

Legal Regulation Features of Convicted Persons Correction and Resocialization in Foreign Countries

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Abstract

The article is devoted to modern experience analysis of convict's correction and resocialization legislative regulation issues in foreign countries. The purpose of the study is to analyze current regulations and provisions of comprehensive rehabilitation programs content for convicts to find optimal model for international experience implementation in Ukrainian legal system. The achievement of this goal was facilitated by the use of general scientific and special legal methods of scientific knowledge, in particular: comparative-legal, dialectical, formal-logical, systemic, etc. In the course of the study, the general array of regulatory legal acts was analyzed on common grounds within geographic regions, the norms for the correction and resocialization of convicts, the legislative framework for the use of integrated programs were considered, and their own conclusions were established on adapting the penitentiary legislation of Ukraine in accordance with the best practices of different countries.

Keywords: Correction and Resocialization, Foreign Experience, Rehabilitation, Social Adaptation, Correction and Resocialization Programs, Recidivism

Introduction

Correction and re-socialization of convicted is the leading task of the most countries penitentiary systems. Research of foreign experience and application of comparative legal methods contributes to harmonization and improvement of criminal executive legislation of Ukraine, ensures cooperation between states in fight against crime. Some aspects of foreign experience in convicts correction and re-socialization at different times were studied by: A. F. Zelinsky (1980) regarding the recurrence of crimes; T. A. Denysova (2019) as for punitive and educational influence on repeatedly convicted persons, punishment

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and its functions, G. O. Radov (1997) concerning pedagogical bases of crimes resocialization; A. M. Bandurka, T. A. Denysova and V. M. Trubnykov (2002) about social adaptation of those released from punishment; V. A. Badyra (2005) on correction and re-socialization of women sentenced to imprisonment; V. M. Dryomyn (2010) on theories of crime and criminalization of society; the team of monograph authors with general edition of A. H. Stepaniuk (2011) on the means of convicts correction; V. S. Batygareeva (2005) on criminological principles of recidivism prevention; O. V. Tavolzhansky (2015) concerning social and educational work with convicts; O. V. Krasnokutsky (2019) concerning social and educational work with convicts; I. S. Chalyi (2021) concerning social rehabilitation of convicts and etc. However, general dynamics of transformation forces to constantly update information and propose new concepts of Ukrainian legislation modernization (Tacij et al., 2014).

V. N. Dodonov (2009) concludes that correction (re-education) as a goal is provided in criminal or criminal-executive legislation of the Commonwealth of Independent States (except Georgia), Bulgaria, Vietnam, Guatemala, Spain, Italy, People's Republic of China, Cuba, Laos, Lithuania, Nicaragua, Poland, Romania and El Salvador. At the same time, re-socialization of convicts is defined as the main goal of penitentiary system in Bolivia, Bosnia and Herzegovina, Vietnam, Guatemala, Georgia, Spain, Colombia, Paraguay, Panama, Peru, Portugal, Puerto Rico and El Salvador (Dodonov, 2009). In the framework of previous study of convict's treatment international standards, the basic concepts were identified that correspond to the domestic correction and resocialization in terms of content, namely: "rehabilitation", "treatment" and "reintegration".

State dictionary of criminal enforcement law defines rehabilitation of a convict rehabilitation as convict's rehabilitation in the social status of a full member of society, by: a) renewal of rights; b) rehabilitation of person's reputation who has been innocently repressed or has been wrongfully prosecuted (Lapkin et al., 2019). According to "Merriam-Webster" dictionary (2021), "rehabilitation" is defined as the process of rehabilitation someone (such as a criminal) as a useful and necessary element of society, "treatment" according to one of the given definitions is a pattern of actions intended to reward, encourage or persuade. The Oxford University Dictionary of Law defines "rehabilitation" as a set of measures aimed at improving character or behavior of offender. The term "rehabilitation" is widely used in the legislation of European countries and the United States, and etymologically comes from the Latin "rehabilitatio", which means recovery/rehabilitation. The purpose of this study is a comparative analysis and review of existing laws, norms and regulations, the content of programs for

the comprehensive rehabilitation of convicts in order to find the optimal model for introducing international experience into the Ukrainian legal system.

