

**GCPMED 2018**  
**International Scientific Conference "Global Challenges and  
Prospects of the Modern Economic Development"**

**LABOR EMPLOYMENT CONDEMNED TO DETERMINATION  
OF FREEDOM: ESSENCE, FOREIGN EXPERIENCE**

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*Abstract*

The relevance of the research problem due to the objective necessity of conducting a comprehensive analysis of employment of persons sentenced to deprivation of liberty as a factor of increasing their standard of living. In the article the analysis of labor employment of convicts to imprisonment is carried out. The essence of labor employment of convicts to imprisonment is defined and the minimum role of an economic target of labor employment of the persons which are in conditions of correctional facilities is shown. The model of planned labor employment of convicts which developed in the USSR to imprisonment with a possibility of their mass employment cannot be established in modern places of detention of a penal correction system of Russia owing to economic contradictions. The available list of professions in correctional facilities is mainly focused on the technical specialties of the Soviet type. The wages received by convicts in relation to prisoners in the developed penitentiary systems of Europe and North America cannot contribute to improving the quality of life of convicts to the deprivation of liberty either during the period of serving their sentence or after their release from correctional institutions. The authors identify individual proposals where the employment of convicts should contribute to improving their quality of life in prison. In the text of work, the comparative and legal aspect and the analysis of the foreign experience of the organization of work of prisoners and their labor employment is given in penal institutions of Germany, China, France, Japan.

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**Keywords:** Labor employment of prisoners, penal system, improvement of quality of life, prisoner.



## 1. Introduction

Traditionally in representations of the person work is defined in two values: as value – the purpose, at which work – the direct, independent value characterizing its carrier as the work which is carried away by process and value – means where work reflects its property as universal remedy of satisfaction of other requirements – material and spiritual. In both cases, the valuable importance of work defines its motivating role in labor behavior.

The work is the first main condition of all human life, and besides in such degree that we in a sense must tell that work created the person. The correct and good organization of work is the main condition of the right state of the penitentiary business. At the same time inaction and idleness, especially in the conditions of isolation, especially are harmful. Honest work raises a person in his own eyes and acts on him ennobling.

Work is one of the main means of correction of convicts. For the whole range of punishments executed by institutions of the penitentiary system of Russia, the basis is the employment of convicts, which is of paramount importance in the implementation of the punishment of imprisonment. Underemployment refers to the employment of citizens in the field of public and personal labor in forms not contrary to the law and as aimed at earning (labor income) or other remuneration.

In the conditions of isolation of the personality questions of her labor employment have absolutely other organizational, economic and motivational nature (Useev, 2017).

It should be noted that work in places of deprivation of liberty is not a right, but a duty of a person. This is noted by international legal acts (international labor organization Convention No. 29 "on forced and compulsory labor", the standard Minimum rules for the treatment of prisoners 1955) and Russian legislation (the Labour code of the Russian Federation, the Criminal Executive code of the Russian Federation). This approach of the international community and the Russian legislator to the work of convicts is conditioned not so much by economic considerations, but rather by the security of the staff of the penal institutions, the convicts themselves and others.

## 2. Problem Statement

For the modern penal system of Russia, the problem of the organization of labor employment of convicts and improvement of the quality of their life is one of priority.

The concept "quality of life" is used in sociology, economy, policy, medicine and some other areas designate assessment of the extent of development and completeness of satisfaction of all complex of requirements and the interests of the people who are shown both in different types of activity and in the reaction to life.

October 14, 2010. The Government of the Russian Federation signed Order No. 1772 "About the approval of the Concept of development of a penal correction system till 2020" according to which are assumed:

1. Creation of conditions for labor employment of convicts depending on a type of correctional facility, improvement of productive economic activity of a penal correction system and an increase in economic efficiency of work of convicts.

2. Development of the new principles of labor involvement of convicts in the conditions of prison maintenance and strict differentiation of their contents, creation of small working chambers workshops and the introduction of individual forms of employment.

