LEGAL STATUS OF MINORS HELD IN EDUCATIONAL COLONIES IN THE RUSSIAN FEDERATION

INTRODUCTION

The modernization of the domestic criminal procedure legislation and the penitentiary system began after Russia joined the Council of Europe (hereinafter referred to as the Council of Europe). Upon joining the Council of Europe, the Russian Federation assumed additional obligations in terms of bringing national legislation into line with the European one, including in the field of ensuring individual freedoms and rights in criminal proceedings. The development of the penal enforcement (penitentiary) system in line with compliance with the norms, standards and rules of international law contributes to ensuring the guarantee of legality and humanity in the field of execution of punishment, including in relation to juvenile convicts.

Nevertheless, as the current practice shows, there have not been any fundamental changes in the sphere of ensuring the rights of persons sentenced to serving a sentence in the form of imprisonment in our country. Most of the provisions reflecting the rights of convicts in penitentiary institutions are exclusively declarative in nature, and the mechanisms for their implementation have not been worked out.

So, as of the beginning of January 2020, 1,155 convicts were serving their sentences in educational colonies, 95 of them were underage girls. The share of minors serving their sentences in the walls of educational colonies, in the context of the types of crimes committed: theft - 13.5%; robbery - 11.7%; robbery - 10.9%; intentional infliction of serious harm to health - 8.6%; murder - 8.7%; rape - 14.9%; other types of crimes - 31.7%. The sentence in the form of imprisonment is being served for the first time by 1129 people. [Official website of the Federal Penitentiary Service of Russia // http://фсин.рф].

Currently, there is a tendency to worsen the criminogenic composition of convicts in Russian educational colonies for minors. Among the negative trends, we can also distinguish the following: pedagogical neglect of convicts; an increase in the number of drug addicts, patients and people from dysfunctional families; activation of negative personal qualities (cynicism, aggression, cruelty). All this requires the State to take decisive measures.

In this regard, the problem of ensuring the interests, rights and freedoms of minors serving sentences in places of deprivation of liberty is of particular importance, since the lack of the possibility of exercising rights and their non-compliance do not allow fully achieving the main goals of the penal enforcement legislation.

Domestic researchers have repeatedly drawn attention to the need for and importance of developing a special law that would regulate the legal status of minors held within the walls of educational colonies. The importance of this circumstance is also confirmed by the fact that the Internal Regulations in force in educational colonies (hereinafter referred to as the PVR) require improvement in many points [Order of the Ministry of Justice of the Russian Federation of 06.10.2006 No. 311 “On approval of the Internal Regulations of educational colonies of the penal enforcement system” /https://base.garant.ru/57418330/].

The above makes it necessary to take measures to further reform and transform the criminal and penal enforcement legislation in order to bring it in accordance with the norms, rules and standards of international law. This determines the relevance, theoretical and practical significance of this study.
LITERATURE REVIEW

It is worth noting that the national doctrine pays great attention to the study of the legal status of minors held in educational colonies in the Russian Federation. A huge number of issues are studied: the civil and legal status of minors sentenced to imprisonment (GALITSKOVA, 2011), the legal status of minors held in educational colonies in the field of labor (YEMELYANOVA, 2015) current trends in the penal enforcement policy in the field of preventing recidivism (GORBAN, 2017), analysis of the regulation of international standards regulating the legal status of minors sentenced to imprisonment (DEREVICH, 2018), features of the family and legal status of a minor sentenced to imprisonment (KASHTANOVA, 2019), etc.

Foreign researchers approach the study of the problem of the legal status of minors held in educational colonies ambiguously. In our opinion, the position is quite interesting. According to Steinberg Laurence, the commission of illegal actions by adolescents is due to the fact that "adolescence is a period of significant changes in the structure and functions of the brain" (LAURENCE, 2012). Alan Cooperman, Conrad Hackett, Anna Schiller, according to which the social status of an individual is determined through the prism of the educational system and confessional preferences that affect the development of a person and the determination of his place in society (COOPERMAN, HACKETT, SCHILLER, 2016). Heather Stringer believes that psychological studies of brain development and adolescent impulsivity are changing about how the justice system treats adolescents, and are reduced to interventions that, in the first place, could help them stay out of the system (STRINGER, 2017). Josh Rovner analyzed the judicial practice in cases concerning the life of minors without the right to early release, according to which "sentences that close the door to rehabilitation and getting a second chance are cruel and erroneous" (ROVNER, 2021), etc.