Materials and Methods

The methodology of the criminal executive law science covers a significant group of general scientific methods: analysis and synthesis, induction and deduction, analogy and comparison, system-structural method, convergence from abstract to concrete, etc. (Denysov, 2020). The analysis of the processes of change, development and interaction of the studied objects from the point of view of the struggle of opposites takes place with the help of dialectics. The mentioned method is used to study relationship and interdependence of legal phenomena, generalizations and analysis of definitions. Application of the systematic approach (Sapargaliyeva et al., 2015) is considered appropriate, because convicts' correction and re-socialization cover different stages of criminal punishment, interdependent with aspects of public administration, psychology, pedagogy, international relations and a number of other areas, and their separate understanding can distort results. An important stage of scientific research is application of formal-logical (dogmatic) method. It is considered expedient to use this method by interpreting normative content of foreign regulations provisions, formulating definitions of certain concepts.

Sociological method allows to consider criminal law categories as a social phenomenon, and norms of criminal and criminal executive law – as a kind of social norms. A criminological approach allows to determine effectiveness of convict correction and resocialization and predict possible changes in legislation and trends in case law in the analyzed area (Kravchenko, 2022). The study of convict's correction and resocialization using method of comparison was conducted in the form of studying and comparing different legal arrays and systems with each other and with the norms of international law.

Results and Discussion

For further study of foreign experience, it is advisable to group penitentiary systems of different countries according to their common features. P. V. Teplyashin (2019) points out that geographical area of their location is important for classification and typology of penitentiary systems, which reflects the specific features of theory, legislation and practice of convict's treatment, specific to the countries of a particular region. It necessary to group penitentiary systems of the world within such categories as:

1. European region countries;

2. the Commonwealth of Independent States countries (hereinafter – the CIS);
3. American region countries;
4. Asia-Pacific and African regions countries.

European Region Countries

The Dutch, German and French types of penitentiary systems are relatively similar and due to geographical features, have had a significant impact on almost all penitentiary systems in Europe, including its eastern part. A feature is the legal regulation, in particular, in the federal states of Germany there are local (for example, Bavarian law “On execution of imprisonment and measures of correction and security related to imprisonment”) (1976) or unified for several federal state’s criminal executive laws. A similar system is typical of Switzerland (Teplyashin, 2019). In 1973, the Federal Constitutional Court of Germany defined the re-socialization of convicts as the main goal of the penitentiary system. Four years later, this decision was codified in Article 2 of the German Penal Code, and in the relevant articles of federal codes (National Strategy for the Social..., 2019). Thus, in January 2015, Saar Region adopted the Law “Act on Outpatient Resocialization and Victim Assistance” (2015). General trend of current German legislation can be described as follows: as little punishment as possible, as much social assistance as possible (Tavolzhansky, 2015). Chapter 4 “De la rehabilitation” Criminal Executive Code of Republic of France (1990) is devoted to rehabilitation of convicts, but in the context of convict’s release from criminal liability. In article 131-3 and 131-37 contains the phrase “corrective punishment” (in French “les peines correctionnelles”) (1990). In accordance with Part 1 of Art. 37 of Swiss Criminal Code, punishment should have an educational effect on the convict and prepare him to return to life at large (Tavolzhansky, 2015). Criminal law (1881) contains neither provisions for re-socialization nor provisions for correction of convicts. However, the country has long had social programs that create conditions for re-socialization work with different categories of population.. Since 2000, the country has had a program of alternatives to imprisonment HALT (Het AL Ternatief). The overall effectiveness of program was noted at UN and recommended for use in other participating countries. Recidivism rate in Federal Republic of Germany – 35%, in France, the Netherlands, Switzerland – 40%. At the same time, more than 90% of sentences in the Netherlands and 75% of sentences in the Federal Republic of Germany are 12 months or less.