3. Expansion of production of agricultural production and stimulation of the creation of colonies settlements with agricultural production in zones with favorable climatic conditions.

Note that the Federal Penitentiary Service (further – FSIN of Russia) accurately defines the system of the purposes of labor employment of convicts, and the economic target in the conditions of the Russian reality is not prevailing.

One of the current problems of the penal system of Russia is a single achievement at the organization of labor employment of the purposes condemned a number. It is necessary to distinguish from them especially:

1. educational (development of positive moral qualities; physical and professional capacities; assistance to right obedient behavior);

2. precautionary (control from the commission of illegal acts, the formation of aspiration to observe an established order of serving sentence (detention) and discipline) (Azarkhin & Useev, 2017).

3. economic (ensuring own requirements, including after release; financial and financial support to families and relatives; assignments on the keeping of convicts in correctional facilities and in the order established by the legislation on executive production);

4. improving (maintenance of normal functioning of an organism, prevention of decrease in its protective forces, hardening).

In scientific works of scientists depending on research objectives allocate various approaches to a problem of labor employment of convicts and its place in the economic and legal system of the state.

However, the researchers conducted earlier do not allow to consider in a complex a role of work of convicts as the factor promoting the improvement of the quality of their life and do not pay due attention to the accumulated penitentiary foreign experience in the field. The research conducted by us affects comparative and legal aspect and is directed, including, on the analysis of the foreign experience of the organization of work of prisoners in penal institutions of Germany, China, France, Japan.

### **3. Research Questions**

Given the gap in the existing research and literature, relevant issues in our research are the following:

- what is the essence, role, and importance of employment of convicts as a factor contributing to the improvement of their quality of life?
- what does the foreign experience in the field of employment of prisoners of such countries as Germany, China, France, Japan include?

#### **4. Purpose of the Study**

The purpose of the article consists in identification and disclosure of the general tendencies, historical and economic features of the organization and application of work of convicts in Russia and a number of foreign countries.

In the above-stated context, the purpose of our research also is work consideration as cures of convicts and, at the same time, a factor of promoting the improvement of the quality of their life in the field of their education, social and medical care, etc.

Also, we consider a problem of influence of labor employment of convicts to imprisonment on prevention of recurrent crime.

#### **5. Research Methods**

In the course of the research also sociological observations, methods of the empirical, social analysis, the secondary analysis of sociological data) methods of data collection and processing were used general scientific (the analysis, synthesis, comparison, generalization), private science (historical and legal, etc.).

These methods allowed to study in a complex a problem of labor employment of convicts as the factor promoting the improvement of the quality of their life in the field of their education, social and medical care, etc.

##### **5.1. The base or the research**

The base of a research was scientific research, publications of the Russian and foreign lawyers and economists studying various aspects of the activity of the penal system of the Russian Federation, the legislation in the sphere of a penal correction system.

##### **5.2. Investigation phases**

The research of a problem was carried out in two steps:

At the first stage: the analysis of the existing scientific literature on the scope of a research and also the legislation in the field was carried out; the problem, the purpose, and research methods are allocated.

At the second stage: the conclusions received during the analysis of scientific literature and the legislation were formulated, preparation of the publication was carried out.

#### **6. Findings**

The Soviet economic model with its planned character completely found reflection in the system of correctional institutions of the Ministry of Internal Affairs of the USSR of the camp concentrated type (Azarkhin & Useev, 2017), but not chamber and prison which is characteristic of the majority of the countries of the world (Timofeeva & Useev, 2017). However, since the beginning of the 90th of the 20th century as well as other branches of the national economy of the country, production capacity of places of detention, is once in structure of the Ministry of Internal Affairs of the USSR entering the five of the

largest industrial ministries of the country, owing to the objective reasons many times decreased. It had a direct projection to the employment of convicts. At the present stage, the main directions of work of convicts in Russia are the release of sewing production, woodworking products, production of furniture, metalworking, production of footwear, headdresses, sports stock, production of products from plastic. It is obvious that possibilities of the penal system of Russia could be built in strongly the system of economic security of the country (Golubev & Chebotarev, 2018).

