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Practices in the Field of Disciplinary Liability of Convicts While Serving a Sentence of Imprisonment: Analysis of International Experience

Abdulla Yusifov

Deputy Chef of the Forensic Expertise Center of the Ministry of Justice of the Republic of Azerbaijan,
<https://orcid.org/0009-0007-2249-1401>

Corresponding author: yusifov.abdulla@inbox.ru.

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Abstract: The article examines the issue of international experience of disciplinary liability of persons sentenced to imprisonment on the example of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the European Prison Rules and other international acts, and also examines the experience of individual countries. The purpose of the study is to identify the main standards and "good practices" of applying disciplinary sanctions to persons sentenced to imprisonment. The relevance of the study is stipulated by the need to implement international standards in the penitentiary system of Azerbaijan, taking into account the latest monitoring data on the practice of applying disciplinary sanctions to prisoners. This descriptive study used a method based on a qualitative analysis of scientific literature and legal regulations. The research examined international legal systems governing the disciplinary liability of convicted individuals serving sentences of imprisonment. The focus was on content analysis of publications containing legal norms, practical examples of their application, and the study of regulations from countries with different legal systems. Based on the results of the study, the author identified the main prohibited practices: corporal punishment, placement in an unlit cell, deprivation or restriction of food and drink, forced labour, collective punishment of prisoners, any cruel, inhuman or degrading treatment; and permitted practices: warnings, reprimands, telephone access, prohibition of short-term visits, prohibition of shopping, prohibition of receiving parcels and correspondence, solitary confinement or solitary confinement as a last resort. The author also emphasises the rights of prisoners to information on the rules of conduct in the penitentiary institution, to participate in a disciplinary hearing and to appeal against a decision to impose a disciplinary sanction, which constitutes the scientific novelty of the study and areas for further research.

Keywords: Comparative penology, disciplinary offences of prisoners, disciplinary sanctions, international standards, “good practices”.

Introduction

The experience of imprisonment cannot be compared to any other human experience (DeVeaux, 2013). The life of people serving a sentence of imprisonment is generally structured by legislation that defines the rules of conduct in the penitentiary, as well as sanctions for breaking such rules and rewards for compliance. Punishment as a means of influence can be applied only under conditions specified in the legislation, and punishment for disciplinary offences is intended to be preventive and repressive.

In general, the penal system of punishment, as Apel and Diller (2017) argue, combines two meanings. The first involves societal retribution; in essence, those who have caused others to suffer are made to suffer in the interests of justice. The second meaning involves rehabilitation, or reducing the likelihood that a person will engage in criminal behaviour in the future. Disciplinary punishment is one of the tools used by the correctional system to achieve the goal of reducing prisoner misconduct, which is a critical mechanism for maintaining prison security (Toman, 2022).

The scientific literature provides ample evidence that imprisonment is painful, harmful and criminogenic. Negative experiences during imprisonment (“incarceration-based trauma”) affect the later life, rehabilitation and reintegration into society of the prisoner (Anderson et al., 2019). However, alongside the narratives that emphasise these consequences, there are alternative views: some prisoners claim that imprisonment has been a positive intervention in their lives (Crewe & Levins, 2020).

The social climate of the prison and the adaptive function of the prison culture have the greatest impact on the conditions and risks of serving a custodial sentence (McKendy & Ricciardelli, 2021). At first glance, modern prisons are environments characterised by forced group living and prisoners suffer from group life, but the feeling of loneliness in prison can be no less intense (Schliehe et al., 2022). According to Zeng et al. (2024), prisoners are more likely to suffer from depression than any other mental illness, which is almost never taken into account when imposing disciplinary punishment. Furthermore, in their study of women's experiences of imprisonment, Kelman et al. (2022) show that women also report negative impacts of disciplinary punishment on their physical and mental health.

In this context, the concept of “depth of confinement” (Crewe, 2021) is interesting - in other words, the degree of control, isolation and difference between the conditions of serving a sentence and the outside world. The behaviour of prison staff with prisoners tends to be standardised, in most cases not paying attention to the individual needs of the prisoner caused by religious beliefs, cultural characteristics of people of different nationalities (Urbanek, 2020), and this issue is important for the organisation of decent conditions for serving sentences, as well as for the adaptation of rules for disciplinary punishment of prisoners.