The Anglo-Irish type of penitentiary system (Ireland and the self-governing territories of Great Britain – England and Wales, Northern Ireland, Scotland) is closely linked to the common law system, which has significantly

influenced the development of these countries, including in the field of criminal punishment. To some extent, a feature of this type is the emphasis on measures of prevention, security, resocialization and social rehabilitation of perpetrators (Teplyashin, 2019). In the UK, along with the state, there is a developed network of non-governmental structures, which are controlled by the government and aim to develop specific rehabilitation programs, their implementation, provide social assistance, involve on a voluntary basis the necessary specialists to assist convicts. It is also worth noting effectiveness of the UK Probation Service, which today is significantly different from the situation in which it was a few decades ago. The relevant regulatory legal acts are the UK Rehabilitation of Offenders Act (1974), Criminal Justice Act (2003), Prison Rules (2007) and Sentencing Act (2007). Criminal Justice Act (2003) in p. 12, s. 1 determines reform and rehabilitation offenders as one of the main purposes of punishment, ch. 1 p. 9 of Sentencing Act (2007) dedicated to the direct operation of rehabilitation programs of minors, p. 10 and 11 of supplement 9 contain detailed provisions about rehabilitation of convicts with drug or alcohol addiction. In general, as of state of the 9th of February 2021 British Ministry of Justice accredited 35 rehabilitation programs for convicts. Rehabilitation programs are so popular that their lack of life imprisonment has led to Case of *Vinter and Others v. The United Kingdom* (2013) (Teplyashin, 2019).

Iberian (Spain, Portugal, Andorra) and southern European (Italy, Cyprus, Malta, San Marino) types of penitentiary systems also have their own characteristics. The legal regulation of execution and serving of criminal sentences is based on Criminal Codes of Portugal, Andorra, Kingdom of Spain, Italy, General Penitentiary Act of Kingdom of Spain (1979), decrees such as Royal Decree Penitentiary Regulation (1996), which approved the Prison Rules (2007). So, art. 27 (2) Constitution of the Italian Republic (1946) states that punishment may not consist in measures that run counter to humane feelings, and should be aimed at re-education (in Italian “Rieducazione”) of the convict (Surzik, 2022). It is interesting that in Italy, according to the law, a person sentenced to imprisonment has the right to spend part of the day outside penitentiary institution for work, study or other activities that promote resocialization (Tavolzhansky, 2015). In cl. 9 art. 83 Penal Code of the Spain (1930) also contains concept of social rehabilitation (in Spanish “rehabilitación social”), and in accordance with Art. 66 of the Law on the Fundamentals of Correctional Institutions for the Correction of Certain Groups of Prisoners in Penitentiary Centers, appropriate programs are organized (General Penitentiary..., 1979). In the penitentiary regulations of 1996 in various articles there are norms which contain mentions of the general correctional programs. (art. 73, 85, 164, 272, 273, 275) and individual correctional programs for convicts (art. 20, 81, 103, 106, 118, 132 and others). In

addition, Chapter 2 of Regulation is specifically dedicated to address correction programs (in Spanish. “programas de tratamiento”).

Scandinavian region (Finland, Sweden, Denmark, Norway, Iceland) reflects both geographical and historically determined legal and social separation of these countries. Cooperation between Execution of sentences is regulated by Norwegian Execution of Criminal Punishments Act, Danish Execution of Sentences Act, Finnish Prison Act, and Swedish the Prison Treatment Act (Teplyashin, 2019). The penitentiary system, as part of Sweden's criminal justice system, should “help reduce recidivism” (Tavolzhansky, 2015). The share of sentences is aimed at the use of “alternative” to imprisonment. Many comprehensive rehabilitation programs have been developed within Swedish penitentiaries. Some of them are unique, such as the 10-week yoga program (Teplyashin, 2019). The Scandinavian penitentiary system is unique and can confidently compete for place of the most advanced, most developed system in the world. According to experts, the occupancy rate of UK institutions, for example, is 109.8%. In general, penitentiary policy of countries of type is a clear example of departure from strategy of “war on crime” to “Harm reduction” strategy, that, as noted by Ya. I. Gilinsky and A. V. Rabosh (2013), is an awareness of traditional means ineffectiveness over crime control.