However, in the developed market conditions of the last years, labor employment of convicts to imprisonment has serious problems. More than 30% of convicts aged up to 25 years, as a rule, before condemnation did not work anywhere. Systematic work for them is alien. As practice shows, in the 21st century, the percent of labor employment only of convicts to imprisonment in institutions of the penal system of Russia does not exceed 30–35%. At the moment it makes over the country 26,6% (in correctional facilities of the Samara region in 2015 – 23%). For comparison: in 1991 labor employment made 91,9% of all convicts leaving imprisonment.

Probably, including and therefore today in the Government of the Russian Federation on the agenda the issue of an exception of the obligation of work of the isolated convicts is handled. Peremolotova (2017) fairly notes that the lack of a possibility of employment of convicts leads to imprisonment as a result to problems of their social adaptation after released from correctional facilities.

There is a fair question: whether labor employment of convicts to imprisonment can at present promote the increase in their quality of life, acting as a factor?

For the answer to it, in brief, we will analyze the quality standards of life of the population. They are three: the first standard – at the level of survival (satisfaction of necessary physiological requirements; receiving minimum social services and guarantees); the second standard – normal (basic) quality (satisfaction of all physiological requirements; ensuring spiritual and intellectual needs); the third standard – high quality (satisfaction of different requirements; high consumption of material benefits; the possibility of creative and spiritual improvement). The quality of life of the convict in correctional facilities as the degree of satisfaction of his material, cultural and spiritual needs also has the specifics.

With confidence, it is possible to note that in the conditions of isolation (restriction of freedom) of the identity of people satisfies the requirements in parameters of the second quality standard of life, but with obvious and serious exceptions. So, the convict is provided with obligatory three meals a day, clothes on a season, the place in the hostel (camera), an opportunity to send natural needs and to observe personal hygiene. Whether at the same time all these requirements are implemented without fail in the conditions of unfreedom and irrespective of has condemned money on the corresponding personal accounts i.e. whether can pay these benefits.

Act as elements of the following level: appointments with relatives, education (the general and professional) and labor employment of convicts. And as receiving free education (to so-so professional), and employment is obligatory. It is worth agreeing that in the conditions of freedom not always it turns out to satisfy on a grant basis requirement of such standard.

Without pressing various components of the triune system of the quality standards of human life, more we will dwell upon labor employment – a factor of improvement of the quality of life of convicts. Exactly here for the convict the economic target of labor employment which we considered above is

implemented. This purpose has for the convict a strategic importance as for the period after release, and perhaps for the rest of life. Nevertheless, as practice shows, not all convicts understand it. The impossibility of employment of the most part of convicts is often complemented with their indifferent relation to work. In turn, the obligation of work of convicts under the threat of disciplinary responsibility for refusal of work or its termination (are the malicious violation of the mode in the establishment) naturally is not always capable to motivate convicts. And compensation of the working convicts leaves much to be desired. In recent years (2012–2015) on average daily convicts earned from 170 to 300 rubles (the salary of the Finnish prisoners makes from 3,7 euro an hour and prisoners of New York receive from 0,23–0,5 US dollars an hour). It is lower than the average salary on the economy of the Russian Federation more than 5 times. It should be noted as well the fact that convicts rather seldom receive the wage which is charged officially by it. As a rule, the salary of convicts makes a little more than a minimum wage. However, consequences of the committed crime and the served sentence allow the state on quite legal bases to make deductions (on alimony, claims, keeping of convicts in the institution, etc.) from the salary of the convict (Art. 107 of the Criminal and executive code of the Russian Federation). Therefore, on personal account of convicts, not less than 25 percent of the added by it the salary, pension or other income are enlisted. Thus, on the personal account of the convict about 4-5 thousand rubles are enlisted mainly. However, for the satisfaction of necessary physiological requirements, convicts can buy food and necessities by bank transfer at the expense of the means earned during serving sentence and also at the expense of the received pensions, social benefits and money transfers (Art. 88 of the Criminal and executive code of the Russian Federation). Therefore, on personal accounts of convicts cannot remain at all in cash. Such state of affairs naturally does not promote the improvement of the quality of life of convicts, does not give the chance to the last to provide the minimum savings on a release stage from places of detention. Labor employment of convicts certainly has to promote the increase in their quality of life even if and in the conditions of unfreedom. In this regard, researchers offer the most different ways.

