



# CRIMINAL LAW AND CRIMINOLOGY

## УГОЛОВНОЕ ПРАВО И КРИМИНОЛОГИЯ

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Research Article

### Imprisonment and organization of prison labor in Scandinavian states

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**Abstract.** The development of society and dominant ideas about humanism and human rights require actualization of the legal regulation of various areas of social relations. It also involves the issues of criminal punishment, process and conditions of its execution, and the prison labor of convicts. This article is devoted to the analysis of the Northern Europe states' experience of penal systems organization and especially conditions of the imprisoned persons' labor. The issues of convicts' recruitment goals, mandatory nature of their labor and alternative types of activities, grounds and procedure for remuneration of the work they perform are in the focus. In addition to the "traditional" Scandinavian states (Sweden, Denmark, and Norway), attention is also paid to the experience of Finland, which is close to the above states in many ways. The analysis of foreign practices is carried out in the context of problems existing in the penitentiary system of the Russian Federation. The results and formulated conclusions may be useful for subsequent scientific research, as well as revising Russian legislation and law enforcement practice connected with prison sentences execution and labor administering.

**Key words:** labor of convicts, imprisonment, criminal punishment, penitentiary system, penal policy

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Научная статья

## Лишение свободы и организация труда заключенных в скандинавских странах

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**Аннотация.** Развитие общества и доминирующих в нем представлений о гуманизме и правах человека требует совершенствования правового регулирования различных областей общественных отношений. Не обходит эта необходимость стороной и вопросы уголовного наказания, процесса и условий его исполнения, среди которых одно из ключевых мест занимает труд осуждённых. Настоящая статья посвящена анализу североамериканского опыта организации уголовно-исполнительных систем и, в частности, труда лиц, осуждённых к лишению свободы. Помимо прочего, рассматриваются вопросы задач привлечения заключённых к труду, обязательности такого труда и альтернативных видов деятельности заключённых, оснований и порядка оплаты выполняемой ими работы. Кроме собственно скандинавских стран (Швеции, Дании и Норвегии) внимание уделяется также опыту близкой к ним Финляндии. Анализ зарубежного опыта в данной статье осуществляется в контексте проблем, существующих в уголовно-исполнительной системе Российской Федерации. Формулируемые выводы могут иметь значение для последующих научных исследований, а также совершенствования российского законодательства и правоприменительной практики в части исполнения наказания в виде лишения свободы и организации труда осуждённых.

**Ключевые слова:** труд осуждённых, лишение свободы, уголовное наказание, уголовно-исполнительная система, уголовно-исполнительная политика

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### Introduction

Engaging convicts in labor while serving a sentence of imprisonment is one of the instruments of organizing their time and exerting constructive influence on

their behavior by a state. Russian legislator classifies socially useful labor as one of correctional measures to form a respectful attitude towards a person, society, work, norms, rules, and traditions of human society and to stimulate law-abiding behavior (parts 1, 2, art. 9 of the Russian Criminal Executive Code). Basically, a similar but not so formalized in detail attitude towards prison labor is common in other countries where punishment aims at rehabilitation, resocialization, and reintegration of formerly incarcerated people. For example, in Sweden, the imprisonment is regulated and executed in such a way as to facilitate the subsequent social adaptation of the convicted person, neutralize the negative consequences of being in isolation (during imprisonment), and prevent crime recidivism (§ 5 of chapter 1 of the Swedish Prison Act No. 610 of June 10, 2010<sup>1</sup>); the aims correlate with all the measures implemented in the process of punishment execution, including labor therapy of convicts.

It should be emphasized that any human labor that does not contradict the law (like handicraft weapons or jewelry without a license), in essence, is socially useful, since it provides the society and a person with material, cultural and spiritual products, and values. This is also applicable to the labor activity of convicts (Raskevich, 2010:77), if such activity corresponds to general labor law rules established in a particular state and is carried out based on a court guilty sentence, but not at the arbitrary request of unauthorized officials or individuals.