Research Problem

In this context, the purpose of this article is to study the international experience of applying disciplinary sanctions in penitentiary institutions with a view to identifying standards and good practices of disciplinary sanctions against prisoners to be implemented in the national legislation of countries, including Azerbaijan.

The importance of such work cannot be overestimated, because while Azerbaijani legislation prohibits the use of punishment with the use of violence that degrades the dignity of a person or constitutes cruel treatment, international organisations and institutions have reported the use of such practices in prisons in the country (Committee against Torture, 2024; Office of the High Commissioner, 2024; US Embassy in Baku, 2022).

For example, the latter's CPT report notes reports of coercive measures being used against prisoners, including physical restraint, prolonged isolation of adults with disabilities, as well as cases of forced hospitalisation and forced institutionalisation in psychiatric institutions and social care homes. Solitary confinement can last for more than 15 days, and doctors are involved in certifying prisoners as fit to be punished. Gaps in Azerbaijani legislation are highlighted, including the fact that the placement of children in solitary confinement is still permitted by law (Committee against Torture, 2024).

Taking into account the issues highlighted in the reports of international organisations, we note that the issue of practices and standards of disciplinary punishment of prisoners is poorly researched. Within the framework of comparative jurisprudence, there are a number of studies of disciplinary punishment of prisoners in penitentiary systems around the world. However, there is a lack of a comprehensive study of the rules of disciplinary punishment of persons sentenced to imprisonment, taking into account international standards, "good practices" and the experience of individual countries.

For this reason, this study uses a comprehensive approach to solving this problem, with the help of which it is planned to identify standards and "good practices" of disciplinary responsibility of persons sentenced to imprisonment and propose their implementation in the penitentiary system of Azerbaijan.

Research Focus

This study goes beyond the scope of purely legal science, as it combines various areas of scientific research: sociology of punishment, psychology of punishment, comparative jurisprudence, criminal procedure, and criminal executive law. In general, the area of this study can be summarised as comparative penology - a complex interdisciplinary field of study, which is aptly highlighted in Brangan (2020). Therefore, the focus of this study is limited to a comparative analysis of the trends in the application of disciplinary sanctions to prisoners in (1) different international regulations, (2) different countries of the world whose experience is relevant to this work.

Research Aim and Research Questions

Therefore, the purpose of the article is to apply a comprehensive scientific approach to the study of such issues:

1. 1. What are the international and regional standards for the treatment of prisoners in terms of disciplinary sanctions, and what regulations enshrine them?
2. What are the typical practices of disciplinary responsibility of prisoners in penitentiary institutions in different countries, and do they comply with international standards?
3. 3. What are the 'good practices' of disciplinary responsibility of prisoners?

Literature Review

The study emphasises the existence of numerous relevant scientific works on the practice of disciplinary punishment of persons sentenced to imprisonment, in particular, the issues of good practices and illegal actions, the impact of disciplinary sanctions on different categories of persons (by age, gender, mental health, etc.). Rogers et al. (2022) investigated the characteristics of the prison environment that affect adaptation to imprisonment, arguing that it affects behavioural and psychological difficulties, including institutional abuse, violence, aggression withdrawal, anger, hostility, anxiety and depression, and found that adverse experiences during imprisonment, such as violence, aggression, and difficult adaptation to prison conditions, increase the risk of recidivism and re-incarceration.

Grujic and Milić (2021) conducted a study of international and national standards for disciplinary punishment of persons sentenced to imprisonment, comparing the norms of international and Serbian law. The researchers note that after serving a sentence of imprisonment, a person begins to live by "prison rules" - strict rules of conduct in a place of detention, and a person sentenced to imprisonment

may be subject to disciplinary punishment only for violating these statutory rules. In conclusion, the authors state that in terms of disciplinary measures and the procedure for their implementation, the Serbian legal framework is harmonised with minimum international standards.