Baltic (Estonia, Latvia, Lithuania) and Eastern European types of penitentiary systems (Albania, Bulgaria, Bosnia and Herzegovina, Hungary, Greece, Kosovo, Macedonia, Poland, Romania, Serbia, Slovakia, Slovenia, Croatia), Montenegro, Czech Republic features due to significant direct or indirect influence of the USSR. It is characterized by a general lag in conditions of imprisonment from European penitentiary standards and regulations and a low level of trust in law enforcement agencies in general (Teplyashin, 2019). The terminology used in criminal law has remained similar to the CIS. Thus, art. 85 The Criminal Code of Bulgaria (1968) considers rehabilitation as a process of releasing a convict from criminal liability, and in Art. 36 states that the main purpose of punishment is correction and re-educating. The same practice is typical, for example, for Republic of Poland. In art. 72, 95-97 According to The Penal Code of the Republic of Poland (1997), rehabilitation is considered in the context of medical treatment. In p. 2, art. 10 concept of corrective measures is applied. Art. 60 of Criminal Code of the Republic of Albania (1995) also equates rehabilitation with medical measures, stating “...to be medicated or rehabilitated”. However, in art. 8 of Latvian Code of the Execution of Sentences (1970) states that the purpose is to ensure re-socialization. It should be noted that in Estonian Execution of Punishments Related to Isolation from Society Act the degree of correction is determined by quality of individual program execution and materials

of the convict's personal file (art. 16,17,76) (The Penal Code..., 1997). The General Directorate of Prisons of Albania, in cooperation with organizations such as Save the Children and UNICEF, is implementing the project "Support for Minors from the Juvenile Institute of Kawaii" (Kavaja) (Teplyashin, 2019). Part 1 of Art. 108 of the Criminal Code of Bosnia and Herzegovina (2003) enshrines the right of every person sentenced to imprisonment to work (Teplyashin, 2019). Attempts are being made to introduce the institution of restorative justice into penitentiary practice (Teplyashin, 2019). However, the occupancy rate of penitentiary institutions still remains high at 113.8%.

Commonwealth of Independent States

This group of penitentiary systems, despite Ukraine's withdrawal from a number of international agreements concluded within the CIS, is the closest to country due to common aspects of historical development and influence developed in 1996 by the Model Penal Code (1996). The purpose of punishment in most codes of the CIS coincides with the purpose specified in the model version.

Thus, in Russian Federation (RF) correction of convicts as a goal is provided in p. 1 art. 1 of Penal Code of the Russian Federation (1997) and in p. 2 art. 43 of Criminal Code of the Russian Federation (1996). Certain aspects of social adaptation, resocialization and rehabilitation of convicts are provided by Articles 24-26 of Law "On the basics of the crime prevention system in the Russian Federation" (2016). The general criteria of convict's correction in Russian Federation can be considered provided by p. 4 art. 79 of Penal Code of the Russian Federation (1996) requirements for parole, namely: the behavior of the convict; the convict's attitude to study and work; the convict's attitude to the committed act; the degree of compensation to the convicts for the damage caused. Penal Code of the Republic of Belarus (1999) in Part 2 of Art. 44 contains provisions on correction of a person as a purpose of punishment, duplicated in Part 1 of Art. 7 of the Penal Code of the Republic of Belarus (1999), Chapter 14 of the latter is devoted to the issue of educational impact on convicts. According to Belarusian Documentation Center, 84.9% of respondents sentenced to imprisonment need any social assistance after release. According to the National Statistical Committee of the Republic of Belarus, in the period 2012-2018 the number of registered criminal offenses decreased by 18.314 cases, or 17.9%.

The mechanism of providing post-penitentiary care in Republic of Belarus is regulated by Resolution of the Ministry of Internal Affairs of the Republic of Belarus, No. 15 (2014), in the Resolution of the Government of the Republic of Kyrgyz, No. 105 (2014) and an order of Ministry of Health care from 07.04.2014 No. 168. Kyrgyzstan and Kazakhstan became the first CIS countries to