At the same time, the prison labor must meet one important requirement, that often is unpleasant for “free” people. The prison labor should be long enough to fill a normal working day to reduce the risk of aggravating criminalization of inmates, which occurs during their uncontrolled communication with each other. The developed criminal subculture flourishing in Russian correctional institutions is one of the main factors in criminalization of certain population groups; it involves not only convicts, but also adolescents and disseminates its subculture elements and practices in people’s everyday life outside the penitentiary system (Denisovich, 2014:62—63). It inevitably takes a toll on persons serving imprisonment and is generally considered as one of the threats to the Russian Federation national security (Voronov, 2021:67—72). The state is hardly able to provide round-the-clock monitoring of the behavior of each of the approximately 359 thousand prisoners (data of the Federal Penitentiary Service of Russia as of November 1, 2021<sup>2</sup>). So, their involvement in labor in an organized manner for several hours in the prison production complex (instead of learning “prison slang” and principles of asocial life, defining their place in the underworld), makes it possible to fill in at least part of their time with something useful for them and society.

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<sup>1</sup> Fängelselag, 2010:610. Dokument & lagar, Sveriges Riksdag. Available at: [https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/fangelselag-2010610\\_sfs-2010-610](https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/fangelselag-2010610_sfs-2010-610) [Accessed 10th December 2021].

<sup>2</sup> Brief description of the Russian Federation penitentiary system. Federal Penitentiary Service. Available at: <https://fsin.gov.ru/structure/inspector/iao/statistika/Kratkaya%20har-ka%20UIS/> [Accessed 17th December 2021].

In Soviet Russia, the labor of convicts was for a long time perceived by the state as a resource suitable for solving economic problems facing society; here we can mention industrialization, construction of the Baikal-Amur Mainline, development of country's remote regions and other large-scale projects. Of course, such an approach was widespread not only in Soviet Russia. Prohibition of slavery did not abolish the state's need for cheap and practically free labor, so convicts were attracted from time to time (Smykalin, 1998:14). Nevertheless, the need to engage hundreds of thousands of convicts to work in correctional institutions led to their camp organization, which reached its peak in the Soviet era and is still preserved in the form of various colonies. At the same time Western European correctional institutions which did not ensure the mass detention of prisoners are mainly represented by prisons (Utkin, 2015:81).

Soviet and Russian correctional institutions, like the entire national system of penal repression, went through a difficult path of evolutionary development. At present, the results of humanization of their functioning, reduction of "prison population" and other positive processes taking place in the penal system are obvious. But the execution of punishments (as well as the grounds for their application) raise numerous questions and fair criticism until now. Here it is necessary to mention incidents with unjustified use of violence against convicts and other odious cases of infringement of law and human rights that attract public attention. Such incidents and their circumstances require close examination from the state and scientific community, since they, even if they are refuted by the competent authorities, provoke a crisis of people's confidence in state penal policy and undermine the legitimacy of law enforcement actions.

There are also less "public" (and at the same time devoid of political overtones) problems, which also significantly hinder effectiveness of the national penal system of the Russian Federation. In fact, the current state of the prison labor organization in Russian correctional institutions seems to devalue the significance of correction measures. This is conditioned by the fact that only about 40% of convicts who are obliged to work are provided with labor. We speak about those having no grounds for exemption from this obligation due to disability or other reasons; basically, in accordance with part 1 of art. 103 of the Russian Criminal Executive Code "anyone sentenced to imprisonment is obliged to work at places and jobs determined by the administration of correctional institutions". So, labor that is compulsory for all convicts has virtually no practical significance for most of them, either in organizing leisure time, or in developing professional skills and competencies necessary for successful social adaptation after serving the term. However, in comparison with 2015, when only about 20% of convicts were involved into work, the situation has improved significantly.

