

INTERNATIONAL STANDARDS FOR THE TREATMENT OF PRISONERS IN THE PENAL SYSTEM

NORMAS INTERNACIONAIS PARA O TRATAMENTO DE PRESOS NO SISTEMA PENAL

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Abstract: The aim of the study was to develop recommendations for improving international standards for the treatment of prisoners, and their implementation in international and national legislation. The following methods were used in the research: anamnestic method; descriptive analysis; forecasting method. The Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules are the background and the main reference point for pursuing a human-centred penal policy at the national level in individual states. They combine the justice of punishment and humane treatment of prisoners, and are aimed at their resocialization and correction of these people. The main directions for improving the standards for the treatment of prisoners in the penal system are: health care, living standards in prison, ensuring the prisoner's full and timely access to information, guaranteeing the fundamental rights of prisoners, communication with the outer world. The main directions of the national penal policy are cooperation in the field of standardization of the treatment of prisoners, implementation and application of international standards in this area, and adaptation of the current legislation of individual states to international rules for the treatment of prisoners. These recommendations give grounds to propose making changes to international and national regulatory acts. The research opens up prospects for further search for an effective solution to problematic aspects in this area, in particular, guaranteeing the rights, freedoms and legitimate interests of prisoners to the maximum possible extent in the context of prisons.

Keywords: Prisoner. International principles. Standard rules. Human rights. Penal policy. Enforcement of sentences.

Resumo: O objetivo do estudo era desenvolver recomendações para melhorar os padrões internacionais para o tratamento de prisioneiros e sua implementação na legislação penal internacional e nacional. Os seguintes métodos foram utilizados na pesquisa: método anamnóstico; Análise descritiva; método de previsão. As Regras Mínimas para o Tratamento de Presos e as Regras Prisionais Europeias são o pano de fundo e o principal ponto de referência para a prossecução de uma política penal centrada no ser humano a nível nacional em cada estado. Eles combinam a justiça da punição e o tratamento humano dos presos, e visam a sua ressocialização e correção dessas pessoas. As principais orientações para melhorar os

padrões de tratamento dos presos no sistema penal são: assistência médica, qualidade de vida na prisão, garantia do acesso pleno e oportuno do preso à informação, garantia dos direitos fundamentais dos presos, comunicação com o mundo exterior. As principais direções da política penal nacional são a cooperação no campo da padronização do tratamento de prisioneiros, implementação e aplicação de padrões internacionais nesta área e adaptação da legislação atual de cada estado às regras internacionais para o tratamento de prisioneiros. Estas recomendações fundamentam a proposta de alteração dos atos normativos internacionais e nacionais. A pesquisa abre perspectivas para aprofundamento da busca de uma solução efetiva para aspectos problemáticos nesta área, em especial, garantindo os direitos, liberdades e interesses legítimos dos presos ao máximo possível no contexto das prisões.

Palavras-chave: Preso. Princípios internacionais. Normas normativas. Direitos humanos. Política penal. Execução de penas.

1. Introduction

Guarantee human rights, freedoms and legitimate interests is one of the priority tasks of the national state policy of each individual state and the international community as a whole. This applies to all spheres of life and every person without exception, including pre-trial detention or serving a sentence imposed by the court (Rouhi et al., 2017). Although the rights, freedoms and legitimate interests of prisoners and law-abiding people do not differ, there are certain standards for their treatment enshrined in the relevant international and national legal acts (Kleinig, 2014). These include among which the Standard Minimum Rules for the Treatment of Prisoners (UN) and the European Prison Rules (EU).

In the human-centred justice, which is based on the implementation of state policy in the interests of a person (American Senior Communities, 2018), the prisoners' rights and freedoms, although significantly limited, are the basis of standards for their treatment. The minimum standards for the treatment of prisoners in the process of enforcement of sentences were developed to ensure the practical implementation of such a policy in the field of justice (McCall-Smith, 2016).

In view of the foregoing, the aim of this study was to develop recommendations for improving international standards for the treatment of prisoners, and their implementation in international and national penal legislation. The aim involved the fulfilment of the following research objectives:

- analyse and compare international legal acts in the field of the treatment of prisoners;
- describe the basic rules for the treatment of prisoners in the system of enforcement of sentences;
- study the ECHR case law on violations of the rights of prisoners.

2. Literature Review

The importance and necessity of establishing special norms for the treatment of prisoners is confirmed not only by the special international and national regulations, but also by the number of studies in this area. The essence of the minimum standard rules for the treatment of prisoners is studied both in the form of their brief summary (Gruevska Drakulevski, 2017) and from the perspective of their origin and definition of the essence (Constantinescu, 2017). Attention is paid both to certain practical aspects of the implementation of these standards, for example, through the human rights approach (Coyle & Fair, 2018), as well as the attitude to such rules and the assessment of their compliance from the perspective of prisoners themselves (Naylor, 2014). Some researchers even call the combination (attempted combination) of criminal law from the standpoint of its implementation in the form of deprivation of liberty (imprisonment), on the one hand, while guaranteeing human rights in the penal system, on the other, paradoxical (Tulkens, 2011).