Crewe et al. (2018) explored the issue of prisoner discipline in a discourse study of prisoner-staff relations in private and public prisons. For example, in private prisons, staff consciously sought to instil a more positive and respectful culture of communication, partly by emphasising the importance of interpersonal skills (calling prisoners by their names and not considering themselves agents of punishment). An interesting thesis is that prisons should be used as a punishment, not for punishment. During the study, researchers recorded prisoners' attitudes about the possibility of getting into trouble for knowing the rules of proper behaviour; they wanted clarity about the rules, when they would be applied and with what consequences. As a result of these shortcomings in supervision and control, prisoners in private prisons felt less safe than prisoners in state prisons, where staff were too likely to resort to formal disciplinary measures.

As noted earlier, in recent years, anthropological studies of the conditions of detention and treatment of prisoners have become relevant, focusing on specific groups of prisoners: juveniles, women (Jewkes et al., 2019; Kelman et al., 2022), men (Rogers et al., 2022), people of colour, people with disabilities, etc.

For example, (Kelman et al., 2022) studied the characteristics of the traumatic experience of women prisoners in England, noting that imprisonment itself is a trauma. The researchers identified the prison system as a traumatic factor, in particular, in terms of the use of disciplinary punishment against women prisoners. This paper is interested in an anthropological and gendered approach to analysing the impact of disciplinary punishment on the experience of women prisoners.

The study by Labrecque et al. (2020) approaches the gender issue from a different angle: how the use of disciplinary punishment in the form of solitary confinement affects the subsequent behaviour of male and female prisoners in American colonies. According to the study, such disciplinary punishment had a negative impact on the behaviour of male prisoners, making it more difficult to adapt or increasing aggression, while it had no effect on the behaviour of female prisoners in the same circumstances. Disciplinary segregation, according to researchers, is not an effective strategy for improving prisoner behaviour in prison.

A separate area of comparative penology is the study of the penitentiary systems of individual countries that have characteristic positive or negative differences. For example, Crewe et al. (2023) conducted a study of the "Nordic" or "Scandinavian" penitentiary system, a phenomenon in the global penitentiary system that unites Sweden, Norway, Denmark, Iceland and Finland, whose correctional systems are often called exemplary. The researchers conducted a comparative study of serving custodial sentences in penitentiary institutions in Norway and England and Wales based on various criteria, including the practices of disciplining prisoners. Based on a survey conducted among prisoners in 13 prisons in England and Wales and Norway, as part of a research programme with explicitly comparative aims, it is argued that the Norwegian penitentiary system is exceptionally humane, however, this study is limited to one Scandinavian country, the number of respondents and the general nature of the questions.

Contrary to the previous study, Reiter et al. (2018) argue that despite the "humanity" of the Scandinavian prison system, disciplinary sanctions against convicted persons in Denmark are not "humane". The researchers examined what punishments prisoners receive and how prison staff impose restrictions and prisoners experience these restrictions, which often compromise the system's ability to normalise life in prison. The researchers expressed surprise at the frequent and prolonged periods of isolation used in Denmark and other suffering experienced by prisoners, raising questions about the role that Scandinavian "exceptionalism" plays in a broader study of punishment and social control.

Following this line of thinking, Astuti and Barthos (2022) examine the role of disciplinary punishment in efforts to improve the perception of safety and order in prisons. Through a survey, the authors found that severe disciplinary punishment in a Danish prison includes a six-day exile, which can be extended twice for six days, and the prisoner is not eligible for release, family visitation leave, pre-release leave, or parole in the current year and is entered into a special register. As part of the study, the researchers recorded cases of violation of the order in relation to 54 persons who committed violations that entail severe disciplinary sanctions. At the same time, the issue of the relationship between the severity of disciplinary sanctions and the level of security in the penitentiary institution was not investigated.

In general, the above studies partially touch upon the topic of the article, but the subject of this study is the practices of disciplinary punishment of prisoners enshrined in international and regional normative acts that have not been specifically studied before.

Materials and Methods

This study in the field of comparative penology was carried out on several levels.

Firstly, at the level of international standards, the author studied international normative acts, regional treaties and conventions that refer to the practices of disciplinary liability of persons serving a sentence of imprisonment. The studied norms of international law are divided into categories (based on geographical distribution and relevance):

- international treaties designed to protect the rights of prisoners: The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).
- Regional normative acts on the protection of the rights of prisoners: European Prison Rules, Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas, Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines)

In addition, at the international level, the activities and reports of international organisations and NGOs on the observance of prisoners' rights were studied: UN Office on Drugs and Crime, European Committee for the Prevention of Torture, Human Rights Watch, Association for the Prevention of Torture and others.