The above allows us to conclude that the problem of the legal status of minors held in educational colonies is studied both in domestic and foreign doctrine. However, the works analyzed by us are not monographic and dissertation research, which indicates a low level of available scientific material for a comprehensive solution of the designated problem.

METHODOLOGY

The methodological basis of the research is made up of general scientific, private and special methods of cognition. The general scientific dialectical method allowed us to consider the problem of legal relations arising in the sphere of securing the legal status of minors who have been sentenced to imprisonment; to conduct a comparative analysis of international and domestic legislation in regulating the designated topic. Using the methods of formal logic, the transformations in the sphere of legal regulation of the legal status of juvenile convicts at the present stage will be characterized, defects in regulatory regulation are identified. The methods of scientific knowledge will help to conduct a study of the current legislation for its compliance with the problem under consideration. In order to correlate various legal norms, the article will use comparative legal and formal legal methods.

Empirical methods. The analysis and generalization of international and Russian experience in the field of improving domestic legislation will lay the foundation for the harmonization of existing legislative acts in order to increase the level of coherence in the actions of state authorities. The method of meaningful analysis will ensure the completeness, reliability and consistency of the data obtained as a result of generalization. With the help of prognostic methods, the development trends of the object under study will be determined and a vision of possible positive or negative consequences of the implementation of the provisions of the legislation of the Russian Federation will be provided. To identify individual patterns and ways to overcome them, some sociological (modeling, extrapolation) and statistical (classification, correlation) methods of cognition will be involved. The use of qualitative research methods (analysis and generalization, comparison, modeling, etc.) is due to the need to formulate hypotheses and productive ideas, as well as the need to understand and explain existing data.
RESULTS

The very fact of being in places of deprivation of liberty is already stressful for any person, let alone teenagers. Therefore, the problems of ensuring the legitimate interests and rights of convicted adolescents, as well as improving their legal and social protection measures in conditions of being in places of detention, are of particular importance.

Deprivation of liberty is imposed on adolescents (14-18 years old) on the basis of Article 89 of the Criminal Code of the Russian Federation. Based on the third part of Article 73 of the Criminal Code of the Russian Federation, convicted teenagers are serving their sentence in the form of imprisonment in educational colonies at their location. The ninth part of Article 74 of the Criminal Code of the Russian Federation states that convicted teenagers and persons who are left in the colony until they turn 19 are serving their sentences in colonies.

Currently, the Federal Penitentiary Service (hereinafter referred to as the FSIN) of Russia has 23 educational colonies located in 23 subjects of the Federation. Of these, two colonies (Tomsk and Belgorod regions) are women’s, and 21 colonies are for the maintenance of boys. As of the beginning of January 2020, 1,155 convicts were serving their sentences in educational colonies, 95 of them were underage girls. The share of minors serving their sentences in the walls of educational colonies, in the context of the types of crimes committed:

- theft - 13.5%; robbery - 11.7%; robbery - 10.9%; intentional infliction of serious harm to health - 8.6%; murder - 8.7%; rape - 14.9%; other types of crimes
- 31.7%. The sentence in the form of imprisonment is being served for the first time by 1129 people. [Official website of the Federal Penitentiary Service of Russia // http://фсин.рф it].

should be noted that the execution of sentences in the form of deprivation of liberty in relation to adolescents has some specific features. These features are set out in Chapter 17 of the Criminal Code of the Russian Federation (Article 132-140).

The Criminal Code of the Russian Federation provides for 4 types of conditions for serving sentences in an educational colony of enhanced and general regime:

- strict conditions;
- preferential conditions;
- simplified conditions;
- the usual conditions (Article 132 of the Criminal Code of the Russian Federation).

Teenagers who have been sentenced to imprisonment are sent to serve in normal conditions, excluding those who committed an intentional crime during the period of serving their sentence. Under normal conditions, teenagers who were transferred from other conditions (strict, preferential, facilitated) are serving their sentences. Teenagers convicted of committing intentional crimes, as well as for committing crimes while serving a sentence, are sent to serve in strict conditions. In strict conditions, malicious violators of the established procedure for serving the prescribed sentence and teenagers who were transferred from light and normal conditions are also serving their sentences.

If a teenager serving a sentence in strict conditions has not had any penalties for 6 months and has conscientiously treated his studies and work, then he can be transferred to normal conditions. According to Article 132 of the Criminal Code of the Russian Federation (part 4), convicted teenagers, in respect of whom there was no penalty for violations of the established procedure, conscientiously related to study and work, are subject to transfer from normal conditions to facilitated (male persons - 6 months after serving their sentence in normal conditions, female persons - 3 months later).

