-tuberculosis services has been facilitated by:

- insufficient funding of the medical service of the penal system;

- lack of necessary information exchange between anti-tuberculosis services in the systems of the Ministry of Health of Russia and the Federal penitentiary service of Russia;

- absence of a single information space that provides continuity of tuberculosis patients maintenance.

Therefore, one of the ways to solve the existing problems may be the search for new approaches, including the use of modern information technologies. Information and analytical systems allow to reliably assess the quality of medical care, conduct the necessary medical monitoring, significantly increase the information content and efficiency of the information available to medical specialists.

The creation of a single information space will allow:

to maintain a single database of tuberculosis patients;

to fill in and, if necessary, adjust the results of examinations and treatment;

to ensure that the necessary statistics are maintained;

to provide monitoring, management and feedback;

to support input and correction of information;

to ensure quick actions and ergonomics.

Currently, the principles of the information structure of the tuberculosis monitoring system have been practically developed, the basis of which are electronic registers of personalized information about patients and aggregated statistical data. It should be noted that the work of this system will concern both the Ministry of Health of the Russian Federation and Departmental penitentiary medicine. It is assumed that the electronic personalized and aggregated registers will be used to form statistical reports concerning the system of anti-tuberculosis care, drug and resource provision for tuberculosis patients (including the penal system).

Thus, the ultimate goal of the national monitoring system formation to fight the spread of tuberculosis (as part of the national monitoring system of socially significant diseases) is to create a target information space on the basis of regional and state statistics. As a result, a unified approach to the management of the system of anti-tuberculosis measures will be provided, and information about patients released from prison will be automatically transferred to the database of the unified information system, which will help to overcome existing difficulties and will finally be able to solve existing problems.

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REVIEW OF VASIL' EVA S. A. MONOGRAPH
««I WAS IN PRISON AND YOU CAME TO VISIT ME...»:
THE HISTORY OF THE ORIGIN OF PRISON SERVICE PRACTICE
IN THE PROTESTANT TRADITION AND ITS INFLUENCE
ON THE COURSE OF PRISON REFORM
IN AMERICA, EUROPE AND RUSSIA»

РЕЦЕНЗИЯ НА МОНОГРАФИЮ ВАСИЛЬЕВОЙ С. А.
««В ТЕМНИЦЕ БЫЛ, И ВЫ ПРИШЛИ КО МНЕ...»:
ИСТОРИЯ ЗАРОЖДЕНИЯ ПРАКТИКИ ТЮРЕМНОГО СЛУЖЕНИЯ
В ПРОТЕСТАНТСКОЙ ТРАДИЦИИ И ЕГО ВЛИЯНИЕ
НА ХОД ПЕНИТЕНЦИАРНЫХ РЕФОРМ В АМЕРИКЕ,
ЕВРОПЕ И РОССИИ»

Abstract. The article presents a review on Vasil'eva S.A. monograph ““I was in prison and you came to visit me...”: the history of the origin of prison service practice in the Protestant tradition and its influence on the course of prison reform in America, Europe and Russia» given by Nesterova Olga Ivanovna, DSc (History), senior inspector on special assignments of the division of penal legislation, planning and conducting of official inspections of the Legal Department in the Federal Penitentiary Service of Russia. The monograph is devoted to the origin and development of prison service practice in the Protestant tradition and its impact on prison reforms in Europe and America in the XIX century. Through the prism of prison philanthropy societies formation and the Institute of prison chaplains formation in the United Kingdom and the United States, the author explored theological, legal and practical aspects of prison service in the Protestant tradition. Turning to the history of Christian missionaries, who acted long before the penal reforms of the XIX century, the author rethinks the theoretical and methodological content of English penological doctrines. British penitentiary ideology and American practice were extrapolated in the XIX century to all European countries, marking the beginning of the creation of national penitentiary systems in Europe and the Russian Empire. The work analyzes the materials that have not previously

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been introduced into scientific circulation and not translated into Russian. The monographic study is recommended to historians, theologians, lawyers, specialists in the field of penology, students and graduate students of the Humanities, as well as anyone interested in the history of penitentiary reforms and problems of social history in general.