Secondly, at the national level, a study was conducted of scientific articles on the practices of disciplinary punishment of prisoners in different countries: Serbia (Grujic & Milić, 2021), Poland (Urbanek, 2020), the United States (Apel & Diller, 2017; Fahy, 2022), Canada (McKendy & Ricciardelli, 2021), Kazakhstan (Zhanozakova et al., 2024), China (Zeng et al, 2024), Norway (Midtlyng, 2022), England and Wales (Crewe et al., 2023), Denmark (Reiter et al., 2018), South Africa (Rogers et al., 2022), Indonesia, and others.

Data Analysis

The results obtained were processed using general scientific and special legal research methods. The method of comparative analysis helps to compare certain norms and principles extracted from the content of the above sources of international law which set out the standards of disciplinary liability of prisoners. By synthesising the information obtained, a concise summary of international standards was made, as shown in Table 1.

The modelling method was used to draw up a graphical representation of permissible and prohibited practices of disciplinary liability, as shown in Figure 1.

Scientific studies on the application of disciplinary liability to persons sentenced to a term of imprisonment were selected by the author on the online platforms Web of Science, ScienceDirect, ResearchGate and Google Scholar, and analysed for their scientific value and relevant research necessary to reveal the subject matter of this study.

In general, the work is of a general, theoretical nature, which serves to achieve the purpose of the study.

Results

International Legal Acts on the Rules of Treatment of Prisoners Sentenced to Imprisonment

Miravalle (2016) argues that the rules governing the treatment of persons sentenced to imprisonment, including the imposition of disciplinary sanctions, are based on two fundamental principles of the penitentiary system: the principle of normalisation, which aims to organise life in prison as close as possible to life outside of prison, and the principle of responsibility, which aims to enable prisoners to have personal responsibilities in everyday life in prison. This concept overlaps with the concept of “humane imprisonment”, which is inherent in the Scandinavian penitentiary system, and is partially reflected in international standards for the treatment of prisoners. Table 1 provides an analysis of the key rules for imposing disciplinary liability on prisoners, which shows a certain tendency towards harmonisation of international law in this area.

Table 1

Rules of Disciplinary Liability of Prisoners in Accordance with International Law

Name of the international treaty and section on disciplinary punishment of prisoners	Basic standards and rules for imposing disciplinary sanctions
United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) Restrictions, discipline and sanctions section Rules 36-46 (UN General Assembly, 2015)	In maintaining discipline and order, the principles of proportionality of punishment to the offence, the extreme necessity of disciplinary punishment, the prohibition of labour exploitation as a form of disciplinary punishment, informing prisoners about the types of disciplinary offences and sanctions for them, the right to defence in the process of determining sanctions and to appeal to the court, the prohibition of torture, ill-treatment, physical violence, deprivation of water and food, collective punishment as a sanction, solitary confinement as a measure of last resort, and the prohibition of
UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment. Principle 30 (UN General Assembly, 1988)	The types of behaviour of a prisoner that constitute a disciplinary offence, the type and duration of the disciplinary sanction, and the authorities authorised to impose such a sanction shall be determined by duly published law or legal acts; the prisoner shall have the right to be heard before disciplinary measures are taken and the right to appeal.
United Nations Rules for the Protection of Juveniles Deprived of their Liberty. L. Disciplinary procedures Norms 66-71 (UN General Assembly, 1990)	Prohibition of disciplinary measures that degrade the dignity of a person and constitute ill-treatment: corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may endanger the

