

Certain Issues Related to the Implementation of International Standards in Uzbekistan's National Legislation with Regard to Improving Conditions of Detention of Women

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ABSTRACT--- *The article opens the publications which are relevant to the problems research in the penitentiary system. The main problems in the legislation developing process, disadvantages of the current system are critically described so that to fulfill the international standards of the penal policy. According to the provisions enshrined in international legal standards, the decision on the distribution of convicted prisoners between penal institutions should not create difficulties for convicts and their families. For social rehabilitation, convicts should be detained in penitentiary institutions close to their residence or at a distance as close as possible to him. In this regard, the author notes with satisfaction the efforts of international organizations that contribute to the development of women's rights in Central Asia. For example, at the First Regional Meeting in Astana, the Representation of the International Prison Reform in Central Asia presented a project to improve the access of vulnerable categories of convicts to justice, where the vulnerable categories were noted as including not only people with disabilities, the elderly, the sick, those sentenced to death penalty, but also women. The present penal reforms in Uzbekistan lead to the discussion to recognize and implement those standards as the main policy on legislative level.*

Keywords: *Penitentiary system, legal behavior, international criminal law, female prisoners, crimes.*

I. INTRODUCTION

The dominant vector of harmonization of modern penitentiary law and legislation lies in the field of progressive trends in international law. Since the middle of the twentieth century, there has been an escalation of humanitarian values and legal principles in international law, which in general is also characteristic of domestic law. These trends show an obvious priority of international law over domestic law [1]. At the same time, O.I. Tiunov's observation that a wide range of states allows recognizing the existing international legal standards in the field of human rights as binding due to their optimal "minimalism" seems to be fair [2].

It is true that "integration into the international community is possible provided that national legislation and law enforcement practices are further brought closer to international humanitarian standards" [3]. Consequently, the cultural enrichment of international law is ahead of the domestic one.

At the same time, it is the nature of the daily application of national law that allows us to speak of its higher

educational impact in comparison with international law. In turn, the development of legal education is determined by the legal culture as the most important prerequisite for the formation of the rule of law and civil society.

According to A.P. Pleshakov, legal education presupposes not only purposeful development of legal culture and specific normative-value imperatives but also an understanding of universal values [4].

In general, international penitentiary law can be presented as "a set of principles and norms regulating the legal status of convicted persons, establishing international standards and rules of execution of various types of punishment, as well as regulating the issues of international cooperation in the penitentiary sphere". [5]. Among the main sources of international penitentiary law can be distinguished:

- Standard Minimum Rules for the Treatment of Prisoners, 1955;
- European Convention on Probation or Conditional Release of Offenders, 1964;
- European Prison Rules, adopted by a resolution of the Committee of Ministers of the Council of Europe, 1973;
- Measures to guarantee the protection of the rights of those facing the death penalty, approved by a UN Economic and Social Council resolution, 1984;
- United Nations Minimum Standard Rules for the Administration of Juvenile Justice (the Beijing Rules), 1985;
- The Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted by the UN General Assembly in 1988.

II. METHODS

The article draws more attention to the sources of foreign scientists, in particular, CIS scientists, as the penal and correctional systems of these countries have many similarities. At the same time, despite the fact that the penal and correctional system of developed countries - the USA, Great Britain, France, and other European countries differ significantly from the national one, the author also applied to the research of scientists and practitioners of these and other countries. The appearance of the norms of international penitentiary law has inevitably led to the need for their strict observance in order to maintain the standards accumulated in this area in the process of the evolutionary development of humanistic values and pragmatic views. In the methodological perspective, the importance of

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compliance with the norms of international criminal enforcement law is explained by the organic involvement of this subindustry in international criminal law, one of the promising areas of development of which is "harmonization of the norms of due process in the administration of international criminal justice, applied by both international judicial bodies and national criminal justice authorities" [6].

The reform of Uzbekistan's penal and correctional system is one of the criteria for the democratic development of the country. The need for reform was primarily since the penal and correctional system was created and for a long time functioned as a machine of repression and exploitation of convicts. The penitentiary system is a huge network of institutions - colonies, detention centers, prisons, penitentiary inspections.