Moreover, remuneration of convicts' labor turns out to be so low that in most cases it cannot motivate them to work or correct their social behavior (Gamanenko & Kuznetsov, 2015:127)). On the one hand, this is due to the deductions from the income of convicts to reimburse the state's costs for their maintenance,

compensation, and other mandatory payments. In accordance with part 3 of art. 107 of the Russian Criminal Executive Code at least 25% of accrued wages or other income should be credited to the personal account of convicts regardless of all deductions. On the other hand, even without deductions, the salary of an incarcerated person for work while serving a sentence is small due to its calculation based on the minimum wage (part 2 of art.105 of the Russian Criminal Executive Code); from January 1, 2022 it is established in the amount of only about fourteen thousand rubles (art. 1 of the Federal Law No. 82 of June 19, 2000 On the Minimum Wage as amended by the Federal Law No. 406 of December 6, 2021).

The situation is aggravated by the fact that crimes in the Russian Federation are disclosed only in about a half of cases (and considering the latency of crime — even less). For example, in 2020, 2,044.2 thousand crimes were registered, and only 1,031.9 thousand crimes were solved (of those that were under investigation within the specified year)<sup>3</sup>. Thus, a potential offender may consider criminal punishment as a “probability of an unfavorable outcome” of his/her act or risk rather than inevitability as required by the concept of unavailability of punishment; they would rather prefer to commit a crime (here it should be noted that in Russia more than half of the registered crimes are variants of theft — encroachments on property) instead of enriching themselves with law abiding labor for modest remuneration.

In the context of the foregoing, it is appropriate to raise one of the two classic questions — what, in fact, is to be done? But before coming up with a unique solution it seems better to turn to foreign experience and look for tips or even ready answers requiring only adaptation to local conditions.

Especially attractive in this regard is the experience of Scandinavian states, where the convicts’ labor, among other things, is one of the optional ways of organizing their leisure; it is not included into correction measures, which are obligatory for application as envisaged in Russia by the Criminal Executive Code (Seliverstov, 2016:197—198) and is only assigned when required as the most effective “correction” measure for a particular convict. Regulation of prison labor in these countries is of certain interest including Scandinavian penitentiary systems and conditions for their development.

### **General characteristics of Scandinavian penitentiary systems**

Scandinavian countries traditionally include the states of Northern Europe located on the Scandinavian Peninsula, the Jutland Peninsula and adjacent islands, i.e., primarily, Sweden, Denmark and Norway<sup>4</sup>. Due to historical circumstances, cultural proximity and other factors, Iceland and — although this is a controversial

<sup>3</sup> The conditions of crime in Russia in January-December 2020. Ministry of Internal Affairs of the Russian Federation. Available at: <https://media.mvd.ru/files/application/2041459> [Accessed 17 th December 2021].

<sup>4</sup> Scandinavia // The Big Russian Encyclopedia (2017). Available at: <https://bigenc.ru/geography/text/3667592> [Accessed 10th December 2021].

statement — Finland are also identified as Scandinavian countries. However, if you use the term “Nordic countries” or “Northern European states”, then questions and doubts about Finland disappear.

Within the framework of this study, it seems expedient to focus on the three “main” Scandinavian countries and, partly, on Finland. The experience of Finland is interesting because this state at a certain period of its history significantly changed local penitentiary policy and equaled in qualitative and quantitative indicators of the penal system with more developed Sweden, Denmark, and Norway.

Scandinavian countries are different from most other European states by the consistency and softness of their criminal policy. As a result, the proportion of prisoners in the population of these countries remains small and ranges from 40 to 60 people per 100 thousand residents over decades (approximately from the middle of the 20th century to the beginning of the 21st century). Finland did not meet these parameters for a long time; at the beginning of the 1950s, there were about 200 prisoners per 100 thousand inhabitants, and even in the 1970s, according to this indicator, Finland was one of the “leaders” among the countries of Northern and Western Europe. However, by the beginning of the 1990s, Finland had successfully reduced its “prison population” to average values for the Northern European region (Lappi-Seppälä, 2012:461).