	physical or mental health of the minor concerned, prohibition of the use of forced labour as a sanction, restriction of drinking and eating, prohibition of restriction of contact with relatives as a punishment; Regulation of the acts constituting a disciplinary offence, the type and duration of punishment for such acts, and mandatory familiarisation of juvenile prisoners with such rules. Prohibiting the imposition of responsibility for compliance with disciplinary rules and sanctions on juvenile prisoners, and allowing appeals against decisions to impose disciplinary sanctions.
United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (b) Discipline and punishment Rules 22-23 (UN General Assembly, 2010)	Prohibition of disciplinary sanctions in the form of solitary confinement or isolation for pregnant women, women with infants and breastfeeding mothers; prohibition of sanctions in the form of restriction of communication with relatives and children for all women.
European Prison Rules (revised and amended by the Committee of Ministers on 1 July 2020) Discipline and punishment (56-67) (Council of Europe, 2020)	Application of disciplinary sanctions as a last resort, regulation by national legislation of the types of disciplinary offences and penalties for their commission, the procedure for disciplinary hearings, and the persons competent to impose disciplinary sanctions. Informing prisoners in an understandable language about the types of disciplinary violations and penalties, Prohibition of the use of punishments that humiliate a person, pose a threat to life and health, prohibition of physical violence and forced labour as punishment. The right to challenge the decision and appeal.
Principles and Best Practices on the Protection of Persons Deprived of Liberty in the Americas Principle XXII Disciplinary regime (Inter-American Commission on Human Rights, 2008)	Disciplinary offences and sanctions should be regulated by law, reviewed by a court of law and not violate international law. The law defines the competence of persons authorised to impose disciplinary sanctions; The use of solitary confinement as a measure of last resort, the prohibition of collective punishment, and the prohibition of punishment that violates human rights established by international law.
Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (the Luanda Guidelines) Article 25 (African Commission, 2015)	The obligation of states to establish rules for disciplinary liability of prisoners or detainees, in accordance with the inherent dignity of the person, humane treatment and restrictions on the use of force; taking into account the person's disability when imposing disciplinary sanctions.

Source: author's own elaboration based on (African Commission, 2015; Council of Europe, 2020; Inter-American Commission on Human Rights, 2008; UN General Assembly, 1988; 1990; 2010; 2015).

As can be seen from the table, the main international standards of disciplinary responsibility of prisoners are set out in the Nelson Mandela Rules, a key, progressive document for its time, which, by the name of its author, has gained international recognition. Other international documents complement

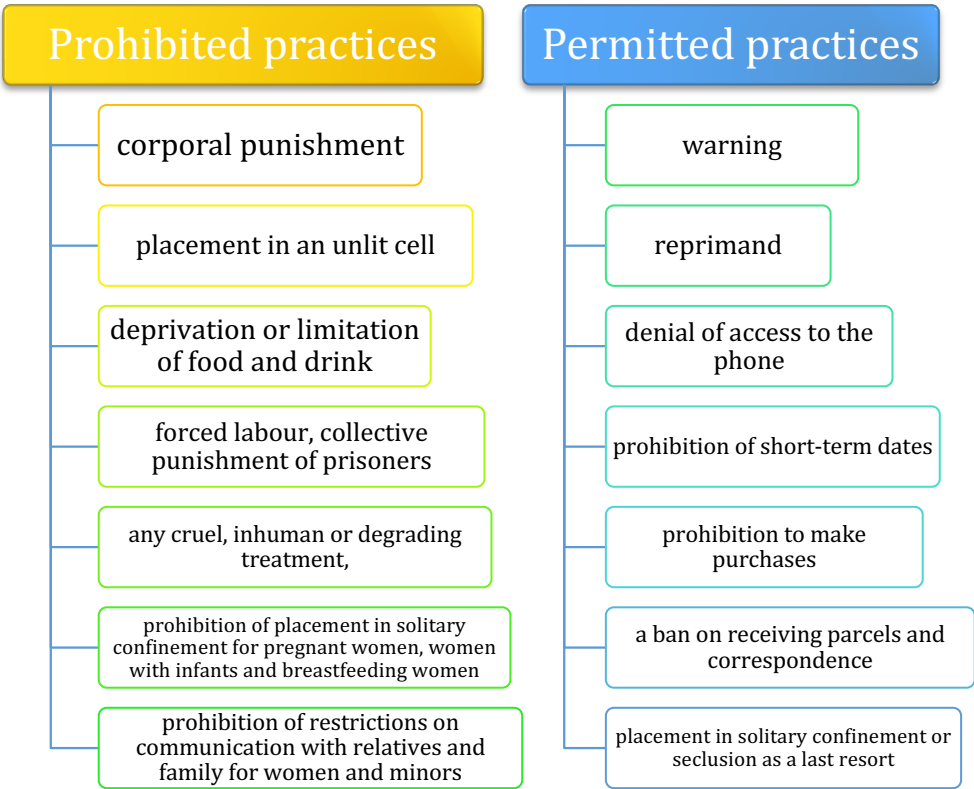
these rules, cover certain issues in more detail, but do not contradict the Nelson Mandela Rules. However, it is worth noting that these normative acts are mostly “soft law” norms, and therefore the responsibility for compliance with international standards for the application of disciplinary liability to convicts lies with individual countries, as discussed further in the study.