Among which:

- increase in the guaranteed minimum earnings;
- compensation of the working convicts of not less than 60% of compensation for similar work out of penal correction system;
- deduction exception of the salary of convicts for food, clothes and household providing (only as encouragement);
- return of the right for individual work of convicts (existed in correctional facilities of Russia from 1991 to 2007);
- the delegation of questions of control of working conditions of convicts to Federal Service for Labour and Employment.

In the last decade approach to the search of new forms and ways of involvement of convicts to imprisonment to work was criticized. To some extent studying of foreign experience in the field can resolve this issue. It should be noted that at this stage of development of the economy of the penal system of Russia this experience is not rather studied. Several decades ago in labor camps of China, the slogan was proclaimed: "The sin is cleaned with work". That means correction by means of work or re-education by means of work, passed through the network of labor camps "Laogai" more than 50 million Chinese.

The modern People's Republic of China significantly differs from "Laogai" of the middle of the 20th century, however, labor employment in the system of correction of prisoners keeps the paramount value. Let's note that all prisoners of the country capable to work are obliged to participate in work (Timofeeva, 2018a).

Work of prisoners influences the quality of their life. It will be organized according to the national labor legislation of China: there has to be paid, the average duration of the working day in penal institutions – 8 hours. All persons participating in work undergo the procedure of obligatory insurance. The organization of work is rational and directed to elimination at them of addictions, development of labor skills, and preparation for life on freedom. The state provides necessary production infrastructure for the organization of work of prisoners, incurs all production costs.

Within corrective impact on prisoners in the Chinese prisons since 2010 the 5+1+1 system was applied. The principle of a combination of labor education of prisoners (5 days a week) with their education was the basis for the system (1 day a week). On Sunday – 1 put to rest. In the subsequent, the program included all penal institutions of the country. The new system of correction of the Chinese prisoners "5+1+1" succeeded old "6+1", providing only labor re-education of criminals. This step allowed to increase significantly literacy of the persons which passed through correctional facilities.

More than 30 percent thanks to this program got or an additional profession. Changes happened thanks to the national education reform which affected and the sphere of criminal penalties. Legislatively the system was fixed on November 17, 2009, when the order of the Ministry of Justice of China approved the Provision on increase in management efficiency of safety in prisons ("Order 35"). In recent years the quality of medical support of prisoners' changes. So, for example, the Shanghai Nan Hui Prison is the penal institution combining prison of the large sizes and hospital. This establishment contains concluded advanced age, patients and disabled people. The prison functions since 2007.

At design and construction of buildings physiological features of elderly people, sick and disabled prisoners were considered. In prison, additional objects which promote physical rehabilitation of prisoners settle down. For the purpose of improvement of quality of medical care of prisoners in prison special work on improvement of treatment of various diseases was carried out, "The gold 5-minute model of emergency rescue" at hospitalization of prisoners is accepted, the so-called "green strip" at hospitalization in social hospitals is created, the system of the multidirectional notice of a disease of the patient.