Finland aimed to minimize the “suffering” and harm both from committing a crime and implementing measures to counter it (including criminal punishments), as well as to reduce the corresponding costs. It was emphasized that the state did not have to reduce crime level (or prevent particular criminal activity) at any cost — the harm from crimes correlated with the costs of combating them in order to ensure an acceptable and fair balance that meets the goals of general social policy in Finland (Lahti, 2000:146).

In fact, the objective was achieved, and — which is very important — the effectiveness of the Finnish criminal policy did not decrease and/or provoke high crime rates. The number of crimes in Northern Europe per 100 thousand inhabitants grew almost invariably from 1950 to 2000, and Finland was no exception. At the same time, a sharp decline in the number of convicts in Finnish prisons did not lead to a sharp rise in crime; the change in the crime rates reflected general regional trends, i.e., the crime rate and proportion of prisoners in the population of a particular state are sufficiently independent from each other (Lappi-Seppälä, 2012:467—468).

The Northern Europe penitentiary systems’ activity is characterized by a focus on the successful return of convicts to society after release, i.e., on their social reintegration. The penitentiary policy of the Nordic region states is recognized as a vivid example of the demonstrative departure from aggressive strategy of combating crime (“war on crime” or “tough on crime”), which is traditionally common in the United States and some other countries, to a harm reduction strategy. Here, it should be emphasized once again that “harm” in this

case means not only damage from crimes, but also the costs to fight them. In accordance with this strategy, softness and humanism pertain both to criminal and penal policy of the Northern Europe states in general, as well as to the choice of means and methods of influencing convicts, in particular (Teplyashin, 2020:84—85).

The key aspect of the Nordic countries' criminal policy including Finland is legitimacy; citizens must trust the system of criminal repression and consider it legal (accept it). This requires the system that provides adequate protection against socially undesirable actions (i.e., the Russian criterion of the “public danger” of a crime in the Scandinavian or Finnish contexts should be interpreted as “public condemnation”) without conflicting with the ideas of humanity and justice prevailing in society (Lahti, 2000:149). In turn, these ideas, as well as social values recognized by the population of the countries under study, are characterized by a sense of “Scandinavian exceptionalism”, one of the foundations of which, in addition to a high standard of living, historical and cultural community and other factors, is striving for absolute equality, i.e., wide perception of egalitarianism by the society (Pratt, 2008a:120). In the early 2010s, it was noted that the crime rate in Scandinavia was lower than in other European countries, and the population of those countries did not experience an acute fear of crime, was generally satisfied with the work of law enforcement agencies and did not see the need to tighten measures to combat crime, so punishment in the form of imprisonment was considered an extreme measure that should be limited in use (Hofer, 2003:188).

In these conditions, the penitentiary policy of the Nordic countries is focused on punishments that are alternative to imprisonment with the aim to reduce their number. Sentencing to imprisonment suggests a grave crime when the sentenced person is qualified as dangerous to society. In Finland, real imprisonment is assigned only in 12% of sentences, and practically all convicts are subsequently released on parole (some of them receive such right after serving only two weeks of their term in prison). Moreover, correctional institutions in the Scandinavian countries and Finland are characterized by openness to human rights organizations and residents, which makes it possible to widely involve institutions of patronage and public oversight. Convicts are engaged in labor (mainly craft), participate in a variety of educational and psychological correctional programs developed in accordance with individual plans for serving sentences (Teplyashin, 2019:218—221).

Thus, it is typical for the Northern European penitentiary systems to strive to minimize the use of imprisonment and reduce penal repression in general, as well as to ensure the legitimacy of the appointment and execution of sentences and their support by society. Paragraphs 5—6 of Chapter 1 of the Swedish Law No. 610 of 10.06.2010 On Prisons emphasize that punishment should be carried out on individual plans for serving the sentence, which are developed for each imprisoned person after consultation with him. At the same time all measures of coercion and

control (including those applied during imprisonment) must be justified by the tasks (goals) of punishment with lower degree of coercion (“intervention measure”; *ingripande åtgärd*) is better.