Particular attention should be paid to the role of international organisations and NGOs in developing common standards and good practices of disciplinary responsibility of prisoners, as well as monitoring their compliance. The largest organisation in this area is the UN Office on Drugs and Crime (<https://www.unodc.org/unodc/en/humanrights/areas/crime-prevention.html>), which, among other things, deals with prison reform and hears reports from countries on the conditions of detention of persons sentenced to imprisonment.

The European continent has its own organisation, the European Committee for the Prevention of Torture (CPT), which prepares annual reports on combating violence and inhuman or degrading treatment of persons deprived of their liberty (European Committee, 2023).

To summarise international standards, Figure 1 highlights the main practices of disciplinary liability for prisoners.

Figure 1
Practices of Disciplinary Punishment in International Law



Source: author's own development.

Review of Practices of Disciplinary Liability of Convicts in European Countries

Europe has its own regulatory treaty, the European Prison Rules, which, among other things, contains rules aimed at ensuring good order in prisons, and breaches of these rules result in sanctions. The European Prison Rules recognise that the maintenance of discipline and order is essential to ensure the safety and security of the prison. In terms of sanctions for breaches of these rules, national legislation should specify the behaviour that constitutes a disciplinary offence, the types and duration of the

penalty that may be imposed in the event of a breach, the competent authority to impose such penalty, and the prisoner's access to appeal (Council of Europe, 2020).

The CPT is responsible for assessing the compliance of national legislation in European countries with the European Prison Rules, as well as monitoring the observance of prisoners' rights. Its exclusive competence includes monitoring the presence in the legislation of European countries of clear formulations of the expected behaviour of prisoners and disciplinary procedures that are officially established and applied in practice, in order to prevent the development of informal and illegal control systems. Prisoners should have the right to be heard and to appeal against any sanctions imposed, and any punishment should be proportionate to the offence and not disproportionate. European legislation should also regulate the use of certain forms of punitive confinement, such as solitary confinement or “special restrictive” measures related to discipline or security, procedures for written notification of the reasons for the measure, the opportunity to present one's views and the possibility to “appeal the measure to the relevant authority” (Murdoch & Jiricka, 2016). The latter safeguards are of crucial importance in disciplinary proceedings, including access to alternative measures or parole, as well as in prison disciplinary procedures. A striking example is the right to translation and interpretation. Recent studies have highlighted the practice of not providing professional interpreters in prisons, which means that foreign national detainees are forced to turn to other prisoners or prison staff in critical situations, for example, to defend themselves during disciplinary proceedings (Burchett & Weyembergh, 2023).

The European penitentiary system is characterised by the presence of open and closed prisons, public and private institutions. In a study by Crewe et al. (2023), based on a comparison of prison conditions in Norway and England and Wales, in all areas, including the quality of treatment by staff, level of care, trust, security and personal autonomy, and opportunities to maintain family relationships and other forms of access to the outside world, imprisonment in Norway was considered and described as significantly more humane than in England and Wales. Mjåland et al. (2023) found open prisons to be less harmful, particularly in terms of disciplinary sanctions.

In general, Nordic penitentiary exceptionalism refers to both the low incarceration rates in the Nordic countries (generally including Denmark, Finland, Norway and Sweden) and the relatively lenient conditions of imprisonment (Pakes, 2020). In particular, Danish penitentiary legislation is based on the 'principle of normalisation', which means that no restrictions are applied to prisoners unless deemed necessary to prevent escape from prison or to maintain order in the prison (Wildeman & Andersen, 2020). However, as noted by Reiter et al. (2018) note, do not always meet international standards: prisoners are punished by daytime segregation in “work rooms” - empty cells or classrooms where prisoners spend the day if they refuse to do their assigned work; a sanction of one week's “disciplinary” isolation is imposed for more serious offences, such as being caught with drugs in prison, and months of “administrative” isolation (so-called “exclusion from contact”) are imposed for escape attempts, attacks on staff or more serious threats to the security of the prison (Reiter et al., 2018).