III. PENITENTIARY SYSTEM IN UZBEKISTAN

It is not a secret that the international community sometimes imposes higher requirements to observance and protection of human rights than in our country, but if the corresponding international agreement is ratified by us, to avoid fulfillment of obligations means to violate the principle of *pacta sunt servanda*, to violate the international treaty. If Uzbekistan's economic and social capacities do not allow it to fulfil its treaty obligations (the Law on International Treaties prescribes mandatory ratification of treaties that "establish rules different from those provided for by law" (Article 15), it seems that they should not be accepted (signed, acceded to, ratified) or, if necessary, resort to the assistance of reservations to this treaty. Thus, when ratifying an international treaty affecting human rights, any State may make a reservation stating that it does not assume responsibility for non-observance or non-application of certain provisions of the treaty. By doing so, the State relieves itself of the obligation to apply the law or rule specified in the treaty in a certain manner and to an appropriate extent and, subject to the existence of a reservation, is entitled to reject complaints of violations of rights and freedoms made by persons under its jurisdiction.

However, prison legislation did not immediately reflect the importance of compliance with generally accepted international standards in national legislation and practice. In this regard, I.V. Vorontsova rightly notes that "the legislation and practice of its application are too slow to be brought into line with European standards. First of all, this applies to sectoral legislation" [7].

In particular, at the time of the adoption of the Penal Enforcement Code (1997), article 4, paragraph 3, of the normative legal instrument in question stated that Uzbek penal enforcement legislation took into account the international treaties of the Republic of Uzbekistan relating to the enforcement of sentences and the treatment of prisoners. Thus, the legislator, in fact, only took into account the fact of the existence of international penitentiary standards and only to a certain extent brought in line with them the mechanism of legal regulation of execution and serving of criminal sentences, but was not obliged to comply with them exactly.

Under article 15 of the Constitution, if an international treaty to which Uzbekistan is a party contains rules which differ from those provided for by law, the rules of the

international treaty shall apply. This rule is enshrined in the Code of Criminal Procedure. Within the meaning of these norms, as noted in the scientific literature, the generally recognized principles and norms of international law are those recognized by most States [8]. These generally recognized principles and norms of international law are directly applicable.

In this regard, it is encouraging to note the efforts of the international community to The establishment of a national network of women's organizations that contribute to the advancement of women's rights in Central Asia. For example, at the First Regional Meeting in Astana, the representative office of Penal Reform International in Central Asia presented a project to improve access to justice for vulnerable categories of prisoners, where it was noted that not only people with disabilities, the elderly, the sick, those sentenced to death, but also women are among the vulnerable categories [9].

Of course, the problems of the penitentiary system of Kazakhstan, which has similar conditions, mentality, as well as penitentiary legislation, to some extent are inherent in the national practice and legislation of our country.

Thus, according to the results of the study of this authoritative international organization, a serious problem in women's colonies in Kazakhstan is the lack of premises for the observance of hygiene needs, there is no warm water in the cells, there is only a washbasin and a toilet.

There is also a problem with convicted women with disabilities who need prams and chair toilets. There is no ramp in the women's prison, although the state should create at least basic conditions for serving their sentence in more or less comfortable conditions, experts believe [10].

Besides, the UN Human Rights Committee has expressed concern about practices that allow male prison staff to have access to women's detention facilities, resulting in serious allegations of sexual harassment and violence and violations of the privacy of convicted prisoners.

International standards state that women prisoners should be cared for and supervised only by female staff. Male staff shall be allowed to enter the women's section only if accompanied by female staff. Failure to comply with these rules may result in negative consequences. At the same time, in the prison staff of the studied Shymkent women's colony of 132 staff members, only 40 are women, i.e. there are three times more male staff members [11].

Sick women are one of the vulnerable categories of convicted women. At the same time, the problem is the lack of specialized hospitals for mentally ill women in Kazakhstan.

According to international experts, in order to improve the human rights situation in the penitentiary system, first of all, the transfer of the penal and correctional system under the aegis of a civil agency, i.e. its demilitarization, may have an impact. Second, the construction of penitentiary institutions that meet international standards in the near future, and third, strict compliance with national and international law [66].

It is well known that women are a minority among those serving their sentences in prisons all over the world. There are many problems that accompany and characterize the situation of women in the criminal justice system, in particular in relation to their detention. Women experience difficulties while serving their sentences, which is undoubtedly a negative factor on the way of their correction. Convicted women enjoyed all human and civil rights on an equal footing with all others, with the exception of the restrictions established by law and the sentence of the court.