Attention is also paid to certain aspects of the observance of the rights of prisoners, in particular, the gender approach to female prisoners in the penal system (Barberet & Jackson, 2017), as well as the analysis of the rights of prisoners to health care (Cheung, 2019), including measures against the spread of dangerous diseases among prisoners (HCV and others) (Stöver, et al, 2019). The minimum standards (rules) for the treatment of prisoners in individual countries (in England and Wales (Padfield, 2018), Canada (Prais, 2020), Australia (Naylor, 2015), Ghana (Golo, 2022) and others) and regions of the world (Europe (Council of Europe Publishing, 2006)) are studied separately. The difficulties of implementing the standards for the treatment of prisoners into the national legislation and practice of individual countries are studied. Attempts are being made to develop a prison management mechanism that takes into account the obligation to respect human rights (Tiwari, 2013). The ECHR case law in this area is studied in order to improve the penal system in terms of a humane approach to prisoners (Puleo, 2020).

Considerable attention is paid to the issue of modernizing the minimum standards for the treatment of prisoners in the penal system in order to bring them into line with the modern requirements of the penal system in a modern society (Tiroch, 2016). This direction of research in the field of enforcement of penalties is the most important and promising, especially in case of a critical approach to the analysis of already existing rules and standards, as well as the identification of gaps and shortcomings (Debeljak, 2015). This determines the importance and relevance of this area of research.

It should be noted that some issues regarding the observance of the rights of prisoners in the enforcement of sentences ordered by the court remain open. These include, in particular:

- failure to observe the rights of persons deprived of liberty, which are enshrined in regulatory legal acts of different levels;
- violations of health care standards in prisons;
- failure to ensure proper conditions of detention of prisoners in places of detention;
- insufficient number of incentive measures and conditions for their implementation, which would stimulate prisoners to law-abiding behaviour in places of detention.

3. Methodology

This study was carried out in a clear sequence, following the stages of studying the problem, based on the logic of the presentation of the material, with the aim of achieving the aim set in the article and fulfilling the defined objectives. These stages were:

- formulating the topic and determining the scope of the research;
- search and selection of literature and references;
- selection and study of empirical data;
- analysis of the material presented in the selected sources and evaluation of the results of these studies;
- identification of unresolved problems related to the observance of international standards for the treatment of prisoners during enforcement of sentences;
- determining the aim of the article;
- drawing conclusions and providing practical recommendations for solving the problems selected for research;
- outlining the prospects for further research in the specified area.

This study used data on the European Court of Human Rights case law, namely the ECHR decisions on violations of the Convention and international standards for the treatment of prisoners over the past twenty years. The provisions of a number of international regulatory legal acts on the observance of the rights, freedoms and legitimate interests of prisoners were studied: the UN Standard Minimum Rules for the Treatment of Prisoners (1955), the UN Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules, 1982), European Prison Rules (1987, as amended in 2006), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1988), the UN Standard Minimum

Rules for Non-custodial Measures (The Tokyo Rules, 1990), the UN Rules for the Protection of Juveniles Deprived of their Liberty (1996).

The regulatory legal framework of the study was made up of the provisions of general international legal acts that define fundamental human rights and contain recommendations for ensuring their observance: the Universal Declaration of Human Rights (1948), the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987).

The following methods were used in this study in order to achieve the aim:

- *information analysis* was used to analyse information and draw conclusions on the modernization of international minimum standards for the treatment of prisoners in the penal system;
- *system approach* was used to analyse the conclusions on the need to implement the international standards for the treatment of prisoners in the system of enforcement of sentences into the national legislation;
- *anamnestic method* was used to collect data on international and national cooperation in the field of observing the rights, freedoms and legitimate interests of prisoners within the scope provided by the legislation;
- *descriptive analysis* was used to study the references within the scope of the study of ECHR decisions on cases related to the violation of standards for the treatment of prisoners during the enforcement of sentences;
- *forecasting method* was used to develop proposals and recommendations for improving the minimum international standards for the treatment of prisoners, and their implementation into the national legislation of individual countries.

4. Results

In the conditions of universalization and integration of countries, the development of international standards of certain social relations is one of the main directions of international policy. International standards for the treatment of prisoners are internationally defined and legislated principles and recommendations for the enforcement of sentences in the form of deprivation of liberty (imprisonment) in the penal system and the activities of specially

authorized bodies and institutions that enforce sentences ordered by the court, which relate to: rules for the treatment of persons deprived of liberty; rules for applying other non-custodial measures (Van Zyl Smit, 1997).