As for the Eastern European countries, the practice of disciplinary sanctions in Georgia is marked by democratisation and humanity, where, according to statistics, the most commonly used sanction is a reprimand, followed by a telephone ban, warning, solitary confinement, prohibition of short-term visits, restriction of the right to receive parcels, and transfer to a cell-type facility (Public Defender of Georgia, 2019). As can be seen from the statistical data, no sanctions that do not meet international standards have been applied.

Practices of Disciplinary Liability of Convicts in North American Countries

The US prison system has developed a position that the scope of prisoners' constitutional rights should be balanced against the security, order and discipline of the prison and not contradict the goals of the correctional system (Duwe, 2017). Disciplinary behaviour, generally defined as prisoners' failure to comply with institutional rules and regulations, includes behaviour that ranges from disobeying

orders and possession of contraband (e.g. alcohol, drugs, etc.) to assaulting staff and other prisoners. Offenders typically receive sanctions for breaking the rules, including increased sentences (Duwe, 2017).

Prisoners in the United States are subject to strict rules of disciplinary behaviour, and violations of these rules can lead to long-term secondary consequences in addition to immediate punishment. Even years or decades after a disciplinary infraction, prison officials and judges can deny release or other favourable treatment to prisoners based on their conduct records (Fahy, 2022).

In the case of Canada, Prais (2021) highlights that there is a clear lack of legal literacy and training on prisoners' rights in general. In addition, Canada is rather closed-minded in its application of soft law standards. For example, Canadian courts have ruled that the Nelson Mandela Rules are not binding in the national context (Prais, 2021). Thus, the Canadian prison system creates its own standards for the treatment of prisoners. A comparative study of provincial and federal prisons in Canada has shown that a positive prison culture (in-cell entertainment, regular access to the phone, visits and showers, and improved prisoner rights) mitigates the harshness of prison life and, consequently, reduces the number of disciplinary violations. At the same time, the increase in hard drug use in prison weakens prisoner solidarity, creating opportunities for debt-based violence between prisoners and informants; further fuelling mistrust among prisoners, which increases the number of disciplinary actions among prisoners (McKendy & Ricciardelli, 2021).

Practices of Disciplinary Liability in Asian Countries

The experience of the Kazakh penitentiary system is interesting. It is worth noting that Asian countries do not have their own regional treaty on the treatment of prisoners, but they are bound by UN standards. In the Kazakh penitentiary system, the degree of behaviour of a prisoner is determined by the decision of the head of the institution based on materials characterising his or her behaviour (compliance with internal regulations, attitude to work and study, participation in educational activities, etc.) This approach, according to Zhanozakova et al. (2024), creates the most favourable conditions for abuse of power and corruption by the administration of institutions. Typical punitive measures against convicts (disciplinary penalties of up to 2 times the minimum wage, placement in a disciplinary isolation unit for up to 15 days) are not always objective and largely depend on the subjective likes and dislikes of the staff of the institution, instructions from higher officials, and outright bribery by relatives of convicts (Zhanozakova et al., 2024).

In another Asian country, Indonesia, disciplinary punishment in the form of solitary confinement for a maximum of six days, and the suspension or revocation of certain rights for a period of time, in accordance with applicable laws and regulations, are enshrined in law. In addition, the law stipulates that correctional officers who apply disciplinary measures or impose disciplinary sanctions are obliged to treat prisoners lawfully and not act arbitrarily; referring to the rules and regulations of the correctional institution (Astuti & Barthos, 2022).

Discussion

The disciplinary regime establishes the rules of prison life by listing violations of internal regulations and the sanctions associated with them. The existence of disciplinary procedures is important both for maintaining order in penitentiary institutions and for respecting the fundamental rights of persons deprived of their liberty.

Based on the study, the author identifies the following main aspects of observance of the rights of prisoners in the context of disciplinary liability ("good practices"):

- It is mandatory for prisoners to be familiarised with the disciplinary rules, and the administration of the penitentiary institution must comply with them.
- Sanctions for each offence should be provided for by law.