Several international provisions are currently in place to protect and defend the rights of convicted women. In most public formations, women bear the primary responsibility for the family, especially if there are children in the family. Among the many rights vested in convicted women is the provision of opportunities for women to carry out their parental responsibilities.

Maternity as a part of the personal sphere of women includes three blocks, the content of which is consistently formed in the ontogenesis of women. Emotional needs: reaction to all components of infancy (physical, behavioral and productive-activity features of the child); unification of the components of infancy on the child as an object of the mother's sphere; the need for interaction with the child, in care and maintenance of the child; the need for motherhood (in experiencing conditions corresponding to the performance of maternal functions).

In the operational one: operations of verbal and non-verbal communication with the child; adequate style of emotional support of interaction with the child; operations of caring for the child with necessary stylistic characteristics (confidence, carefulness, tenderness of movements). In value-sense: the adequate value of the child (child as an independent value) and motherhood; optimal balance of values of maternal and other need-motivational spheres of the woman [7].

Women deprived of their liberty lose their right to freedom of movement, but they retain all other human rights. One of the most important of these is the right to maintain contact with one's family. The administration of penal institutions is responsible for supporting and developing such links. This principle should be the basis for the provision of contact at all levels with close relatives.

It also follows that under ***no circumstances should the prohibition or restriction of visits by a convicted woman to her family be used as a punishment***. The main international instruments containing human rights provisions are very clear about the universality and universality of these rights. Ensuring maximum access to families should be part of a system that treats convicts humanely. Both for the well-being of the mother and child and the sake of prison management, staff should make every effort and take special measures to maintain the links between mothers and children [8].

In today's world, the punishment of deprivation of liberty imposed on women who have committed criminal offences is significant. Prison policies often fail to pay due attention to the specific needs of women.

At the same time, for convicted women serving their sentences in correctional facilities, there is such a significant and, at the same time, not entirely defined right as ***the right***

to communicate with their children without restrictions.

The situation of women mothers shows that this fact has a huge impact on their children. Both children in detention with their mothers and those who are separated from them. Little attention is paid to the situation of such children. Moreover, in some international instruments, allowing children to remain with their imprisoned mothers is defined as *a right or even a privilege granted to children rather than to their mothers*. Most international instruments generally recognize the biological and emotional connection of the imprisoned mother, and legal and factual relations are not taken into account at all.

Many researchers believe that the relationship between parents and their children is characterized by strong emotional significance for both the child and the parent. Theoretical and experimental studies emphasize that the formation of a unified emotional system "mother-child" occurs long before the birth of a child. The mother-to-be and the child she is carrying are not two separate worlds. They make up a single system, a special micro-world in which different interactions are carried out - physical, biological, social [9].

In psychology, contact with a child is defined through the sphere of communication, when communication is the interaction of mother and child, when partners take turns addressing each other as subjects, individuals, expressing their attitudes and taking into account the impact of the partner, both of whom are active partners [10]. "bonding, a term that refers to the state of emotional intimacy between parents and child at the time of birth, became widely known in the 80s of the last century. The concept of communication was proposed by Dr. M. Klaus and Dr. J. Kennell in their classic book, "The Bonding of Mother and Child". Scientists claim that people, like animals, have some "period of hypersensitivity" immediately after birth, during which mothers and newborns are programmed to contact each other and take care of each other [11]. It is these psychological characteristics, in the form of the need for mother-child interaction, that form the basis of the international community's establishment of norms aimed at maintaining family relations, namely, maintaining contact between the imprisoned mother and the child.

The main human rights mechanisms that have been developed at the international level are the Universal Declaration of Human Rights (UDHR), which in Article 16 proclaims that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, i.e. the article confirms the possibility of establishing a family and maintaining family relations with those imprisoned.

Article 25 of the Declaration states that motherhood and infancy are entitled to special care and assistance. All children born in or out of wedlock should enjoy the same social protection. However, according to Article 12 of the UDHR, a convicted person is not deprived of the right to communicate with his or her family [12].

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European Convention on Human Rights, 1950 [13] also notes that everyone has the right to respect for their private and family life. Despite the diversity of international human rights mechanisms, both general and specific to convicted persons, it should be noted that no document contains such a notion as "the right of a convicted woman-mother to contact the child". The term "contact" is defined in various vocabularies as "contact", "connection of someone, something with someone, anything, anything", as well as "mutual understanding and direct communication with someone", "connection", "interaction". [14].