Keywords: prison service, prison chaplain, prison reform of XVIII–XIX centuries, Pennsylvania and Auburn system of prison, prison congresses, prison philanthropy.

Аннотация. В статье представлена рецензия доктора исторических наук, старшего инспектора по особым поручениям отдела уголовно-исполнительного законодательства, планирования и проведения служебных проверок правового управления ФСИН России Нестеровой Ольги Ивановны на монографию Васильевой С. А. «“В темнице был, и вы пришли ко Мне...“: история зарождения практики тюремного служения в протестантской традиции и его влияние на ход пенитенциарных реформ в Америке, Европе и России». Монография посвящена зарождению и развитию практики тюремного служения в протестантской традиции и ее влиянию на пенитенциарные реформы в странах Европы и Америки в XIX в. Сквозь призму становления обществ тюремной филантропии и формирования института тюремных капелланов в Великобритании и США автор исследовал теологические, правовые, практические аспекты тюремного служения в протестантской традиции. Обращаясь к истории христианских миссионеров, которые действовали задолго до пенитенциарных реформ XIX в., автор переосмысливает теоретико-методологическое содержание английских пенологических доктрин. Британская пенитенциарная идеология и американская практика были экстраполированы в XIX в. на все европейские страны, положив начало созданию национальных пенитенциарных систем стран Европы и Российской империи. В книге проанализированы материалы, ранее не вводившиеся в научный оборот и не переведенные на русский язык. Монографическое исследование рекомендуется историкам, теологам, правоведам, специалистам в области пенологии, студентам и аспирантам гуманитарных факультетов, а также всем, кто интересуется историей пенитенциарных реформ и проблемами социальной истории в целом.

Ключевые слова: тюремное служение, тюремный капеллан, пенитенциарные реформы XVIII–XIX вв., пенсильванская и оборнская пенитенциарные системы, тюремные конгрессы, тюремная филантропия.

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ФЕДЕРАЛЬНАЯ СЛУЖБА ИСПОЛНЕНИЯ НАКАЗАНИЙ
АКАДЕМИЯ ФСИН РОССИИ

С. А. Васильева

**«В ТЕМНИЦЕ БЫЛ,
И ВЫ ПРИШЛИ КО МНЕ...»**

ИСТОРИЯ ЗАРОЖДЕНИЯ ПРАКТИКИ ТЮРЕМНОГО
СЛУЖЕНИЯ В ПРОТЕСТАНТСКОЙ ТРАДИЦИИ
И ЕГО ВЛИЯНИЕ НА ХОД ПЕНИТЕНЦИАРНЫХ
РЕФОРМ В АМЕРИКЕ, ЕВРОПЕ И РОССИИ

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The study of the processes of formation and evolution of national penitentiary systems is one of the priorities of modern research on the history of the state and law. The importance of this or that option on reforming the system of criminal penalties execution at the time of F. M. Dostoevsky can be determined by his expression, that the level of civilization of society can be judged by its prisons. Currently, the Russian Federation is working on strengthening the rule of law and strengthening the fight against crime. The main task is to improve the penitentiary system and to increase the efficiency of its functioning. In this regard, the objective study and evaluation of the world historical experience of penitentiary practices and their implementation on the example of the pioneer countries of penitentiary reforms is of great importance for the development of modern Russian penal system.