- Resort to disciplinary action should be a last resort and prisoners should be assured that their right to fair treatment is respected.
- Disciplinary sanctions that resemble forms of ill-treatment, as well as those arising from any discrimination, are prohibited.
- Prison staff should always give preference to alternative methods of resolving disagreements (exchange, dialogue, mediation, etc.) and should only resort to sanctions as a last resort for the most serious violations and/or when other methods have failed.
- The sanction should be understood by detainees and applied by the authorities primarily as a way to ensure order and security, rather than as a punishment for deviant behaviour.

International standards are used to promote good practice - the principles of human-centred penitentiary policy at the national level in individual countries, which combine the fairness of punishment and humane treatment of prisoners, aimed at the re-socialisation and correction of these individuals (Demianchuk et al., 2023). The Association for the Prevention of Torture (n.d.) defines the following principles of disciplinary responsibility for prisoners: the principle of legality, sanction as a last resort, clear definition of sanctions and measures in the law, prohibition of certain forms of disciplinary responsibility for certain categories of persons (minors, women, etc.), right to information, prohibition of discrimination, procedural guarantees of human rights.

We would also like to draw your attention to the mandatory statutory consolidation in the legislation of both the rules of conduct in prisons and the list of disciplinary offences and liability measures for prisoners. This thesis implies that it is impossible (and prohibited) for prisons to have their own codes of rules and customs regarding disciplinary sanctions dictated by “local authorities”, which is, for example, a widespread practice in the Russian penitentiary system (Strzelecki, 2019). Such practices are illegal, violate human rights and lead to numerous corruption offences by penitentiary staff.

A separate issue that has not been widely studied is the right of a prisoner to participate in a disciplinary hearing and appeal against a disciplinary sanction in court, which is provided for in a number of international treaties. In this context, a precedent for the national penitentiary system is the practice of Georgia, where, with the help of the Ombudsman's Office and the NGO GYLA, prisoners appeal against disciplinary sanctions in court on a large scale and, in most cases, the court rules in their favour and recognises the imposition of disciplinary sanctions on prisoners by specific penitentiary institutions as unlawful. The court argues that the penitentiary institutions disciplined the convicts without examining the essential circumstances of the cases and without hearing the prisoner, and that the institutions did not provide the court with evidence of the violations for which they imposed disciplinary measures (Public Defender of Georgia, 2021).

Conclusions and Implications

In summary, the practices of disciplinary responsibility of prisoners enshrined in international law are characterised by respect for human rights and are not aimed at punishing or humiliating a person deprived of their liberty, but at their adaptation to the conditions of the prison, maintaining security and discipline, as well as further reintegration into life outside the prison after serving their sentence. This system of principles, rules and “good practices” is extensive and enshrined at the highest international level, as well as at the regional level and in the laws of individual countries.

The results of this study show that international standards contain a humane approach to the treatment of persons sentenced to imprisonment, however, as these norms are “soft law”, they are not mandatory.

For implementation in national legislation, Azerbaijan is closer to the civilisational choice of Europe, especially since a number of European agreements have been ratified and implemented in the laws of the country. Therefore, the practical significance of this study is to provide proposals to the

Azerbaijani government to adopt the “good practices” of disciplinary liability of prisoners, a list of which is provided in this study.

Suggestions for Future Research

Of course, this study is limited by its subject matter, is of a general overview nature, and some issues require further study. In particular, the issue of algorithms and procedures for mediation of prisoners is enshrined in some international treaties and has the potential for widespread use as an alternative to the procedure of disciplinary punishment. In addition, the procedure for appealing against disciplinary sanctions, the right of a prisoner to appeal against a decision to impose a disciplinary sanction and the limits of its application require further research.

We believe it is appropriate to draw attention to the need for a scientific study of the procedural rules for disciplinary hearings, in particular, the rights and obligations of participants in the disciplinary procedure, and the hearing of explanations from the prisoner during them. Lastly, further research is also needed into the causes and consequences of violence in prisons, in particular, when imposing disciplinary sanctions, and their impact on the rehabilitation of prisoners.

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Conflict of Interest

None.

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