### **Regulation of prison labor and its place among other “measures of correction” in the Scandinavian countries**

An important and characteristic feature of the Scandinavian model of prison labor organization is the facultative nature of the work — it can become mandatory, but only under certain conditions. In some cases, attracting a convicted person to work will not have any positive effect and recognizing this, the legislators of the Scandinavian countries focused on engaging convicts who are obliged to take part in one or another socially useful activity admitted by the competent authorities (i.e., to be occupied with anything, not necessarily work).

In addition to work, other forms of organizing the convicts are widely represented in the activities of the penitentiary systems of the Scandinavian countries as a means of counteracting repeated crimes. Among them are training and education at different levels, from primary to higher; penitentiary administrations encourage inmates’ interest in education by giving them the opportunity to attend schools and universities or study remotely (Rezhapova, 2021:49—50). Convicts are encouraged to participate in programs to overcome addictions as a significant part of prisoners in correctional facilities are drug addicts; they are offered to undergo a course of treatment and/or rehabilitation (Goldina & Yutyaeva, 2016:134—135). There are also other opportunities, including special programs such as practice introduced in Denmark to help prisoners find a job after release. Subject to acceptable performance confirming the ability to generate income and proper behavior, ex-prisoners can get jobs in the public sector of the economy (Rezhapova, 2020:60).

Of special interest are educational programs aimed at deradicalization of prisoners who are connected or inclined to politically or religiously motivated extremist activity. Such programs consist of an integrated work with prisoners, combining behavior monitoring by the administration of correctional facilities including control of any contacts outside the prison walls and social influence by various non-governmental organizations (Yavorskii, 2017:44—46).

In accordance with the Swedish Prison Act No. 610 of 10.06.2010, convicts should be given the opportunity to be occupied with work, education, specialized programs, and/or other activities to overcome their addictions. After they chose the type of occupation and received an approval by prison administration, such occupation becomes mandatory for them (paras 1—2, chapter 3).

A similar procedure is envisaged in Danish law. Article 38 of the Danish Penal Enforcement Act No. 1333 of December 9, 2019 establishes the “right and duty” of prisoners to be occupied by participating in work, education or “other



approved activities”<sup>5</sup>, i.e., convicts are given the right to choose one or another obligatory type of activity.

In turn, the Norwegian legislation does not directly indicate the obligation of prisoners to work, even in the context of possibility to choose alternative occupations. Article 18 of the Execution of Sentences Act No. 21 of May 18, 2001 stipulates that the Norwegian Correctional Service provides prisoners with the opportunity to work, study or take part in various programs during the daytime; in other words, they are offered to choose an occupation, and competent services try to stimulate them in this but not to force them to a certain form of occupation<sup>6</sup>. However, if the convict refuses to take part in training or other programs, he/she may (“may”, not “should”) be involved in labor imperatively (art. 3.12 of Regulations No. 183 of February 22, 2002 relating to the Execution of Sentences)<sup>7</sup>.

Another important aspect of prison labor is remuneration. Under the principle of remuneration for work, it becomes, for obvious reasons, much more attractive to a person, and the higher and fairer the remuneration is, the higher is the worker’s interest to perform well. This is also applicable to prisoners, for whom wages are not only an incentive to work and a factor of awareness of the possibility to earn money legally after release, but also a source of ensuring decent living conditions in a correctional institution and fulfilling their obligations (to the victims, relatives, state, etc.).

In Sweden, the Prison and Probation Service (*Kriminalvården*) provides compensation to prisoners for their occupation (working, training and education, or participating in correctional programs), unless they receive compensation or remuneration from other sources (outside the correctional facility). Compensation (*ersättning*) is credited to accounts specially set up for prisoners; these funds can be used to purchase any goods and products of free circulation.

A tenth of such compensation is withheld by the Prison and Probation Service to cover the subsequent costs associated with his release and return to his place of residence, but in some cases the convict may be given the right to spend the withheld funds for other purposes (paras 3—4, chapter 3 of the Swedish Prison Act). Paragraph 5 of chapter 3 of the Swedish Prison Act also specifically stipulates that if prisoners intentionally damage or destroy property belonging to the Prison and Probation Service, the damage may be reimbursed from the funds on prisoner’s account.