adopt new penitentiary codes in line with current legal trends. In Kazakhstan, the corrective effect on convicts includes educational work, which is regulated in detail by the 20th chapter of the Penal Code of the Republic of Kazakhstan (2014). A psychologist is involved in the educational work with convicts, who provides psychological assistance (Penal Code..., 2014). An important achievement of Ministry of Justice of the Republic of Kyrgyz is development of individual projects and programs for re-socialization of convicts in accordance with “Procedure for probation and client registration”, approved by Resolution of the Government of the Republic of Kyrgyz, No. 666 (2018). In Kyrgyzstan, in accordance with Part 2 of art. 6 of Penal Code of the Republic of Kyrgyz (2017), the criteria for assessing the correction and re-socialization of convicts are law-abiding behavior, conscientious attitude to work and study, active participation in educational activities, as well as in re-socialization programs, implementation of reconciliation with victims, voluntary measures to compensate for harm or damage misdemeanor. Similar provisions are contained in Belarus, according to p. 3,4,5 art. 116 and p. 1,2 art. 117 Penal Code of the Republic of Belarus (1999) and in Russia, according to art. 79, 80, 93 of Penal Code of the Russian Federation (1996) and art. 113, 134, 172, 175 Penal Code of Russian Federation (1996), Kazakhstan – art. 95 Penal Code of the Republic of Kazakhstan (2014). Having studied the provisions of the Penal Code of the Republic of Azerbaijan on the Execution of Sentences (2000) on the execution of sentences Law of Georgia “Taking into custody”, it is worth to note that such criteria as remorse, measures taken to compensate for the damage caused by the crime, and others, are not properly taken into account when determining the level of correction.

In some countries, such as the Republic of Moldova, there is no disclosure of this concept, along with the mention of re-socialization or correction as a purpose of punishment or criminal-executive legislation. Example is cl. 2 art. 165 Executive Code of the Republic of Moldova (2004). Despite it, the Moldovan experience respects the rights and freedoms of penitentiaries in the temporarily occupied territories (Ivantsok and others v. Moldova and Russia, 2011). In Penal Code of the Republic of Armenia (2004), such a goal of punishment as social rehabilitation is not formally set, but in Art. 10 stipulates that “for the purpose of correction and social rehabilitation of the convict.” The Code contains a separate chapter 20, which regulates the issue of providing assistance to convicts released from punishment. Chapter 30 of Penal Code of the Republic of Uzbekistan (1997), Chapter 20 of Penal Code of the Republic of Azerbaijan on the Execution of Sentences (2000) and Chapter 26 of Criminal Code of the Republic of Belarus (1999) have the same name and content.

The CIS member states have a stable system of basic means of correction of convicts. Socially useful work occupies an important place in this system (Moldazhanova et al., 2019). In most of the countries, such as Azerbaijan, Armenia, Belarus, Kazakhstan, Tajikistan, there is a non-targeted one-time financial assistance to persons released from prisons, but in Republic of Uzbekistan, in accordance with Part 2 of Art. 172 one-time assistance is allocated directly for the purchase of clothing and footwear upon dismissal. General education and vocational training of convicts in the CIS member states also has similar beginnings (Ortynskyy et al., 2018).

In general, a number of important policy documents were adopted on the further development of criminal executive law in the CIS countries. These include Resolution of Government of Republic of Armenia “On approval of Criminal-Executive and Probation Spheres Development Strategy of Armenian Republic for 2019-2023” (2019), order of Decree of the President of the Republic of Azerbaijan on the approval of the “State Program for the Development of Azerbaijani Justice for 2019-2023” (2018), Development Strategy of the Executive (Penitentiary) “System of the Kyrgyz Republic for 2018-2023” (2018). Russian government has adopted a number of strategic documents with a deadline of 2030, which allows to see whether the interim results meet expectations and adjust further expectations in accordance with the forecast data. One of such documents is resolution of Concept for the development of the penal system of the Russian Federation for the period up to 2030 (2021).

American Region Countries

This region (USA, Canada, Mexico, Brazil, Argentina, Peru, etc.) has its own history of penitentiary system development due to geographical separation. The Penal Code of Brasilia (2021) contains a separate section 7, which regulates the issue of rehabilitation of convicts, although the concept of rehabilitation is rather applied in the sense of exemption from criminal liability. Thus art. 136 contains provisions on the impact on convict by means of correction and discipline (Penal Code of Brasilia, 2021). Section 18 of the United States Code (1926) in art. 4351-4353 contains provisions about existence of National Institute for Correction of Convicts (National Institute of Corrections). Part 4 of section 18 regulates correction of minors.