In accordance with the general rule, convicted persons must serve their sentences in colonies located within the subject of the Russian Federation in which they lived or were convicted. Teenagers can be sent to colonies located on the territory of another subject of the Russian
Legal status of minors held in educational colonies in the Russian Federation.

Article 133 of the Criminal Code of the Russian Federation establishes the conditions for serving a sentence of imprisonment in educational colonies. Convicted teenagers who are serving their sentences under normal conditions in an educational colony live in a dormitory. They are allowed to:

- buy food and basic necessities at regular intervals once a month;
- have 4 long-term and 8 short-term dates during the year.

Teenagers who are serving their sentences in light conditions also live in dormitories. Convicted persons are allowed to:

- buy food and basic necessities at regular intervals once a month;
- have 4 long-term and 8 short-term visits during the year (the management of the institution may allow long-term visits outside the colony).

Teenagers who are serving their sentences in preferential conditions also live in dormitories. Convicted persons are allowed to:

- spend the available funds without restrictions on the purchase of food and basic necessities;
- have an unlimited number of short-term dates and 6 long-term dates throughout the year with residence outside the colony.

Convicted persons who are serving their sentence in preferential conditions, based on the decision of the head of the colony, can live in a hostel outside the institution, without protection, but under supervision. In this case, the convicted persons are allowed:

- wear civilian clothes;
- manage funds.

Convicted teenagers who are serving their sentences in strict conditions live in isolated residential premises, which are locked with a key in their free time from work or study. Convicted persons are allowed to:

- buy food and basic necessities at regular intervals once a month;
- have 3 long-term and 6 short-term dates during the year.

For good behavior and conscientious attitude to study (work), incentives are provided: the right to attend a sports or cultural event outside the colony; to be released early from a disciplinary detention center, etc. (Article 134 of the PEC). In addition to incentive measures, penalties are also provided for violations of the regime. Such measures include: placement in a disciplinary detention center for up to 7 days; deprivation of the right to watch TV for a month.

In accordance with part 1 of Article 141 of the Criminal Code, a single educational educational process is organized in educational colonies when serving a sentence and for the purpose of correcting convicted adolescents. It pursues the goal of forming law-abiding behavior and a conscientious attitude to study (work) among convicted adolescents. Teenagers can receive primary vocational education, undergo vocational training, and improve their cultural and educational level.

It is advisable to consider the features of the legal status of convicted adolescents in the labor sphere.

In accordance with the general rule, all convicted persons must work at jobs and in places determined by the administration of a penitentiary institution (part 1, Article 103 of the Criminal Code of the Russian Federation) [Criminal Executive Code of the Russian Federation No. 1-FZ of 08.01.1997 (ed. of 27.12.2019)]. In this regard, a natural question arises: does this rule apply to convicts who have not reached the age of majority? The PEC of the Russian Federation does not say anything about the age of convicts, from which the administration of a penitentiary
An institution is obliged to engage in labor. At the same time, according to Article 63 of the Labor Code of the Russian Federation, it is possible to conclude an employment contract with persons who have reached the age of 16.

It should be noted that convicted teenagers are partially deprived of the right to freely choose a profession and occupation. The reason for this is the inability to organize a large number of production facilities in the colony. Therefore, as a rule, teenagers have a choice of only a few professions (and sometimes there is no such choice at all). If such conditions are created in an educational colony, then teenagers are involved in labor activity taking into account a specific specialty (part 1, Article 103 of the PEC).

Persons sentenced to imprisonment (including teenagers) are endowed with a special right in the labor sphere - this is the right to a guaranteed minimum wage, credited to a personal account, regardless of the deductions and deductions made. This right is enshrined in Article 107 of the Criminal Code of the Russian Federation (paragraph 3). For minors, this minimum is half of the earnings (YEMLYANOVA, 2015).

Another right that is granted to convicted teenagers is the right to participate in the compulsory social insurance system. According to Article 98 of the Criminal Code of the Russian Federation (Part 1), convicted persons involved in labor activity are necessarily subject to state social insurance. Persons who have lost their ability to work during their stay in the colony are entitled to receive compensation for damage in the manner and in the cases provided for by law.

Procedural aspects of the execution of the considered type of punishment in relation to minors who are in educational colonies are regulated by Order of the Ministry of Justice of the Russian Federation No. 311 of 06.10.2006 [Order of the Ministry of Justice of the Russian Federation No. 311 of 06.10.2006 “On approval of the Internal Regulations of educational colonies of the penal system”]. However, in our opinion, some provisions of this Order require improvement.