In Denmark, all prisoners (convicted persons serving an imprisonment, as well as persons held in pre-trial detention) are also paid an hourly remuneration for occupation other than employment, which is typical for the Scandinavian penal

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<sup>5</sup> Straffuldbyrdelsesloven, LBK nr 1333 af 09/12/2019. Retsinformation. Available at: <https://www.retsinformation.dk/eli/ta/2019/1333> [Accessed 10th December 2021].

<sup>6</sup> Act No. 21 of May 18, 2001 relating to the execution of sentences (The Execution of Sentences Act). The Lovdata Foundation. Available at: <https://lovdata.no/dokument/NLE/lov/2001-05-18-21> [Accessed 10th December 2021].

<sup>7</sup> Regulations No. 183 of February 22, 2002 relating to the Execution of Sentences. The Lovdata Foundation. Available at: <https://lovdata.no/dokument/SFE/forskrift/2002-02-22-183> [Accessed 10th December 2021].

systems. Moreover, remuneration should be paid to those prisoners who, for one reason or another, were not provided with work or opportunity to take part in other permitted activities, were exempted from “compulsory employment” by order of the Minister of Justice (being included into the privileged category of convicts for some reason) or are unable to carry out compulsory activities due to illness. The prisoner receives most of the funds on a monthly basis and can spend them on personal needs or for other (legal) purposes. A smaller part (in the amount of 15%) of the payments due to the prisoner is to be withheld by the Prison and Probation Service (*Kriminalforsorgsområdet*); it is accumulated on an account and is available to him upon release. The funds saved in this way are used to cover transportation and other expenses related to the release and return of the prisoner from the correctional institution to the place of residence (art. 42 of the Danish Penal Enforcement Act).

The Danish Ministry of Justice annually adjusts rates of remuneration to convicts in correctional facilities; it consists of several parts (the Executive Order No. 1807 of December 2, 2020 On Rates for Remuneration for prisoners in the Danish Prison and Probation Service’s institutions<sup>8</sup>). The first part is the basic payment of 11.02 Danish Krone per hour in 2021; it is credited to all occupied persons and some other categories of prisoners already mentioned. After eight weeks at one place (it may be workshop, study program, etc.), a bonus for stability of 3.36 Danish Krone per hour may be added to the basic payment. Eight weeks later, subject to the prisoner’s successful performance as well as required level of his/her professional training (or completing educational programs in prison) he may be granted a second bonus for special competence, established in the same amount of 3.36 Danish Krone per hour. Besides, prisoners can receive a supplement for overtime or harmful work (*ulempetillæg*; in general, this is a bonus “for inconvenience”), which comprises 5.78 Danish Krone per hour as well as other benefits, including household allowances. Convicts provide themselves with food on their own; they buy groceries, which they then use to cook their food (Khairullin & Yusupova, 2019:84—85).

The normal working week in Denmark is thirty-seven hours<sup>9</sup>. If prisoners fully “work out” the allotted time, they can receive an average of 407.74 Danish Krone per week of basic payments alone, and given the bonuses for stability and competence, the payment may reach 656.38 Danish Krone. The monthly salary in the “basic” case will be, respectively, 1630.96 Danish Krone and 2625.52 Danish Krone with all possible bonuses (without the allowance for household needs).

At the same time, convicts who are engaged in their own activities (i.e., the job sought on their own or remained from the time before the conviction) are not

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<sup>8</sup> Bekendtgørelse om satser for vederlag m.v. til indsatte i kriminalforsorgens institutioner (2021), BEK nr 1807 af 02/12/2020. Retsinformation. Available at: <https://www.retsinformation.dk/eli/lta/2020/1807> [Accessed 10th December 2021].