Such standards are stipulated, as mentioned above, in two main international documents — the Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN General Assembly on August 30, 1955, and the European Prison Rules (Recommendation Rec (2006) 2 of the Committee of Ministers to member States), adopted by the EU Committee of Ministers on January 11, 2006 at the 952nd meeting of Deputy Ministers. The fundamental standard rules for the treatment of prisoners in the penal system include impartiality, respect for honour and dignity, guaranteeing the right to medical care, ensuring conditions for the reintegration of a person, etc. (see Figure 1 for more details). In accordance with these rules, principles and recommendations are formulated and enshrined in the specified legal acts.

The essence of these principles is revealed in the provisions of the Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules. It should be noted that the structure and content of the provisions of the specified legal acts are almost identical, as the European Prison Rules actually derive from the Minimum Rules), but there are still some differences (see Table 1 for a detailed comparison of these documents).

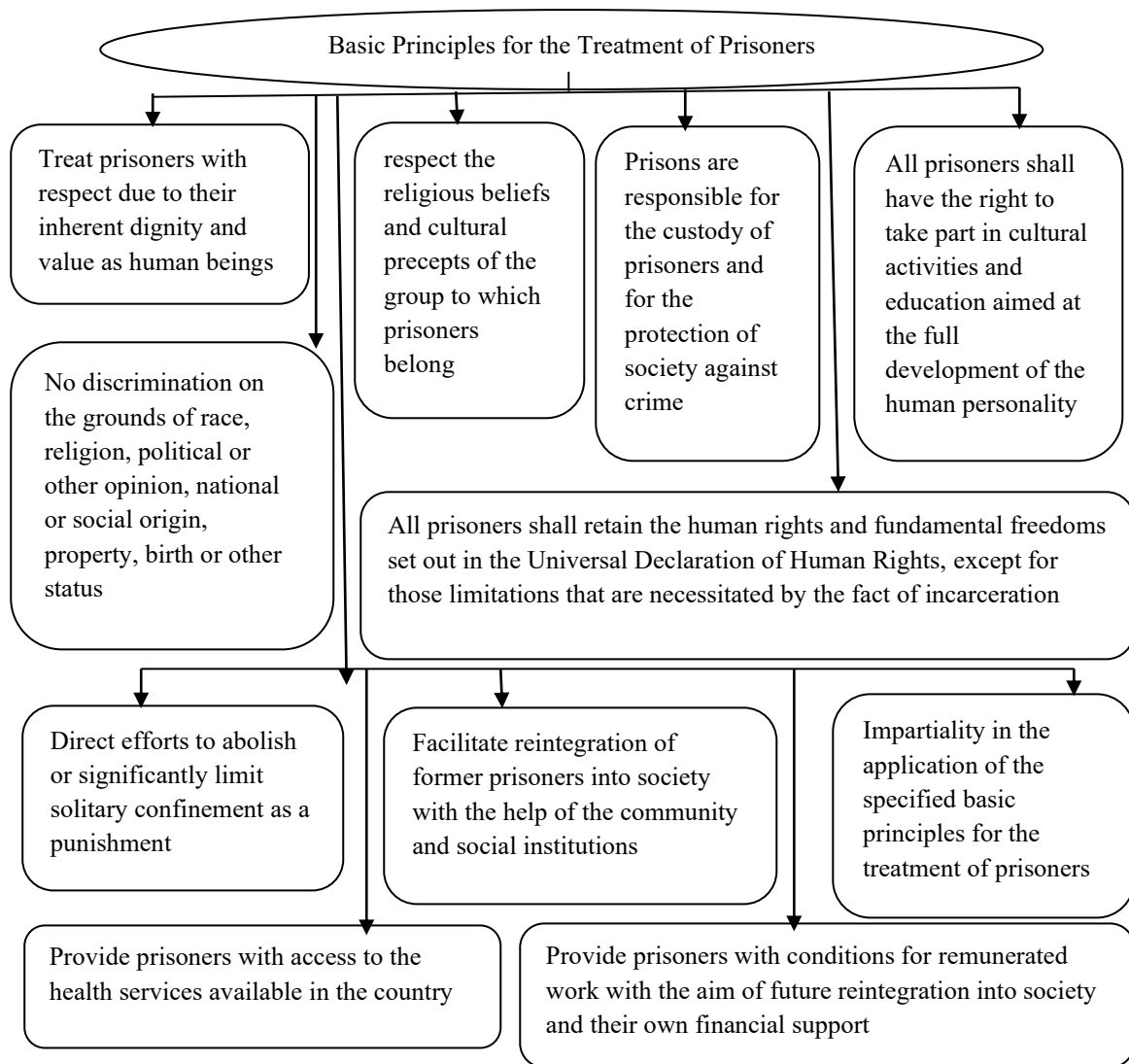


Figure 1. Basic Principles for the Treatment of Prisoners
Source: Universal Instrument, (1990).