In this regard, the monograph of the deputy chief of the department of philosophy and history at the Academy of the FPS of Russia, PhD (History), Associate Professor Svetlana Anatol'evna Vasil'eva "“I was In prison and you came to visit me...”: the history of the origin of the practice of prison service in the Protestant tradition and its influence on the course of prison reform in America, Europe and Russia” (Vasil'eva, S. A. 2019) is a complete scientific work devoted to an important theoretical and practical problem – the peculiarities of the prison service practice formation and the institution of prison chaplains in Western countries in the XVIII–XIX centuries. The name of the reviewed monograph causes an associative connection with the precedent text, in this case with The Holy Scripture. The Bible remains a permanent reference, an encyclopedia of historical examples, which allows us to establish a formal analogy between real events and sacred history. The twenty-fifth Chapter of Matthew, in which Jesus appears hungry, poor, wandering, sick, and a prisoner: “For I was hungry and you gave me something to eat, I was thirsty and you gave me something to drink, I was a stranger and you invited me in, I needed

clothes and you clothed me, I was sick and you looked after me, I was in prison and you came to visit me” (Matthew 25: 35-36) remains perhaps the most popular gospel text on which the preaching ethics and rhetoric of the prison clergy in both the Orthodox and Protestant and Catholic traditions are based. It is not by chance that the first philanthropic society in Russia, the Society Board of Trustees about prisons (1819), determined the main purpose of its activity “to serve our Lord and his lesser brethren, with all my soul and all my thoughts and with all my heart, in order to fulfill His Holy commandment “to be in prison and come to visit me” (Tarasov, O. A. & Vasil'eva, S. A. 2010, p. 81).

The scientific novelty of the work is in the fact that it is essentially the first study of the early practice of prison service in the Protestant tradition during the formation and development of national penitentiary systems of Great Britain and the United States. The conducted scientific analysis from modern positions fills the existing gap in the national historical and historical-legal literature on this topic.

However, the reviewed monograph satisfies not only a certain “historical interest”, but has an actual character in modern conditions. In the Preface the author refers to the statement of the Chairman of the Synodal Department of the Moscow Patriarchate on prison service of Bishop Irinarch of Krasnogorsk about readiness to follow the practice developed in the West in questions of the organization of work with religious convicts (Vasil'eva, S. A. 2019, p. 5). The study of S. A. Vasil'eva is devoted to the earliest practice in the West. The author sets a task to systematize and comprehend formation of Church prison service traditions in Great Britain and America, which experience became an essential basis of penitentiary reforms of the XIX century in the European countries and the Russian Empire. According to the author, it will give new opportunities for reception of the European historical experience of social Institute of prison chaplains' activity.

According to its structure, S. A. Vasilyeva's monograph consists of a preface, an introduction and three chapters (each chapter is divided into three paragraphs), as well as appendices and references. The chosen structure looks thoughtful and logical, reflecting the object and subject, the purpose and objectives of the monographic study, fully allowing to reveal the origin history of the prison service practice in the Protestant tradition. S. A. Vasilyeva quite reasonably defined the tasks of her work, namely: "...to consider the social institution of prison chaplains formation, and related power relations in the context of national uniqueness of social and cultural practices» (Vasil'eva, S. A. 2019, p. 11). The author puts forward a hypothesis about the dominant influence of the Protestant worldview on the formation process of the European system of punishments execution as a whole.

The preface presents an overview of modern foreign historiography studies of the history of English and American penal systems of modern times. Consideration of modern Russian historiography on the researched issue shows the impressive number of publications of S. A. Vasilyeva in serious scientific journals, as well as the citation of major works included in the systems of the Russian science citation index (RSCI) and Web of Science. The materials included in the monograph were repeatedly tested in the form of reports and presentations at conferences and scientific seminars of international level (Vasil'eva, S. A. 2018), as well as in the events of the Institute of World history of the RAS (Vasil'eva, S. A. 2019), this indicates that the author's research has high quality of scientific component.