<sup>9</sup> Vejledning om beregning af sygedagpenge, VEJ nr 9830 af 27/09/2019. Retsinformation. Available at: <https://www.retsinformation.dk/eli/retsinfo/2019/9830> [Accessed 10th December 2021].

usually remunerated by the Prison and Probation Service. This restriction also applies to pensioners or those enjoying other social benefits, those who work, study, or have other activities outside the correctional institution. Moreover, the Prison and Probation Service does not pay remuneration for participation in ordinary (household) work, such as cleaning, gardening, and the like, if the convicts performing such work have income from other sources or receive other benefits from the state (art. 6 of Executive Order No. 746 of April 27, 2021 On Employment of Prisoners in the Correctional Facilities<sup>10</sup>).

In Norway, all income from prison labor goes to the state treasury, but this does not mean that this labor is not paid. Prisoners are entitled to daily payments unless they are involved in unpaid work at their own request in order to pay a fine or other punishment (art. 8.1 of the Penal Enforcement Rules); in this case calculation of corresponding amounts is not directly related to the performance of their work but is based on the procedure and criteria developed and updated annually by the Norwegian Penitentiary Service (art. 3.13 of the Penal Enforcement Rules).

As in the rest of the Scandinavian countries, prisoners in Norway receive payments regardless of the type of occupation they choose. The Norwegian legislator uses the term “*dagpenger*”, which literally means “unemployment benefits”, so it is appropriate to call such payments benefits. The amount of payments may differ based on the result of particular prisoner in his chosen field, compliance with the sentence execution regime and other circumstances. The average rate of allowance paid to all convicts who work, study and/or participate in correctional programs is about 300 Norwegian Krone per week (Shammas, 2015:3).

This approach of the legislator kind of belittles the importance of labor as correction measure and the means to ensure the successful return to society after release, because in normal conditions prisoners receive remuneration only for their labor. However, the Norwegian state, like the rest of Scandinavian countries, have actually selected several equivalent tools of correction, which it considered appropriate.

Indeed, if there is a strong feeling that a prisoner will find his/her way in the future and there is no need in gaining certain professional skills because they already have some then there is no sense in forcing them to work. But non-payment of benefits for success in educational activities, participation in creative, cultural, or other activities and correctional programs, or simply for good behavior while serving a sentence may be considered a kind of discrimination.

The daily payments that are credited to prisoners and accumulated in their accounts are designed to satisfy their everyday needs, stimulate proper behavior,

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<sup>10</sup> Bekendtgørelse om beskæftigelse m.v. af indsatte i kriminalforsorgens institutioner, BEK nr 746 af 27/04/2021. Retsinformation. Available at: <https://www.retsinformation.dk/eli/ta/2021/746> [Accessed 10th December 2021].

and help arrange life after release from prison. The state takes upon itself, as it may seem, excessive expenses, since it guarantees all prisoners an equal opportunity to receive benefits while serving a sentence. Those prisoners who are unable to work or participate in other types of occupation due to health problems and/or temporary disability (art. 3.13 of the Penal Enforcement Rules) also enjoy this right. At the same time those who violate the conditions for sentenced prisoners by refusing to do work or participate in other types of employment are deprived of the right to receive payments. But even in this case we can talk only about the period when the corresponding violations took place (art. 40 of the Norwegian Execution of Sentences Act).

Thus, Norway incurs significant costs to achieve the goals of correction and re-socializing prisoners, but, judging by the reducing rate of recidivism from 60—70% in the 1990s to about 20% in 2014 and other criminological indicators, it has reached significant success in that. With the high level of economic development and relatively small number of prisoners (there were only 54 convicts and detainees in Norway per 100 thousand inhabitants as of April 2021<sup>11</sup>), these costs are not so high, especially since such penal policy ultimately brings benefits for economy in general. Of those who were unemployed at the time of conviction, about 40% are successfully employed after serving their sentence; this partly becomes possible because of the education, vocational training, and other correctional programs they take during imprisonment<sup>12</sup>.