So, in particular, it is necessary to provide in the Rules a provision regarding the need for the administration of the institution to ensure compliance with the requirements of Law No. 15-FZ of 23.02.2013 [Federal Law No. 15-FZ of 23.02.2013 "On protecting the health of citizens from the effects of ambient tobacco smoke and the consequences of tobacco consumption" ]. This should be one of the priority directions in the activities of domestic criminal-Executive (penitentiary) system. Particularly in light of the provisions of the Comprehensive program for improving juvenile correctional and remand centres for 2015-2018 approved by the Director of the Federal penitentiary service of Russia on 10 July 2015. We offer Express paragraph 11 paragraph 17 of the Rules in this wording:

• “Health, including the impact of ambient tobacco smoke and consequences of Smoking, and security of person”.

• This formulation seems very concise.

The rules define the individual duties of convicts. However, the current version of the Rules does not contain sufficient certainty of procedures related to the observance of personal hygiene rules, which must be observed by convicts (including teenagers) and monitored by prison staff to prevent morbidity among convicts. This may cause dissatisfaction on the part of pupils. In addition, such uncertainty negatively affects the provision of health protection for convicted adolescents (YUZHANIN, GORBAN, 2018).

To specify the rules of personal hygiene, we propose to state paragraph 6 of paragraph 18 of the Rules in the following wording:

Keep office and residential premises, working and educational places clean, make the bed according to the established pattern, adhere to the rules of personal hygiene (get a haircut and shave in a timely manner) (KIMACHEV, GORBAN, 2019).
Some doubts arise about the expediency of a ban on smoking in non-designated places. This formulation allows teenagers to smoke in specially equipped places, which is incorrect in principle, since all teenagers serving a sentence of imprisonment are prohibited from smoking. We propose to remove the phrase "in places not designated for this purpose" from paragraph 11 of paragraph 19 of the Rules. This will contribute to bringing the Rules into compliance with Law No. 15-FZ (Federal Law of 23.02.2013 No. 15-FZ "On the protection of citizens' health from the effects of ambient tobacco smoke and the consequences of tobacco consumption"). In addition, the actual ban on smoking in educational colonies is already in effect.

Another point that raises doubts about its expediency is the restriction of the number of checks on the presence of convicts at night to one check (paragraph 25 of the Rules). In this regard, the Rules contradict the Instructions on Supervision of Convicts Held in educational Colonies of the Federal Penitentiary Service [Order No. 95 of 23.07.2005 "On approval of the Instructions on Supervision of Convicts held in educational Colonies of the Federal Penitentiary Service" (as amended on 15.08.2016)]. The instructions provide for such a check to be carried out every two hours. Thus, in our opinion, it is necessary to delete the phrase "once" after the phrase "at night, the presence of convicts is checked..." in paragraph 25 of the Rules.

The question arises about how products and basic necessities are purchased by convicted teenagers. The Rules do not contain any clarifications in this regard (KIMACHEV, 2017). We propose to provide in paragraph 166 a general procedure for the purchase of food and basic necessities by teenagers, indicating that minors held in preferential conditions living outside the educational colony can purchase food, things and basic necessities at the expense of funds that are on their personal account, i.e. for non-cash payment. In paragraph 168 of the Rules, we propose to provide for a private procedure – at the expense of cash (GORBAN, 2017).

**DISCUSSION**

The legal status of minors held in educational colonies in the Russian Federation is legally determined by both the norms of national and international law. The system of Russian legislation is determined by the Constitution of the Russian Federation, the Federal Law "On basic guarantees of the rights of the child in the Russian Federation", the Federal Law "On the basics of the system of prevention of neglect and juvenile delinquency", as well as the Criminal Code of the Russian Federation, the Criminal Procedure Code of the Russian Federation, the PEC of the Russian Federation. The norms of substantive and procedural law contain a number of provisions regulating the legal status of juvenile convicts, showing the reception of the norms of international law, in particular, the Declaration of the Rights of the Child, the UN Convention on the Rights of the Child, the World Declaration on Ensuring the Survival, Protection and Development of Children, the Rules of the United Nations concerning the Protection of Minors Deprived of their Liberty, etc.

In accordance with the content of Article 22 of the UN Rules, parents (adoptive parents, guardians, guardians) must be immediately notified of the placement of a teenager in an institution of the penal enforcement system [United Nations Rules concerning the Protection of Minors Deprived of their Liberty of 14.12.1990]. Adolescents should be provided with such conditions of detention that would take into account the status and basic needs of the convicted person (gender, age, individual characteristics, the severity of the crime committed).