The administration of prison actively applies in the activity in the field of education to age, new forms of work, special attention pays patients and disabled people to measures for psychological rehabilitation of these categories of prisoners (Timofeeva, 2018b). Involvement of prisoners to work in France was originally referred to punishment elements (the decree of February 23, 1959, Art. 101). The decree of September 12, 1972, to the legislation made changes according to which work of prisoners began to be considered as an educational tool and readaptation of the persons imprisoned. Regulation of working hours and the definition of quotations for works is made by the prison administration. The administration determines the amount of remuneration for work charged to each convict depending on the category to which it is referred (its size fluctuates ranging from 30 up to 70% of earnings). Work of convicts will be organized in an economic way or on the contract beginnings. At the first system, the

penal institution itself buys the equipment and raw materials, uses work of convicts and pays it, consumes or sells the made production. Such an organization of work is applied mainly in the central prisons. In local prisons, the system of work acts on the contract beginnings. Prisoners work generally at small private enterprises where work does not demand qualification.

A part of the prisoners who are contained in the central prisons does not work through Art. 720 of the Code of Criminal Procedure directly provides the involvement of the persons serving sentence in the form of imprisonment to work. The principle of correction of prisoners by means of work remains in France in many respects' declarative. The semi-free mode allows the prisoner could continue to work on the specialty, not to stop the general or vocational education or medical treatment (it is applied to the persons condemned to imprisonment for the term of no more than 6 months. Art. 723-1 ° is entered into the Code of Criminal Procedure by the law of July 17, 1970). The persons which are on the semi-free mode acquire the right to go to work in accordance with the general practice and are exempted from supervision for working hours. They daily come back to prison and there spend days off and holidays. Working prisons allow all departures out of borders of places of detention on family circumstances or for a meeting with the possible employer for the solution of a question of employment.

Note that the quality of life of the face included in work significantly increases. 70% of the earned money is transferred into the account of the prisoner. At the appearance at work to the convict, the small sums on transportation costs and a lunch are handed out. Addressed to each prisoner at the receipt in the correctional facility the individual account is opened. If on the account there are about 200 euros, then this money completely remains at the disposal of prisoners (an alimentary part). If the income of the prisoner exceeds 200 euros, there is the following distribution: 1) a part of the sum is postponed for compensation of damage to the victims (according to resolutions of article D.320.1 of the Code of Criminal Procedure of France, the percent increases with growth of a sum of money: from 200 to 400 euros – 20%; from 400 to 600 - 25%; over 600 - 30%); 2) 10% are laid off to make monetary saving which is given to the convict at release; 3) the rest supplements a part of the money which the prisoner uses freely. The monthly salary of prisoners' averages: about 350 euros – at private enterprises and the enterprises with joint management; more than 450 euros – in service of penitentiary employment; about 180 euros – in an economic service staff. In the French prisons, prisoners do not pay for food whereas in Russia the state takes away for food from the salary of convicts a considerable part. The mode set in penal institutions is supported by the system of collecting and encouragement and also security measures. Treat disciplinary punishments full or partial deprivation of privileges which the prisoner already uses (Timofeeva, 2017).

For example, transfer to work with more difficult working conditions. Before the choice of a profile of professional education social employees of prison study labor market in this department, finding out whether this specialty will be demanded. Vocational education, as a rule, will organize the Ministry of social affairs, work, and solidarity or the enterprises interested in it. For 80% vocational training of prisoners is financed by the Ministry of Labour. In penal institutions, it is possible to get professions of the electrician, the heating engineer, the tiler, the culinary specialist. The prison in Ekruva where convicts aged from 25 up to 35 years study various working professions can be a positive example. On average annually in France on various courses more than 20 thousand convicts are trained. One more

example of the successful employment of prisoners is the experience of prison in Myure ("Muret" is founded in 1966). The prison occupies 16 hectares. It contains the imprisonments condemned for long terms – of 4 years before lifelong contents (620 places). In prison, about 250 employees work. 75% of convicts are involved in work. Work for convicts is voluntary. In the industrial zone on 10 hectares 5 productions settle down: woodworking production (school desks for all schools of France, furniture by request of private productions, garden designs); sewing production (a form for employees of penal system); production of aluminum details and metalwork; production of details for airbuses belongs to highly skilled work. In 2017 on the basis of prison, the case was open for long appointments with relatives for the prisoners working at a factory.