Canadian Criminal Code (1985) in cl. 2 art. 743.6 part 13 applies definition of rehabilitation in the context of principles governing the court. Similar provisions contain art. 15 part 1 etc. Correction as a term is also present, but is mostly disclosed in Corrections and Conditional Release Act (1992). According to art. 15.1 head of the institution must develop a plan of correctional plan in

agreement with the offender as soon as possible after his admission to the penitentiary (Corrections..., 1992). In general, the Canadian Correctional Service has developed a system of measures and programs to return convicts to society and reduce recidivism. Main types of programs: programs to prevent domestic violence; drug prevention programs; programs of self and self-emotions; educational programs; employment programs; juvenile delinquency prevention programs (Chalyi, 2021; Tymoshenko, 2022).

And although a number of scholars criticize effectiveness of correctional programs, study of foreign sources has allowed to consider some rehabilitation projects that have gained recognition in the United States. As example Reentry Housing Pilot Program (RHPP) and green light, implemented in Washington State and New York, respectively, which deal with housing problems and restoration of family ties of convicts. Interesting is experience of Silicon Valley technology companies, which launched a program called “Code 7370” at the nearby San Quentin Prison, where convicts have the opportunity to get an education and become experts in the field of programming after release. Even the highest estimated curricula cover less than 2% of the 1.5 million people currently serving sentences in the United States. The Delaware Life Skills Program is a unique combination of important skills. It lasts for 4 months and includes three components: education, violence reduction courses and applied life skills. The Minnesota’s Challenge Incarceration Program aimed at reintegrating convicts for nonviolent crimes and crimes against property. The “Detached Worker Program” deals with informational promotion of law-abiding lifestyles among children and adolescents involved in illegal activities due to difficult life circumstances. Recurrence prevention training “ARP” – Advanced Relapse Prevention is a group anti-drug therapy, which is conducted by professional psychologists. Another international program “Direct to Work” has reduced the number of recidivisms by 40 percent. In general, research by scientists indicates the negative impact of long-term imprisonment on ability of convicts to self-reflection, self-control and rehabilitation.

Countries of Asia-Pacific and African Regions

These regions contain the most diverse penitentiary systems among those discussed earlier. In some countries of the region, the main act of regulation is the religious norms of Quran, which significantly complicates their integration into global standards. According to Y. I. Gilinsky and A. V. Rabosh (2013), convicts in Southeast Asia, Latin America and Africa have the most unfavorable conditions in penitentiary institutions in the world. Considering the expediency of the study,

it is necessary to focus on the achievements of the advanced countries of the region (India, South Korea, China, Japan, South Africa and some others).

In Art. 376 of The Indian Penal Code (1860) there is a term rehabilitation, but in the context of providing medical measures. The main legal act regulating treatment of convicts in the Republic of Korea is the Administration and treatment of correctional institution inmates act (2007), in accordance with Art. 1 of which, among other things, the main task of country's penitentiary system is correction and rehabilitation of convicts. In art. 16 of Criminal Law of the People's Republic of China (1979) contains definition rehabilitation in the context of providing assistance to minors, meanwhile, art. 139 contains the term corrective measures, in general, their meaning is not disclosed. However, Prison Rules Republic of China (1994) in art. 70 indicates the correction bad habits of convicts, while in art. 4 uses the term reforming prisoners as one of the imprisonment tasks. Researchers point to individual standard rehabilitation programs in the country, such as mental treatment, drug treatment, and encouraging prisoners to develop financial and work skills. Community correctional offenders receive assistance in addressing relevant mental and behavioral problems and are reintegrated into society by specialized government agencies with the help of NGOs and volunteers, with more than 88% of those who participated in correctional programs in 2015 convicted.

Penal Code of Japan (1907) does not contain the concept of rehabilitation or correction at all, but in art. 28, provisions about reformation of convicts contains, used in the context of identifying positive changes in behavior. At the same time, rehabilitation issues are regulated by an Offenders Rehabilitation Act (2007), which aims to ensure proper treatment of offenders to prevent recidivism, cessation of offenses, assistance in adaptation as independent, healthy members of society, their improvement and rehabilitation. rehabilitation). Also, the Post-penitentiary Care Act enshrines functioning of dormitories, where convicts are given the opportunity to live temporarily.