The document under consideration introduces the concept of "open correctional institutions" for adolescents. We are talking about such institutions in which security measures are either limited or absent at all. In accordance with the concept enshrined in this document, the minimum possible number of convicts should be in open correctional institutions. This is necessary in order to ensure an individual approach.

Article 33 of the Rules contains a provision regulating the maintenance of convicts and various domestic aspects. So, in particular, the rooms for a night's sleep should consist of several bedrooms. Depending on the standards, the bedrooms can be designed for one or more people. At night, the convicts are monitored unobtrusively, but regularly, for compliance with the regime and for the protection of the convicts themselves. Taking into account the norms in force in the country, juvenile convicts must be provided with bedding and linen. Bed linen should be changed regularly.
Despite being in places of deprivation of liberty, minor convicts have the right to a private life and the presence of personal belongings. This is important for psychological health and well-being. The administration of a penitentiary institution or an educational colony must respect and recognize the right of convicts to have personal belongings. In addition, proper conditions should be created for the storage of personal belongings. Some things are subject to confiscation upon admission of a minor. Such things are sealed and stored in a safe place. The list of such things is signed by the convicted person. In the same way, other things that a minor convict does not want to keep with him can be stored. The administration of the institution must take measures to ensure the safety of the convicts’ belongings. Upon release, all seized items are returned to the convicted person. The same applies to cash.

Some convicted minors may have health problems and need medications. The issue of taking medications is decided by the medical worker of the institution.

The next most important section of the document under consideration is devoted to the issues of education, vocational training and labor activity of convicts. Minor convicts have the right to receive an education while in prison. This will contribute to the preparation for returning to society. In addition, juvenile convicts have the right to visit the library, study textbooks on educational programs that are implemented in the institution, periodical and entertainment literature intended for teenagers. The administration of the institution should not restrict the access of convicts to the library, but on the contrary—encourage its visit. Juvenile convicts should have the opportunity to acquire literature (scientific, educational, entertainment) in addition to the library fund.

Another right guaranteed to juvenile convicts is the right to receive professional education. Thanks to the availability of professional education, a minor will be able, after being released, to get a job and arrange his life. Professional education, firstly, should have a practical orientation, and, secondly, consider the demand for the specialty in the labor market.

Juvenile convicts should have the opportunity to choose the type of work activity. We also note that the UN Rules directly fix the rule that establishes the obligation to comply with all the norms and rules governing child labor in relation to convicted adolescents. This applies, among other things, to the national (domestic) level of labor protection regulation, as well as to international standards in this area. The rules declare the right of minors to receive monetary remuneration for work in a fair amount. At the same time, the priority of the interests of the convicted teenager is fixed before the profit that the correctional institution receives from his work. Quite interesting is the rule according to which, a certain part of the labor income received by the convict, the administration of the institution must accumulate on a special personal account. Upon release, the convicted person receives the entire accumulated amount in his hands.

The rules consider the psychology and physiology of the adolescent age stage. The document establishes the right of underage convicts to engage in physical exercises and sports. The correctional institution must have all the necessary training equipment, premises, equipment and inventory. Also, the international document under consideration establishes the right of juvenile convicts to free time. Convicted teenagers can spend their free time at their discretion (for example, to play sports, play, learn a craft, etc.).

For the re-socialization of convicts under the age of 18, the state of health is of great importance. Appropriate courses should be organized for those convicts who need therapeutic therapy and physical education. Courses of therapy and physical therapy should be conducted under the supervision of a medical professional. To ensure the document establishes several rules for the implementation of the right of convicted adolescents to receive medical care. Thus, in particular, all convicted adolescents should be provided with appropriate medical care (both curative and preventive). If possible, these types of medical (therapeutic and preventive) services should be provided through the relevant services and institutions of the health system.

Of great importance is the rule according to which convicted adolescents with mental disorders must undergo appropriate treatment in specialized medical institutions. The administration of the institution, in coordination with the authorized bodies, must take
measures aimed at ensuring the continuation of psychiatric treatment even after the teenager is released.