The Convention on the Rights of the Child, which has become a universal legal instrument signed by 192 Member States, supports the idea that a child should not be separated from his or her parents except in exceptional circumstances.

Accordingly, under no circumstances should a child be separated from convicted mothers. The Convention also supports the principle that a child has the right to both parents. And when a woman is imprisoned, the right is restricted or not realized, and the right to contact the child is lost and there is a dilemma between the rights of women mothers and the rights of children who find themselves in such a situation.

Although the Convention on the Rights of the Child does not contain specific provisions for children of imprisoned mothers, let alone provisions on the right of contact with the child of these women, it does contain provisions that are directly relevant to the protection, assistance and care of children living in prison with their mothers. The provisions of article 9 of the Convention on the Rights of the Child, which states that States "shall ensure that a child shall not be separated from his or her parents against their will, except ... where such separation is necessary in the best interests of the child", are directly applicable to the situation of children of convicted mothers [15]. Article 5 of the Convention also recognizes the role and responsibility, rights and obligations of parents to provide appropriate guidance and guidance in the realization of the rights of the child recognized in the Convention.

This provision is relevant in relation to children living in prisons where their mother's sentence is served. Therefore, through the exercise of this right, mothers can also exercise their right to contact the child, as States parties to the Convention have undertaken obligations under international law to take action to ensure the realization of all the rights referred to in the Convention within their jurisdiction, regardless of the status of the child. Under the Convention, children of convicted parents should not be discriminated against or punished by the imprisonment of their primary caregiver. Article 12 also affirms that strengthening the role of women in general and ensuring equal rights for them will benefit children around the world [16].

Article 14 states that the family, which is the basic unit and natural environment for the growth and well-being of children, should be provided with all possible forms of protection and assistance. The special needs of children who are separated from their families are also recognized. Every effort should be made to prevent children from being separated from their families. The mother-child relationship during the sentence period is an important condition for the child's mental development.

Although the adoption of the 1989 Convention on the Rights of the Child has led to a reassessment of many aspects of children's lives from a child rights perspective, these aspects have not been extended to children of incarcerated mothers.

The situation of children deprived of their liberty with their mothers is undesirable and requires detailed study and action to remedy the situation, both worldwide and in Uzbekistan. With regard to the situation of mothers themselves, who were convicted together with their children or whose children were separated from them outside the prison, there was no international standard that was clear in that regard. Moreover, there is no international norm that discloses such a right of a convicted woman-mother as the right to contact a child.

According to the Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, especially in foster care and adoption, at the national and international levels in 1986 [17], each State should give priority to the welfare of the family and the child, and the welfare of the child depends on the welfare of the family. The child's care is primarily that of his or her own parents.

International human rights law makes clear and repeatedly asserts that persons deprived of their liberty retain their fundamental rights, beyond those limitations that are directly related to the fact of deprivation of liberty. These provisions are contained in the International Covenant on Civil and Political Rights. With regard to specific provisions concerning pregnant women prisoners and mothers on remand, the Human Rights Committee, the body overseeing the implementation of the Covenant, notes that "pregnant women who are deprived of their liberty should be treated with humanity and respect for their inherent dignity at all times and, in particular, during the birth of the child and the care of newborn children; Member States should report on the facilities and equipment made available to them and on the medical care and support provided to them.

The Human Rights Committee has also emphasized the primary role and responsibility of the family, the role of the State in providing special protection to children deprived of their parental environment and recognizes the rights and special needs to protect persons deprived of their liberty, especially women convicted of pregnancy women and convicted mothers.

European Prison Rules, approved on 12 February 1987, [19] in paragraph 43.1 contain provisions allowing convicted persons to communicate with their families and, subject to the needs of maintenance, safety or order in the place of detention, with representatives of outside organizations, and to receive visits from such persons as often as possible.

The principles underpinning this section of the Rules are discussed in more detail in the section on corrective objectives, which are central to the achievement of contact with the outside world.

Communication with families plays a crucial role in achieving the goals of modern and progressive prison regimes aimed at minimizing the negative effects of incarceration and improving prospects for subsequent re-socialisation.

Some researchers note that the child is not an object of educational influence, but an ally in family life. The peculiarity of the child's interaction with the mother is that in the process of this communication, children have an educational impact on the parents themselves.

Under the influence of communication with their own children, including them in various forms of communication with them, performing special actions to care for the child, parents change significantly in their mental qualities, their inner world of mind is noticeably transformed, and a positive experience of communication with the mother is a favorable condition for the formation of subjective attitude to other people and their own children [20].