Table 1. Comparison of the provisions of the Minimum Rules for the Treatment of Prisoners (UN) and the European Prison Rules (EU)

Standard Minimum Rules for the Treatment of Prisoners (UN)	European Prison Rules (EU)
Basic principle: impartiality, inadmissibility of discrimination, respect for religious beliefs and moral principles of prisoners belonging to a certain group (Article 6)	Basic principles: observance of human rights in relation to prisoners, retention of all their rights in accordance with the sentence, application of minimum necessary restrictions, adequate living conditions, promotion of future resocialization, encouragement of cooperation with social services and the public, requirements for personnel, inspection and monitoring of institutions (Articles 1-9)

Register (Article 7)	Reception: similar provisions (Articles 14-16)
Division of prisoners deterred in different institutions or in different parts of the same institution into categories, taking into account their gender, age, etc. (Article 8)	Women: consideration of special needs (Article 34)
	Imprisonment of minors (under 18 years): provision of special needs (Article 35)
	Infants: provision of accommodation with an incarcerated parent (Article 36)
	Foreign citizens: ensuring appropriate conditions of detention (Article 37)
	Ethnic and linguistic minorities: provision of special needs in detention (Article 38)
Premises (Articles 9-14)	Distribution and placement: distribution rules, placement conditions are defined; similar provisions (Articles 17-18)
	Hygiene: similar provisions (Article 19)
Personal hygiene (Articles 15-16)	Clothing and bedding: similar provisions (Articles 20-21)
Clothing and bedding: provision of personal clothing and bedding (Articles 17-19)	Food: established nutritional requirements and access to drinking water (Article 22)
Food (Article 20)	Physical exercises and recreation: provide measures to maintain the proper physical condition of prisoners, provide recreation and socialization of prisoners (Article 27)
Physical exercises and sports: in accordance with the age category (Article 21)	Medical care (Article 39)
	Organization of medical care in penal institutions (Article 40)
Medical care: ensuring the physical and mental health of prisoners, medical reports (Articles 22-26)	Medical and health care personnel (Article 41)
	Duties of the medical practitioner (Articles 42-43)
	Medical inspection (Article 44)
	Mental health (Article 45)
	Other issues (Article 46)
Discipline and punishment (Articles 27-32)	Discipline and punishment: similar provisions (Articles 56-62)
	Double jeopardy (Article 63)
	Use of force (Articles 64-67)
Instruments of restraint: handcuffs, chains, irons and strait-jackets shall be applied in exceptional circumstances (Articles 33-34)	Instruments of restraint: similar provisions (Article 68)
Information to and complaints by prisoners (Articles 35-36)	Information: similar provisions (Article 30)
Contact with the outside world: communication with families and friends, access to news (Articles 37-39)	Contacts with the outside world: the prisoner's ability to communicate by mail, telephone and other means with relatives, control over this, participation in referenda and elections, access to the mass media, notification of transfer, etc. (Article 24)
	Article 28
Books: access to the library (Article 40)	Freedom of thought, conscience and religion: similar provisions (Article 29)
Religion: freedom of conscience (Articles 41-42)	

Retention of prisoners' property (Article 43)	Prisoners' property: similar provisions (Article 31)
Notification of death, illness, transfer, etc.: the director of the institutions shall inform the relative of these cases (Article 44)	N/a
Removal of prisoners (Article 45)	Transfer of prisoners: similar provisions (Article 32)
Institutional personnel (Articles 46-54)	Management and staff: more extended provisions (Articles 71-91)
Inspection - regular inspections of the institution (Article 55)	Inspection and monitoring: similar provisions (Articles 92-93)
Rules applicable to special categories: Prisoners under sentence (Articles 56-81), Insane and mentally abnormal prisoners (Articles 82-83), Prisoners under arrest or awaiting trial (Articles 84-93); Civil prisoners (Article 94); Persons arrested or detained without charge (Article 95)	Untried prisoners (Articles 94-101)
N/a	Legal advice (Article 23)
N/a	Work (Article 26)
N/a	Prison regime (Article 25)
N/a	Education (Article 28)
N/a	Release of prisoners (Article 33)
N/a	General approach to good order (Articles 49-50), Security (Article 51), Safety (Article 52), Special high security or safety measures (Article 53), Searching and controls (Article 54), Criminal acts (Article 55)
N/a	Weapons (Article 69)
N/a	Requests and complaints (Article 70)

So, most of the provisions of the specified legal acts coincide in their essence. But it is obvious that the European Prison Rules are more progressive and are aimed mainly at the correction of prisoners through work and mental activities. Their main idea is to influence the prisoner's views and beliefs by the staff without violating or excessively limiting his/her rights, freedoms and interests. Besides, individual rights of prisoners (for legal advice, for education, etc.) are presented more extensively, combined with greater responsibility of prison staff. All this will contribute to the faster resocialization (reintegration) of the convict in society after serving the sentence.