Altogether, convicts' remuneration in Scandinavian countries under study is similar and typical for the Northern European region. It is interesting to note, that Scandinavian penitentiary experience is attractive not only for researchers, but also for foreign legislators. For example, in 2019 American North Dakota launched an experiment aimed at borrowing Norway's experience in organizing correctional facilities in attempt to replace the traditionally strict (and even severe) approach to the imposition of sentences and execution of punishments implemented in the United States<sup>13</sup>.

## Conclusion

One of the main reasons of criminality is alienation from the "normal" society, its foundations, and principles of existence; this first of all refers to persons guilty of violent crimes and some milder offences. Punishment can contribute to overcoming such alienation, but for this it must ensure preservation and restoration

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<sup>11</sup> Norway. World Prison Brief. Available at: <https://www.prisonstudies.org/country/norway> [Accessed 15th December 2021].

<sup>12</sup> Dorjsuren B. Norway's prison system benefits its economy. The Borgen Project, 06.11.2020. Available at: <https://borgenproject.org/norways-prison-system/> [Accessed 15th December 2021].

<sup>13</sup> Janzer C. North Dakota Reforms its Prisons, Norwegian Style. U.S. News, 22.02.2019. Available at: <https://www.usnews.com/news/best-states/articles/2019-02-22/inspired-by-norways-approach-north-dakota-reforms-its-prisons>. [Accessed 15th December 2021].

or formation of the convict's involvement in a law-abiding life and that is impossible without humanization of the process of punishment execution (Antonyan & Eminov, 2014:241).

Russian penitentiary system does not always allow to consider prison labor as a measure of “corrective influence”. Often it does become a way of increasing responsibility, tightening conditions for some “unwanted” convicts, which is used by some correctional institutions. Vivid examples of that can be situations when application of this measure of correction is objectively not necessary for rehabilitation of a specific convict who might have certain labor and social skills, education, income, etc. Working during imprisonment will not help such convict return to normal life in society after release because they will most likely cope with this by themselves without any assistance. So, of all the means of correction, only the prison regime (which is the basic element of punitive process in most cases) and rehabilitating measures should be applied to them (Tkachevskiy, 2006:73—74).

In contrast, the experience of the Scandinavian countries and Finland is an excellent example of humanization of the penal system and reasonable use of means to reform and rehabilitate prisoners. It should also be noted that Scandinavian model is not as expensive as it might seem at first glance — the penitentiary systems of the Nordic countries are modest in scale and their maintenance translates into moderate costs. Softness of criminal liability leads to cost reduction in its implementation and such policy is accepted by taxpayers who understand what they are paying for.

However, there is a completely insurmountable obstacle in implementing such experience in Russian reality. The reception of the Scandinavian model of the penal system organization would require not only a radical revision of the tasks and content of criminal punishment (not formally but in fact), but also revision of the state social policy. Even in other European countries, the Scandinavian approach to criminal repression, given their non-Scandinavian conditions (here it seems appropriate to once again mention “Scandinavian exceptionalism”, which should be understood not as some chauvinistic views, but just as high living standards and successful socio-cultural development<sup>14</sup>), would hardly be accepted by society and would probably lead to higher costs not for the maintenance of the penal systems but for criminal damage. Earlier it was noted (Lappi-Seppälä, 2012:467—468), that a direct connection between

decreased penal severity and higher crime rates is not obvious but may apply only to the Northern Europe countries, while in less favorable conditions and with a less developed consciousness of the population, the weakening of the law enforcement system almost inevitably would lead to a crime rise. Anyway, even if Scandinavian penal and penitentiary models are not fully “exported” outside the

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<sup>14</sup> Martela F., Greve B., Rothstein B., Saari J. The Nordic Exceptionalism: What Explains Why the Nordic Countries Are Constantly Among the Happiest in the World. World Happiness Report 2020. Available at: <https://worldhappiness.report/ed/2020/the-nordic-exceptionalism-what-explains-why-the-nordic-countries-are-constantly-among-the-happiest-in-the-world/> [Accessed 18th December 2021].

borders of Northern Europe (Pratt, 2008b:289—290), some of their aspects may be taken into consideration by various competent authorities, including Russian legislator.

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