RESULTS & DISCUSSIONS

The Standard Minimum Rules for the Treatment of Prisoners, which are important guidelines for the development of criminal policy and practice, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Geneva in 1955, and endorsed by the Economic and Social Council in its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, recognize that particular attention should be paid to maintaining and strengthening the links between the prisoner and his or her family, which appear to be the same. Convicts should be allowed to communicate at regular intervals and under appropriate supervision with their families, both by correspondence and during visits [21].

However, the Rules do not refer to the principle of the best interest a child, which is enshrined in article 3 of the Convention on the Rights of the Child. Nor are there any provisions regarding the responsibility of the State to provide the child with special protection and special care and assistance necessary for his or her well-being. Another important issue is the realization of the right of the child not to be separated from his or her mother, which is directly linked to the realization of the right of the mother not to be separated from her child. With regard to this provision, the Rules also do not specify the obligation of the State to assist convicted parents in fulfilling their child-rearing responsibilities, which are also enshrined in article 18 of the Convention on the Rights of the Child, in particular in the context of restrictions imposed by imprisonment.

The UN Standard Minimum Rules highlight the most urgent needs of pregnant women and women with children. Rule 23 contains provisions for women's institutions to have special facilities for the care of pregnant women and women in childbirth. Where possible, care should be taken to ensure that delivery takes place in a civilian hospital rather than a prison hospital. If a child is born in prison, this should not be mentioned on the metric certificate. Where convicted mothers are allowed to keep infants with them, provision should be made for a nursery with qualified staff, where children should be placed during periods when they are not in the care of the mother.

21 December 2010 The UN General Assembly has taken an important step to ensure that the needs and characteristics of women in the criminal justice system are taken into account and has endorsed the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) [22].

These Rules supplement, but do not replace, the Standard Minimum Rules for the Treatment of Prisoners and the UN Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules). It is recognized that the specificities and needs of women as criminal justice actors remain unrecognized or not sufficiently understood, and that their needs are largely unmet, including the need to maintain contact with family members (including children) becomes difficult, if not impossible. Taking this into account, the General Assembly, in Rules 26, 28, 49, 50, 51 [23], establishes that contact between women prisoners and their families, including their children, and their children's guardians and legal representatives, shall be approved and encouraged by all reasonable means.

Where possible, measures shall be taken to alleviate the inconvenience experienced by women in institutions far from their homes. Women prisoners whose children are in prison with them shall be provided with the greatest possible opportunities to spend time with their children. Decisions to allow children to stay with their mothers in prison are based on the best interests of the children. Children in such institutions with their mothers are never treated as convicts. Visits involving children shall take place in an environment conducive to a positive experience from the visit, including in terms of staff attitudes, and shall allow for direct contact between mother and child. Visits involving prolonged contact with children should be encouraged where possible. Conditions shall be created for the upbringing of such children in an environment as close as possible to that of children outside prison.

The Rules also address the situation where it is necessary to decide at what age a child should be separated from his or her mother. In this case, it is suggested that the individual assessment and the best interests of the child, in accordance with relevant domestic legislation, be based on the individual assessment and best interests of the child. The removal of a child from prison shall be undertaken in a sensitive manner, only after the form of alternative care for the child has been determined. Rule 52 also provides that in this situation, the contact of the imprisoned mother shall not be interrupted in any way and that, after separation from her children, women prisoners shall be provided with the greatest possible opportunity and facilities to meet with their children, provided that this is in the best interests of the children and does not jeopardize public safety.

Thus, imprisoned mothers should enjoy the right to contact the child not only while serving their sentence, but also after separation from the child. On this basis, the right of contact with the child of the imprisoned mother can be defined as a process of ongoing mother-child interaction, accompanied by a set of measures to ensure the process and

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defined as a set of rights and responsibilities of the relevant actors involved in the process. It follows that special measures should be taken to ensure that women prisoners maintain meaningful contact with their children. Only as a result of joint activity of mother and child, employees of penitentiary institutions and the state represented by its relevant bodies does a constructive dialogue take place to ensure the process of realization of the right to contact a female prisoner-mother with her child in the conditions of serving her sentence.