Modern penitentiaries of Japan unanimously recognize labor employment as the main cure of prisoners and the most important factor of improvement of the quality of their life.

The work process organized for prisoners is one of the major mechanisms of creation of penitentiary safety in prisons of Japan. Work in correctional facilities has to be directed to the solution of the following tasks: 1) to induce prisoners to seize professional skills and to promote achievement of high level of skill; 2) to the strong feeling of independence; 3) to strengthen the spirit of cooperation in collective work. Scientists-economists consider the work of the Japanese prisoners highly productive. An overwhelming part of convicts (more than 85%) is involved in the production. From 40 thousand employed prisoners of nearly 78% polygraphers, sewing production and craft workshops are engaged in metallurgical industry, woodworking, paper-making production, metalworking, farms. Prisoners have vocational training on electro-and to gas welding, electrical equipment, car service, joiner's business, and gardening, drawing up programs for computers.

In addition, every 5th is involved in the system of prison service (cleaning of rooms and the territory, cooking, work in laundries, on construction, participation under repair of buildings and the equipment).

The management of prisons stimulates prisoners to work. Forced labor for prisoners in the country is absent. Six-day (44-hour) labor week is determined according to general provisions of the labor legislation which extends also to correctional facilities of the country. The working day lasts 8 hours, except for Saturday when it is cut by half. However, according to the decision of the chief of prison, this time can be prolonged or reduced depending on a type of establishment, the list of prisoners, the nature of the performed work and production need. On Sundays and days of national holidays, prisoners are exempted from work. Also release from work is given when the administration of establishment grants them a three-day leave on family circumstances (for example, in case of the death of the father or mother). According to the provisions of the law about prisons regulating an order of the employment of prisoners, the type of work is defined after studying of the identity of the prisoner and depends on the term of punishment, the state of health, a profession, personal qualities and the forecast of his behavior at the serving sentence.

All gained income comes to the treasury of the state. In prisons, there is no such economic category as the salary.

However, the workings earn a reward which is monthly transferred into their personal account for the work. Amount of remuneration of the prisoner depends on the success achieved in work and behavior.

Some prisoners serving sentences for serious crimes perform low-wage, dirty job. Their most earned sum in a month is only about 2 thousand yen (about 25 US dollars). The persons serving sentences under not heavy articles can earn up to 4 thousand dollars in a month.

The sum caused to prisoners deliberately or on the imprudence of harm to property of prison, instruments of labor, finished goods is subtracted from remuneration. Remuneration is canceled if the prisoner made the escape and more than 6 months disappear. Serving sentence it is obliged to deduct every month 1/3 part of the sum on financial support to the family and to pay compensation to the person which was injured from crime. The remained money he has the right to spend at discretion for personal needs, is strict depending on the class appointed to it. So, the convict 4 classes can spend 1/5 part, 3 – 1/4, 2 – 1/3, 1 – a half of remuneration. Treat paid services: calls to relatives, cigarettes, more various products for lunch, etc.

Almost at each prison, there is a wholesale shop special, as a rule, where production made by prisoners is exposed.

## 7. Conclusion

The problems connected with labor employment of the persons which are contained in conditions of isolation remain relevant not only in Russia but also in the foreign states. However, it should be noted that the level of labor employment of convicts from the country to the country considerably differs. And the earnings received by prisoners in the developed penal systems, by all means above that promotes the fastest resocialization and reintegration of the person into society after release. In Russia, the matter is complicated by the low salaries of convicts. Therefore, the question of that, how fully national and economic peculiarities of the domestic penal system will allow adapting experience of the organization of work of the concluded foreign states remains open.

The problem of labor employment of the economic relations condemned to imprisonment in a prism and in particular such categories as improvement of the quality of life demand further judgment, studying and scientific research.

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