The Australian Punishment Act also contains rehabilitation definition, indicating the purpose of deterrence punishment, rehabilitation, denunciation and community protection. Important from a terminological point of view is the Republics of South Africa (RSA) Justice and Correctional Services Act, in chapter 1 of which it is provided the definition of correction, which means provision of services and programs aimed at correcting negative behavior of convicted offenders in order to rehabilitate them, art. 13 contains provisions about rehabilitation and integration of inmates into the community, and art. 16 stipulates that the relevant department should provide programs and services for correction, development and care of convicts, even when the law does not explicitly require

it. Unfortunately, most of the African region is characterized by a low level of development of state institutions and problems with funding. South Africa is one of the leading countries, but in terms of the number of convicts per 100.000 population, it ranks first in Africa and 9th in the world. At the same time, 30% of convicts are still awaiting sentencing. In total, the country's correctional facilities accommodate 150 thousand people, although designed for 120 thousand, the overall level of “overcrowding” reaches 25%. It is worth noting the “Mossalaha” program in Kingdom of Morocco, the first phase of which took place between May and June 2017. The essence of the program is a gradual reintegration of persons convicted of terrorism or radicalism. A number of criminals were pardoned by the king to fulfill the program provisions. All of them have to pass 4 stages:

1. a course of observance of religious rules;
2. a course of increase of legal literacy;
3. a course of social and psychological work;
4. integration actions.

Conclusions

Thus, most countries of the world define correction and resocialization as the main goal of state influence on convict, each region due to geographical and historical features of development has its own achievements in this area. In order to increase the efficiency of the institution of correction and re-socialization of convicts in Ukraine, it is expedient to make some changes to the current legislation.

1. In the context of European integration processes, it is necessary to supplement provisions of the criminal executive legislation of Ukraine with the concept of “social rehabilitation”, which is inherent in international and foreign regulations and would combine all measures and actions aimed at prisoners for their social integration into society.

2. Considering that the correction and resocialization of convicts is determined by art. 1 of the Criminal Executive Code of Ukraine as one of the leading goals of punishment, it is appropriate to expand regulatory framework and create a separate section or chapter. It is necessary to establish the procedure and scope of post-penitentiary care, state programs and guarantees for socially vulnerable groups, criteria and degree of correction (taking into account Estonia's experience in implementing the quality of individual penitentiary program as one of the criteria), procedure and scope of participation of NGOs, etc. It is necessary to enshrine the importance of alternative punishments use by courts on regulatory level and to impose certain responsibilities on convict: to take a course on

professional training (education); carry out any professional activity; to live in a certain place; adhere to measures of medical supervision, treatment or care, if necessary - in the mode of hospitalization; to reimburse in full or in part the damage.

3. It is a well-established practice, the effectiveness of which is scientifically proven, to implement individual projects and programs at all stages of work with convicts. It is necessary to develop comprehensive programs taking into account the best practices of American and European regions, namely:

- medical nature: to correct and resocialize people with alcohol or drug addiction, self and emotional emotions, treatment of chronic diseases, psychological care, etc.;

- educational programs: access of prisoners to secondary, vocational or higher education with the opportunity to obtain professional knowledge in accordance with the trends of the labor market, increase financial literacy, acquisition of basic applied life skills, etc.;

- post-penitentiary care programs aimed at solving housing problems, restoring family ties, proper employment, etc.;

- programs for minors: on preventive information on the basis of educational institutions or social services in cooperation with the organizations “Save the Children” and UNICEF;

- programs to replace the criminal responsibility of children accused of committing crimes with alternative forms of corrective action to remove them from the juvenile justice system in accordance with the Dutch program HALT (Het AL Ternatief), recommended for use by the UN.

4. It is necessary to develop and approve the provisions of the national strategy for the development of the penitentiary system, inter alia, aimed at transforming the institution of correction and re-socialization of convicts by approving the concept of moving from the strategy of “war on crime” to Harm reduction strategy.

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