Despite the fact that the majority of women prisoners are mothers, there is no uniform approach to the issue of the right of contact with their children. There is also no international human rights instrument that addresses the situation of juvenile female offenders with children, although the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) recognize the special needs of young female offenders when it is stated that "special attention should be paid to young female offenders placed in prison, taking into account their personal needs and problems" [24].

At the same time, conscious of the need for further provisions to guarantee contact between children and their parents and other persons bound by family ties with the child, as provided for in Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, and taking into account Article 9 of the United Nations Convention on the Rights of the Child of 1989, which provides for the right of a child who is separated from one or both parents to maintain personal contacts and direct contact with both parents on a regular basis, except where it is in the best interests of the child, mindful of the desirability of recognizing the rights of the child as beneficiaries not only of the parents but also of the child, and taking into account the European Convention on the Exercise of the Rights of the Child (ETS No. 160) and the desirability of assisting children in matters relating to contact with parents and other persons bound by family ties with children, the Convention on Contact concerning Children [25] was concluded on 15 May 2003.

According to this Convention, contacts related to children are defined as the child's stay with or meeting with the parents for a limited period of time, as well as any form of communication with them. Such contact may be restricted or prohibited only if it is in the best interests of the child. Although the purpose of the Convention is to ensure the right of children to communicate with their parents and other family members at all times, which may be difficult due to their residence in different countries, it is the only international instrument that contains the concept of "child contact" and discloses its concept. As noted above, child-related contact is any form of communication, both between parents and children and between children and parents.

Analysis of international instruments shows that the right of a convicted mother-woman to contact the child (or children) should be established and the mechanism for its implementation should be determined. The realization of this right should be determined through actual procedures and actions, both of authorized persons and of convicted mothers themselves. The very fact of deprivation of liberty is not a ground for termination of motherhood in the

conditions of serving a sentence, but a ground for restricting the right of contact of convicted mothers with their children.

Maternity in penitentiary institutions is a necessary condition for achieving the necessary level of protection of motherhood and childhood in the context of penitentiary institutions, since the preservation of family relations, contact with the child, manifestation of maternal love are an important incentive on the way to recovery. The mother's contact with the child takes place directly through communication, which is revealed through information, emotional and substantive interaction. Regular contact with the mother is important depending on the age of the child and the nature of the contact.

A newborn child requires close and prolonged contact with its mother, as this is vital in the early days of the child's life, when attachment to the mother is formed. Regular and planned contacts are important for maintaining the relationship between the child and the parent.

Restricting a child's contact with incarcerated mothers may harm the quality of the relationship between them and lead to the loss of family ties. For example, studies in the United States have shown that prisoners who have maintained close family ties are 6 times less likely to re-offend in the first year after release than those who have been released without family support [26].

In 2010. The United Nations Office on Drugs and Crime, in its Manual on the Evaluation of Criminal Justice Systems, proposed both custodial and non-custodial measures, where it was stated in paragraph 4.4 that the treatment of prisoners should not emphasize their exclusion from society, but rather the fact that they continue to be members of it. Therefore, ensuring that convicted persons are sufficiently connected to the outside world is essential to overcome feelings of isolation and alienation that hinder their social reintegration. It is also noted that creating conditions for prisoners to maintain as close a relationship as possible with their families and relatives will help them to develop relationships that will facilitate their early adaptation to life in the community after release from prison.

In some countries where resources for prison activities are insufficient, maintaining links with families and the community may be the main available way to reduce the harmful effects of imprisonment and promote reintegration [27].

IV. CONCLUSION

Based on the above, we can conclude that the assessment of the role of international penitentiary standards in addressing the known problems of the national penal and correctional system demonstrates the priority of human rights as a universal universal value, allows to develop the necessary semantic guidelines and to consolidate the historically proven forms of treatment of prisoners, in particular women. As a result of the research carried out on the improvement of the penitentiary system of the Republic of Uzbekistan, the following theoretical and practical conclusions and conclusions can be drawn on the basis of international and foreign experience:



1. Taking into account the experience that has been successfully recommended in many foreign countries, such as Poland, the Czech Republic and the United States of America, it is advisable to consider expanding the possibilities for the early release of certain categories of convicted women, including through the institution of reconciliation.

The overwhelming majority of the interviewed prison staff (90.0%) believe that such reconciliation can also be applied while serving their sentences. In this regard, it is advisable to suggest that the legislator should include a provision on the possibility of reconciliation at the stage of serving a sentence.