Organizations have been created at the international and national levels to supervise and control, as well as to promote the observance of the prisoners' rights in places of deprivation of liberty. These include the following international organizations: European Prison Education Association, Just Detention International, Penal Reform International, Association of Prison Lawyers (UK-based). The national ones include the Centre for Prisoners' Rights Japan (Japan);

American Correctional Association, ABA Resolution on Prison Oversight (2016), ACLU Prisoners' Rights: National Prison Project (USA); Ukrainian Helsinki Human Rights Union (Ukraine); Amnesty International (England) and others. Similar organizations exist in the vast majority of people-centred states.

Despite the detailed regulation of the rules for the treatment of prisoners regarding the observance of their rights, freedoms and legitimate interests, as well as the presence of both international and national organizations that monitor the observance of the rights of prisoners, violations in this area by specially authorized state bodies are quite frequent. This is evidenced by the number of ECHR decisions on the violation of the prisoners' rights and the rules for their treatment during the enforcement of sentences.

The analysed international legal acts, which determine the rules for the treatment of prisoners in the penal system, are primarily based on the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms of 1950. The following provisions of the Convention are applied during the enforcement of sentences: no one shall be subjected to torture or to inhuman or degrading treatment or punishment (Article 3); everyone has the right to liberty and security of person; no one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: the lawful detention of a person after conviction by a competent court (Article 5); everyone has the right to respect for his private and family life, his home and his correspondence (Article 8). The rights of prisoners and penal rules for their detention are violated under these and other provisions of the Convention (Articles 1, 2, 4, 6, 9, 10, 12, 13, 14). Table 2 presents a detailed list.

Table 2. The ECHR case law on the prisoners' rights

Violated provision and right	ECHR cases
Conditions of Reception and imprisonment (Articles 3, 5, 8 of the imprisonment)	Norman v. the United Kingdom, 2021; Mozer v. the Republic of Moldova and Russia; Union Européenne Des Droits de L'Homme and Josephides v. Turkey; Svershov v. Ukraine, 2008, Stoichkov v. Bulgaria, 2005;
Accommodation	Fraile Iturralde v. Spain (dec.), 2019; Labaca Larrea and Others v. France (dec.), 2017; Bamouhammad v. Belgium, 2015, Serce v. Romania, 2015,; Vintman v. Ukraine, 2014,
Living conditions	Lautaru and Seed v. Greece, 2020,; Muršić v. Croatia [GC], 2016,; Varga and Others v. Hungary, 2015,; Ananyev and Others v. Russia, 2012,;

		Orchowski v. Poland, 2009, Biržietis v. Lithuania, 2016;; Neshkov and Others v. Bulgaria, 2015;; Szafranski v. Poland, 2015;; Lonić v. Croatia, 2014;; Yankov v. Bulgaria, 2003,
	Hygiene	
	Clothing and bedding	and Giszczak v. Poland, 2011;; Nazarenko v. Ukraine, 2003,
	Food	Erlich and Kastro v. Romania, 2020; Ebedin Abi v. Turkey, 2018;; S.F. and Others v. Bulgaria, 2017;; Stepuleac v. Moldova, 2007;; Kadiķis v. Latvia (no. 2), 2006,
	Physical exercises and rest	Muršić v. Croatia [GC], 2016;; Tunis v. Estonia, 2013;; Bollan v. the United Kingdom (dec.), 2000
	Searches and control	Roth v. Germany, 2020;; Dejnek v. Poland, 2017;; Wainwright v. the United Kingdom, 2006;; Van der Graaf v. the Netherlands (dec.), 2004; Van der Ven v. the Netherlands, 2003,
	Transportation of prisoners	Jatsõšõn v. Estonia, 2018;; Voicu v. Romania, 2014;; Engel v. Hungary, 2010;; Yakovenko v. Ukraine, 2007,
Communication with the outside world (Articles 8, 10, 12 of the Convention)	Family contacts and visits	Chocholáč v. Slovakia, 2022;; Lesław Wójcik v. Poland, 2021;; Guimon v. France, 2019;; Dickson v. the United Kingdom [GC], 2007;; Lorsé and Others v. the Netherlands, 2003,
	The right to marry	Chernetskiy v. Ukraine, 2016;; Frasik v. Poland, 2010,)
	Protection of different communication methods	Nuh Uzun and Others v. Turkey, 2022; n Bădulescu v. Portugal, 2020;; Davison v. the United Kingdom (dec.), 2010; Onoufriou v. Cyprus, 2010;; Enea v. Italy [GC], 2009,
Health care in prison (Articles 2, 3, 8 of the Convention)	Basic principles (Article 3 of the Convention)	Frâncu v. Romania, 2020; (Krivolapov v. Ukraine, 2018; (Goginashvili v. Georgia, 2011; Wenerski v. Poland, 2009; Szuluk v. the United Kingdom, 2009;
	Physical illnesses, disability, old age	Cosovan v. the Republic of Moldova, 2022; Potoroc v. Romania, 2020; Helhal v. France, 2015; Grimailovs v. Latvia, 2013; D.G. v. Poland, 2013,
	Infectious diseases	Fenech v. Malta, 2022; Cătălin Eugen Micu v. Romania, 2016; Martzaklis and Others v. Greece, 2015;