The historical documents presented in the monograph reveal a serious scientific research based on an impressive source base and deep author's analytical work. S. A. Vasil'eva used in the monograph an extensive list of English-language sources, including legal documents, pamphlets, preaching and penitentiary literature. The main body of historical sources was materials containing information of

personal origin: memoirs-autobiographies and memoirs of contemporaries, diaries and correspondence. Introducing a wide scientific circulation of rich factual material, the author does not avoid ideological aspects. A deep analysis of philosophical and socio-legal treatises, containing reflections of politicians, clergy, philanthropists and educators, and specific projects of penitentiary reform, is presented in earlier scientific articles of the author of the monograph. Considering the intellectual legacy of such British prison reformers as John Howard (Vasil'eva, S. A. 2017), Jonas Hanway (Vasil'eva, S. A. 2017), Elizabeth Fry (Vasil'eva, S. A. 2015), the author of the monograph reveals unique ideas of using the reforming potential of the Christian religion in penitentiary transformations in the analyzed sources. The first experience of organization of spiritual pastoral care and prison service chaplains in the context of national prison reforms was recreated on the sources of personal origin (Vasil'eva, S. A. 2016), based on the study of documents and materials of state and public organizations involved in the process of penitentiary reform (Vasil'eva, S. A. 2017). Thus, on the basis of a comprehensive study of English-language materials, first translated into Russian, it was proposed a comprehensive study of prison service practice and the formation of social and legal institution of prison chaplains in the context of national prison reforms in the United Kingdom and the United States.

The compositional structure of the monograph is chronicle: the author unfolds the narration, consistently describing the most significant periods in the development of prison service practice in the United Kingdom and the United States. The language of the monograph includes elements of scientific and journalistic styles. In the first chapter "Formation of the traditions of pastoral care of prisoners in Britain in the XVII – beginning of the XVIII century and the start of regulatory documents formation (нормативное оформление)" is devoted to the questions of foundations of pastoral

service formation, the origins of prison custody, missionary and charity. The author analyzes the history of spontaneous missionary work in English prisons in the pre-reform period. In particular, S. A. Vasil'eva draws attention to the genesis of the conceptual idea "religion as a means of healing criminal behavior", which will be one of the ideologies of the upcoming prison reforms. The study of the legislative practice of the XVIII century, associated with the registration of the chaplain's position as a staff in the structure of prison administration, is of particular interest.

The second chapter of the monographic study "The first practice of prison service in great Britain and America under the conditions of prison reform" is devoted directly to the experience of the first chaplains in the first progressive prison systems named Pennsylvania and Auburn. S. A. Vasil'eva examines the Quaker approach to punishment, used mainly for spiritual transformation of the penitent offender (sinner) in the context of penitential (penitentiary) conclusion (Vasil'eva, S. A. 2015). However, supporters of this approach almost immediately found religious and political opponents, caused a lot of controversial assessments. Alternative practices have led to the gradual nationalization of the penitentiary system and its secularization. Religion has turned from a driving force of prison modernization into an ally of educational programs of correction and resocialization of offenders. At this stage, the clergy were entrusted with a mission clearly limited by the prison's internal regulations.

The third chapter, "The prison service as a role model for the European national reform: reception of the Anglo-American experience" is devoted to the introduction of Anglo-American penal practices, multiple modes of reproduction and adaptation of these regimes under confessional features of European countries and the Russian Empire. For example, at the stage of origin and legal regulation of the first Russian organizations of prison custody, they have qualitative differences from American

and European prototypes. The author explains this by a number of reasons that lie both in the peculiarities of the Russian political system and in the differences of the Russian civil society.

The results of this work are summarized and presented in the conclusion of the monograph. They are reliable and full-fledged. A careful reading of the monograph leads to the conclusion that the author, at least, managed at a high professional level to summarize the material about the early prison service practices in the pre-reform period; to analyze the origins of missionary work as an understanding of Christian duty and love for one's neighbor; to pay attention to the significant moments of the religious and moral content of the rhetoric and practice of European prison reforms. The theoretical, methodological and practical foundations in the formation of prison service traditions in Protestant societies of Great Britain and the United States, as well as the adoption of ready-made models of cooperation between religious organizations and the State in the field of execution of criminal penalties is consistently considered.