At the same time, it will be necessary to supplement both the Criminal Code and the Penal Enforcement Code with relevant articles. Thus, Chapter XXII of the Criminal Code, which establishes the grounds for the release of the perpetrator from punishment, should be supplemented with Article 66¹ of the Criminal Code, which establishes the possibility of release from serving the sentence in connection with reconciliation with the victim, and Article 163 of the Penal Enforcement Code provides for reconciliation with the victim as a basis for release from serving the sentence.

2. The administration of the penal institution should have the right to grant long visits to convicted women serving their sentences under lighter conditions, without payment by their relatives for accommodation in long-distance meeting rooms.

Articles 82 and 133 of the Penal Enforcement Code should be amended, namely to provide the administration of the colony with the right to decide on the allocation of funds for the expenses of the convict in connection with leaving the penal institution due to exceptional personal circumstances, as well as for the placement of children with relatives or in an orphanage.

3. As noted, there is a problem with convicted women with disabilities who need wheelchairs and chair toilets. There is no ramp in the women's prison, although the state should create at least basic conditions for serving time in more or less comfortable conditions

The UN Human Rights Committee has expressed concern about practices that allow male prison staff to have access to women's detention facilities, resulting in serious allegations of sexual harassment and violence and violations of the privacy of convicted prisoners.

International standards state that women in detention should be cared for and supervised only by female staff. Male staff shall be allowed to enter the women's section only if accompanied by female staff.

4. International standards state that ***under no circumstances shall the prohibition or restriction of visits by a convicted woman to her family members be used as a punishment.*** The main international instruments containing human rights provisions are very clear about the universality and universality of these rights. Ensuring the widest possible access to families should be part of a system that treats convicts humanely

5. International instruments define allowing children to remain with their imprisoned mothers as a right or even a privilege granted to children, not to their mothers. Most international instruments mainly recognize the biological and emotional connection of the imprisoned mother, and legal and factual relations are not taken into account at all.

6. Analysis of international instruments shows that the right of a female mother prisoner to contact her child (or children) should be consolidated and the mechanism for its implementation should be defined. The realization of this right should be determined through actual procedures and actions, both by authorized persons and by the women mothers themselves. The very fact of deprivation of liberty is not a ground for termination of motherhood in the conditions of serving the sentence, but a ground for limiting the right to contact of convicted mothers with their children.

7. Based on foreign experience, it can be concluded that society should but to take on some of the functions that previously belonged exclusively to the state. This is also true for the penitentiary system. On this basis, it seems necessary to decentralize the penitentiary system by dispersing it on two levels: the republican and local.

The penitentiary system should also allow for *the establishment and operation of private penitentiary institutions* (as in many developed countries, including the United States and the United Kingdom).

This innovation should lead to a reworking of the legal framework and the creation of new regulations, including those governing the organization and functioning of private prisons. In addition, the penitentiary system of a modern state should have a variety of educational institutions for juvenile convicts, as evidenced by international penitentiary experience. 9. Analysis of the legislative experience of foreign countries in the fight against crime shows that nowadays more and more principles of humanism and justice determine the strategy of criminal policy of the majority of modern democratic states.

Social work to assist in the organization of everyday life is of great importance: finding a place of work and profession through various programs of assistance to the unemployed, sending them to retraining courses, carrying out rehabilitation activities, including search and provision of housing, preparation of housing projects, talks and assistance in managing the economy.

Legal advice and assistance is provided in preparation for release: initiation of reconciliation of the offender with the victim; cooperation with the court; development of free time and job search projects; assistance with orientation in social space through cooperation with both municipal and regional professional associations (e.g. drug addiction, social assistance, etc.).

8. We consider it expedient to create rehabilitation centers and socio-psychological assistance services for those released from institutions, bearing in mind that special attention in these services should be paid to released women and minors as more vulnerable categories of convicts. The successful functioning of these services requires the training

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of relevant specialists (psychologists, social workers, instructors, consultants, mediators for the resolution of problem and conflict situations, etc.).

CONCLUSION

Outside of this conceptual thesis, the penitentiary system of Uzbekistan risks being limited to blind borrowing of foreign and international legal standards and rules, without the necessary semantic guidelines and historically proven forms of treatment of convicts. The success of the reform of the penitentiary system and the improvement of the penal and correctional legislation of Uzbekistan largely depend on the readiness of the national legal science to study in a positive way the progressive achievements of foreign and international science of penitentiary law and enrich them with cultural and legal values and traditions of our legal science.