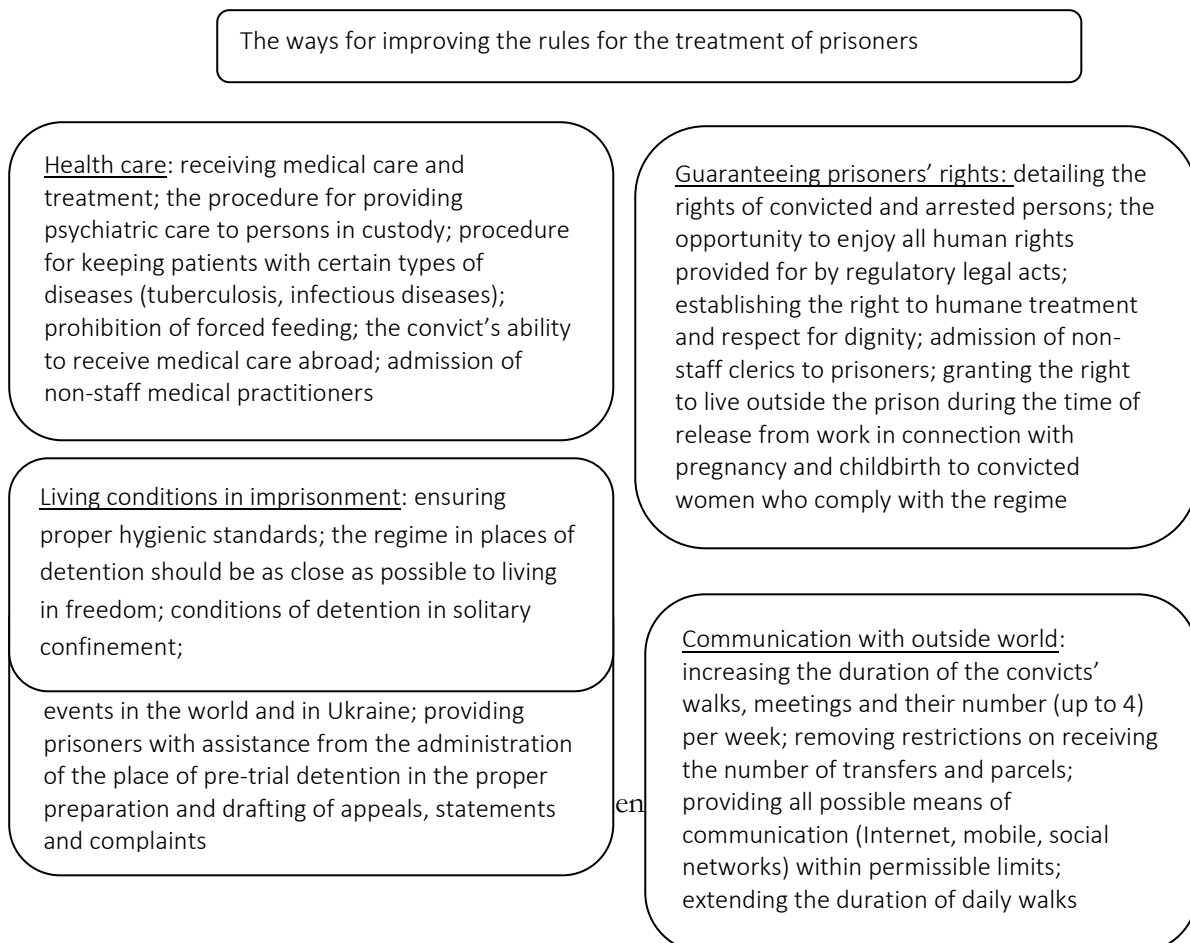
			Ghavitadze v. Georgia, 2009; Shelley v. the United Kingdom (dec.), 2008
	Mental health care		Sy v. Italy, 2022; Venken and Others v. Belgium, 2021; Rooman v. Belgium [GC], 2019; Ilnseher v. Germany [GC], 2018; Kadusic v. Switzerland, 2018; Murray v. the Netherlands [GC], 2016
	Drug addiction		Patsaki and Others v. Greece, 2019; Wenner v. Germany, 2016; Marro and Others v. Italy (dec.), 2014; McGlinchey and Others v. the United Kingdom, 2003
Ensuring order in the prison (Articles 3, 6, 8 of the Convention)	Use of force		(Kukhalashvili and others v. Georgia, 2020; Shuriyya Zeynalov v. Azerbaijan, 2020; Ostroveņecs v. Latvia, 2017; Bouyid v. Belgium [GC], 2015; Tali v. Estonia, 2014
	Inhuman and degrading treatment		Aggerholm v. Denmark, 2020; Korneykova and Korneykov v. Ukraine, 2016; (Duval v. France, 2011; Ciorap v. Moldova, 2007
	Disciplinary measures and punishments		Boulois v. Luxembourg [GC], 2012; Stegarescu and Bahrin v. Portugal, 2010, §§ 35-39; Enea v. Italy [GC], 2009; Renolde v. France, 2008; Ezeh and Connors v. the United Kingdom, [GC], 2003
	Violence among prisoners		Gjini v. Serbia, 2019; Yuri Illarionovitch Shchokin v. Ukraine, 2013; D.F. v. Latvia, 2013; Stasi v. France, 2011
Special protection and security measures (Articles 3, 8 of the Convention)	Special prison regime		Maslák v. Slovakia (no. 2), 2022; Epure v. Romania, 2021; Provenzano v. Italy, 2018; Karwowski v. Poland, 2016; Enea v. Italy [GC], 2009
	Solitary confinement		Jeanty v. Belgium, 2020; Peñaranda Soto v. Malta, 2017; Rzakhanov v. Azerbaijan, 2013; Ramirez Sanchez v. France [GC], 2006; Rohde v. Denmark, 2005
Special categories of prisoners (Articles 3, 8 of the Convention)	Women with minor children		G.B. and Others v. Turkey, 2019; S.F. and Others v. Bulgaria, 2017; Kuparadze v. Georgia, 2017; (Korneykova and Korneykov v. Ukraine, 2016; Kanagaratnam v. Belgium, 2011; Koşti and Others v. Turkey, 2007
	Foreigners and national minorities		Rooman v. Belgium [GC], 2019; Labaca Larrea and Others v. France (dec.), 2017;