The monograph of S. A. Vasil'eva is quite interesting and significant scientific work prepared by the author on topical issues at the intersection of the history of State and law and social history. In addition, the topic chosen by the author is of great interest for comparative law, intellectual and cultural history, history of the Christian Church and penitentiary history. Using methodological tools and principles of "new cultural and intellectual history" the author presented an original vision of prison service mission in the Protestant tradition. The study of the past allowed S. A. Vasil'eva to draw a number of scientific conclusions. One of them is that "the new social form" – the prison system in Protestant societies is built around the true religious concepts of mercy, repentance, redemption and conversion (Vasil'eva, S. A. 2019). S. A. Vasil'eva also emphasizes that "the search for state reformers and the ways of preachers converge on the image of the prison pastor-

chaplain, designed to represent the union of Church and the State in the changing paradigm of criminal punishment” (Vasil’eva, S. A. 2019). Subsequently, according to the author, the introduction of Anglo-American penitentiary models, their repeated copying and gradual distancing from the religious principles of the puritans, which were the primary theoretical and methodological basis of imprisonment, revealed the controversial effectiveness. Without adapting borrowed models to the socio-cultural realities of a particular country, even the most successful experience can lead to the opposite results. Unconventional conclusion of the author, confirming the hypothesis about the dominant influence of the Christian worldview on the formation process of the penal system in England in the XVIII century, which, in turn, makes adjustments to the existing concept of a unified understanding of the secular nature of European legal reforms (Vasil’eva, S. A. & Erlikhson, I. M. 2018).

At the same time, I would like to express my opinions on some of the estimates set out in the monograph. The paper notes that “at the beginning of the XIX century, Russian civil society in comparison with Western European and, especially, American, was a “foolish baby”. It could not be possible to delegate managerial powers to it, especially in such a traditionally state sphere as the execution of punishments, in Russian conditions. However, it seemed at that time a successful solution to shift some penitentiary tasks, which the state itself could not cope with, to the public trusteeship organizations “ (Vasil’eva, S. A. 2019). We believe that this is not entirely true. The history of the Russian Empire, of course, has always been primarily the history of Russian statehood, a demonstration of power and influence of authoritarian power, the State dominated in the social and economic spheres, prevailed in the hierarchy of values of Russians, was the supreme arbiter and guarantor of rights and obligations (Tarasov, O. A. & Vasil’eva, S. A. 2010, p. 77). Although in this context, the delegation of administrative

powers to the Russian Orthodox Church in the field of execution of criminal penalties (according to the experience of Anglo-American models) was out of the question, the Church became a full spiritual partner of the reformed penitentiary system. There are also facts of independent philanthropic initiatives of the Russian nobility and clergy on the organization of prison guardianship, which, on the contrary, met obstacles from the state and the bureaucracy. At the same time, I would like to once again draw attention to the difficult topic for research and the complexity of the stated tasks. Discussions around these issues, in particular about the influence of religion on convicts correction, the specifics of the spiritual guidance of an unusual flock, the mechanisms of cooperation between Church and the State in the penitentiary sphere are far from being finished. Despite the advantages of the proposed monograph, the author should be invited to continue the consideration of the socio-cultural context of penitentiary reforms of the XIX century and applied problems of the history of Church prison service organization.

The undoubted advantage of this publication is the appendix, which presents detailed pointers: nominal, religious studies, thematic and chronological, as well as excerpts of normative documents in the original language in translation by S. A. Vasil’eva. Attention is drawn to a serious bibliographic list of sources and literature. Selection of illustrations in the text enriches the content and expands the potential circle of readers of the scientific publication. Thus, a monographic study of Svetlana Vasil’eva is possible to recognize new significant scientific achievement, which is original, independent and credible. The publication is aimed at a wide range of readers: specialists, students and practitioners of the Federal penitentiary service of Russia, clergy, and, of course, can be useful not only to historians, legal theorists and specialists of the penal system, but also to anyone interested in the problems of penitentiary reforms and social history in general.

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