REFERENCES

1. In particular, see the following: Craig P., Grainne de Burca. EU Law. Text, Cases and Materials. 3rd ed. - Oxford: Oxford University Press, 2002. P. 178-182, 189-190, 195-196.
2. See: Tiunov O.I. Modern Problems of International Humanitarian Law // Journal of Foreign Law and Comparative Law. - Moscow, 2008. Issue. 1 (№ 12). - p. 73.
3. International standards in the field of penal enforcement: textbook and annotation of legal, psychological, pedagogical and professional-ethical documents. 2nd ed., op. cit. - Ryazan, 2006. - p. 7-10.
4. See: Pleshakov A.P. Legal culture and formation of a new Russian statehood - Moscow, 2007. № 1. - p. 48-49.
5. Ibid.
6. Sheriff Bassiouni M. Philosophy and Principles of International Criminal Justice // Comparative Constitutional Review. - Moscow, 2009. № 1. - p. 104.
7. Vorontsova I.V. Interaction of international and domestic law of states // Modern law. - Moscow, 2007. - № 11. p. 74-75.
8. Alpern L.I., Antonova A.I., Ogorodnikov I.V., Polivanova M.M., Utkin V.A. Prison is not a woman's business. - M., 2000.
9. Barnashov A.M. Generally recognized principles and norms of international law and their interaction with the norms of Russian legislation. The generally recognized principles and norms of the international law, the international treaties in the practice of the constitutional justice: Proceedings of the All-Russian meeting (Moscow. 24.12.2002) / Under edition of M.A.Mityukova et al. - Moscow: International relations, 2004. - p. 63.
10. <https://www.zakon.kz/4846935-ob-osobennostjakh-otbyvaniya-nakazaniya.html>
11. Same place.
12. Ibid.
13. Alpern L.I., Antonova A.I., Ogorodnikov I.V., Polivanova M.M., Utkin V.A. Prison is not a woman's business. - M., 2000.
14. Filippova G.G. The Psychology of Maternity: A manual. - M., 2002. - p. 64.
15. Andrew Coyle. Human Rights Approach to Prison Management [Electronic Resource]: Manual for Prison Staff / International Centre for Prison Studies. URL: www.prisonstudies.org/sites/prisonstudies.org/files/resources/downloads/russian.pdf
16. Ilyina I. Yu. Affective Behavior and its Correction in Junior Pre-school Age: Aavtorf.... dis... Cand. - M., 1996. - p. 14.
17. Meshcheriakova S. Yu. Psychological readiness for motherhood // Questions of psychology. - Moscow, 2008. № 5. - p. 18-27.
18. Filippova G.G. Psychology of motherhood: Manual / G.G. Filippova. - Moscow: Institute of Psychotherapy, 2002.
19. International standards in the field of penal enforcement: Reader and abstract of legal, psychological, pedagogical and professional-ethical documents. 2nd ed., op. cit. and op. - Ryazan, 2006.
20. Convention for the Protection of Human Rights and Fundamental Freedoms // Collected Legislation of the Russian Federation. - Moscow, 2001. - № 2. Art. 163.
21. Online dictionaries [Electronic resource]. URL: <http://slovonline.ru>.
22. Convention on the Rights of the Child // Convicted rights: international and national standards. / F.Bakaeva and others. - Toshkent: Tafakur, 2011.

23. Ibid.
24. Declaration on Social and Legal Principles Relating to the Protection and Wellbeing of Children, especially in foster care and adoption at the national and international levels [Electronic resource]. URL: http://www.un.org/ru/documents/decl_conv/declarations/childpri.shtml.
25. International standards in the field of penal enforcement: Chronicle and annotation of legal, psychological, pedagogical and professional-ethical documents. 2nd ed., op. cit. - Ryazan, 2006.
26. Recommendation No. Rec (2006) 2 of the Committee of Ministers of the Council of Europe "European Prison Rules" // Consultant Plus [Electronic resource]: legal reference system.
27. Meshcheriakova S.Y. Psychological readiness for motherhood// Psychology issues. - Moscow, 2008. - № 5. - p. 20.
28. Standard Minimum Rules for the Treatment of Prisoners // International Conventions for the Protection of Human Rights and the Fight against Crime: (Coll. of International Documents) /Y.S. Pulatov. - T.:Sharq, 1995. - p. 178-198.