Life prisoners	A.H. and J.K. v. Cyprus, 2015; Ladent v. Poland, 2008 Marcello Viola v. Italy (no. 2), 2019; Boltan v. Turkey, 2019; Hutchinson v. the United Kingdom [GC], 2017; Murray v. the Netherlands [GC], 2016; Bodein v. France, 2014
Freedom of thought, conscience and religion (Article 9 of the Convention)	Abdullah Yalçın v. Turkey (no. 2),* 2022; Mariş v. Romania (dec.), 2020; Mockutė v. Lithuania, 2018; Moroz v. Ukraine, 2017; Kovaļkova v. Latvia (dec.), 2012
Freedom of expression (Article 10 of the Convention)	Mehmet Çiftçi and Suat İncedere v. Turkey, 2022; n Zayidov v. Azerbaijan (no. 2), 2022; Mirgadirov v. Azerbaijan and Turkey, 2020; Bidart v. France, 2015; Donaldson v. the United Kingdom, 2011
Work in prison (Article 4 of the Convention)	Sili v. Ukraine, 2021; Meier v. Switzerland, 2016; Gorgiev v. the former Yugoslav Republic of Macedonia, 2012; Stummer v. Austria [GC], 2011; Puzinas v. Lithuania (dec.), 2005
Prisoners' property (Article 1)	Michał Korgul v. Poland, 2017; Laduna v. Slovakia, 2011; Tendam v. Spain, 2010
Education (Article 2)	Uzun v. Turkey (dec.), 2020; Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, 2019; Koureas and Others v. Greece, 2018; Matiošaitis and Others v. Lithuania, 2017; Velyo Velev v. Bulgaria, 2014
Right to vote (Article 3)	Murat Vural v. Turkey, 2014; Scoppola v. Italy (no. 3) [GC], 2012; Frodl v. Austria, 2010; Greens and M.T. v. the United Kingdom, 2010; Hirst v. the United Kingdom (no. 2) [GC], 2005
Prohibition of discrimination (Article 14)	Martzaklis and Others v. Greece, 2015; Gülay Çetin v. Turkey, 2013; Varnas v. Lithuania, 2013; Stummer v. Austria [GC], 2011; Clift v. the United Kingdom, 2010
The right to legal advice (Article 13)	Kargakis v. Greece, 2021; Barbotin v. France, 2020; J.M.B. and Others v. France, 2020, § 167; Draniceru v. the Republic of Moldova (dec.), 2019; Stella and Others v. Italy, 2014

Source: Council of Europe, (2022).

So, the basic standards for the treatment of prisoners require improvement in accordance with modern requirements despite a rather detailed description both at the global level on the basis of the United Nations and at the level of the European Union, as well as in separate international legal acts of general legal significance. Priority general directions include guaranteeing the rights and freedoms of a person sentenced to deprivation of liberty in the penal system; improving the effectiveness of the enforcement agencies in terms of compliance with the Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules. Among the main specific areas of improvement of the standard rules for the treatment of prisoners in the penal system, it is proposed to improve the provisions on the observance of basic rights and freedoms, taking into account the sentence passed; on health care; the on living standards; on the communication with the outside world and full and timely access to information (see Figure 2).

The proposals made regarding the improvement of the basic standards and norms for the treatment of prisoners can be the grounds for making appropriate changes to the international legal acts studied above.



The Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules are the background and main guidelines for pursuing human-centred penal policies at the national level in individual states. In general, these rules combine the justice of punishment and humane treatment of prisoners, which are aimed at the resocialization and correction of these persons. Therefore, cooperation in the field of standardization of the treatment of prisoners should be the main direction of penal policy at the national level in the conditions of integration and universalization of legislation. Another direction is the maximum implementation of international standards in this area by means of legislating the conditions of treatment of prisoners and adaptation of the current legislation in the countries to international legal acts.

5. DISCUSSION

There is no doubt on the need to legislate standard rules for the treatment of prisoners at the international level, and consider them at the level of the national legislation of individual countries. Accordingly, there are a number of studies on the implementation of minimum standards for the treatment of prisoners in national legislation (for example, Canada (Prais, 2020), Norway (Midtlyng, 2022), Scotland (Brown et al., 2021) etc. The appropriateness of such steps is demonstrated by explaining the consistency and rationality of the European Prison Rules themselves from the perspective of the relevant principles and specific prescriptions of the European penal law (Kamber, (2020).

At the same time, the need to reform the current international legal acts that guarantee the rights and freedoms of prisoners and determine the rules of their imprisonment, both in general (Peirce, 2018), and in certain areas of its regulation, in particular in the field of health care (Rubenstein et al., 2016) is emphasized. In particular, penal and prison policies in Europe and the UN are being monitored as a source of creating an ideal prison (Cliquennois, & Snacken, 2018). The issue of such new directions of guaranteeing the rights of prisoners, on the one hand, and the possibility of implementing penal policy more effectively by the penal authorities through digitalization in prisons is also studied (Knight, & Van De Steene²⁰²⁰). The economic efficiency of the development of the penal system as a whole is also evaluated by comparing relevant data for individual European countries (Kruze, & Priede, 2020).

It should also be emphasized that research in the field of improvement of standard rules for the treatment of prisoners and implementation of relevant norms in the national penal

legislation is somewhat one-sided. This is evidenced by the fact that the vast majority of studies in this area deal with the issues of ensuring the health care of prisoners in various aspects:

- the management of medical care in places of deprivation of liberty by providing recommendations on the implementation of independent medical care in correctional institutions (Pont et al., 2018);
- the state and status of prison health services and their condition (using the example of England) (Piper, et al., 2019);
- application of the WHO health care concept as a basis for evaluating the effectiveness of the health care system in prisons (Da Costa et al., 2022), and others.

But the conducted research evidenced that improving the standards for the treatment of prisoners is not reduced to health care issues. Therefore, careful research and improvement of other prison rules are needed.

6. CONCLUSIONS

The Standard Minimum Rules for the Treatment of Prisoners and the European Prison Rules are the foundations and the main guidelines for human-centred penal policies at the national level in individual states, which combine the justice of punishment and humane treatment of prisoners aimed at the resocialization and correction of these persons. The main directions for improving the standards for the treatment of prisoners in the penal system include health care, living standards in prison, ensuring the prisoner's full and timely access to information, guaranteeing the prisoners' fundamental rights, communication with the outside world. At the national level, the main directions of penal policy should be cooperation in the field of standardization of the treatment of prisoners, legislating human-centred international standards in this area and their implementation at the national level, and adaptation of the current legislation of individual states to international regulatory legal acts regarding the establishment of rules for the treatment of prisoners.

On the basis of these recommendations, it is proposed to make changes to international and national regulatory legal acts which establish minimum standards for the treatment of prisoners, and to ensure their implementation in the penal system.

This study opens up prospects for further research for the most effective solutions to problematic aspects in this area, in particular, guaranteeing the rights, freedoms and legitimate interests of prisoners to the maximum possible extent in the context of prisons.

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