Based on the analysis of international legal acts containing standards and principles for the treatment of convicted adolescents, we will highlight the basic rights that juvenile convicts have. In accordance with the Convention of 1989, juvenile convicts are guaranteed: the possibility of exercising cultural, economic and civil rights; protection from all types of violence (psychological, physical, moral), abuse, insults, rough treatment and neglect; increased protection of oppressed categories of minors (orphans; children without parental care; refugee children; children with disabilities); the right to receive free medical, drug treatment, psychological and social assistance; the right to receive free education; protection from any type of exploitation (sexual, social, economic, labor).

To ensure the protection of the rights of convicted minors, international documents provide for the right of parents (adoptive parents, guardians, trustees) to be immediately notified of the placement of a teenager in an institution of the penal enforcement system. In addition, these persons have the right to visit a teenager during the period of serving their sentence.

The UN Rules of 1990 set out the basic principles and rules for the treatment of convicts who have not yet turned 18 years old. This document establishes two important principles: the application of a penalty of imprisonment to minors is an extreme measure; when assigning a punishment to a minor, it is necessary to proceed from the minimum established period.

Convicted teenagers have the following rights: the right to guardianship, education, vocational training and protection in places of serving a sentence, to receive social, psychological and medical assistance. The fundamental principle laid down in the basis of the international document under consideration is the protection and security of the rights of minors during their stay in places of deprivation of liberty. The listed rights and guarantees apply to all adolescents, i.e. without discrimination on racial, cultural, religious, family, class, social or other grounds.

In the process of analyzing international documents, the following rights of juvenile convicts were also identified: the right to reports, which guarantees the right of children and adolescents to the confidentiality of all reports; the right to serve a sentence in conditions that take into account the status and basic needs (gender, age, individual characteristics, the severity of the crime committed); the right to privacy and the availability of personal belongings, as well as the right to receive, upon release, those things that were deposited; the right to receive vital medicines; the right to education, vocational training and labor activity within the walls of the institution; the right to visit the library, study textbooks on educational programs, periodical and entertainment literature; the right to acquire literature (scientific, educational, entertainment) in addition to the library fund; the right to exercise and sports; the right to free time.

The Constitution of the Russian Federation proclaims the priority of international norms and principles over national legislation (Part 4 of Article 15). This means that in case of contradictions, international legal norms are subject to application. Taking into account this provision, the disposition of Article 3 of the Criminal Code of the Russian Federation is also constructed, according to which international documents and acts that regulate the legal status of convicts under the age of 18 are subject to accounting in the activities of the penitentiary system.

We emphasize that the legal status of convicted minors in Russia is a system of rights and obligations granted to them, established by Russian legislation for all Russian citizens, but with some restrictions provided for by penal enforcement, criminal and other legislation. As a rule, the duties and rights of convicted minors arise from a court sentence. At the same time, the duties and rights of convicted teenagers are not categorically defined. They can narrow or expand depending on various factors. Accordingly, the legal status of convicted adolescents should be considered as a set of prohibitions, duties and rights provided for by law, depending on certain factors (the identity of the teenager, the crime committed, the attitude to the deed, etc.) that change during the period of serving the sentence.

The current legislation of the Russian Federation provides for criminal liability and punishment for the commission of criminal offenses by minors. But criminal punishments applied to
adolescents have certain specifics due to their social status, age and the possibility of corrective action. Therefore, the Russian legislator, guided by the norms of international criminal and penal enforcement practice, does not include life imprisonment and the death penalty in the list of types of punishments applicable to adolescents. For the commission of criminally punishable crimes by teenagers, the criminal legislation of the Russian Federation provides for the following types of punishments:

- payment of a fine;
- assignment of mandatory works;
- deprivation of the right to carry out certain activities;
- assignment of correctional labor;
- deprivation of liberty;
- restriction of freedom.

The PEC of the Russian Federation maximally differentiates the conditions for serving imprisonment by teenagers. So, in educational colonies, 4 types of conditions for serving the appointed sentence are fixed:

- strict;
- preferential rates;
- lightweight;
- ordinary (part 1 of Article 132 of the Criminal Code of the Russian Federation).

When a convicted teenager is serving a sentence in such conditions, a different amount of prohibitions and legal restrictions are implemented. Based on a comparative analysis of the norms of international and national law, we will identify the main inconsistencies of the criminal enforcement legislation of the Russian Federation with international requirements:

1. An individual approach to convicted teenagers is necessary. To do this, a specific plan with educational activities should be developed. In addition, we need a flexible system for classifying them into groups with content in special institutions. The Russian legislation has not fully accepted this requirement, having isolated from it and normatively fixed only the maintenance of a group of teenagers in special institutions - educational colonies (Article 74 of the Criminal Code and Article 58 of the Criminal Code), without highlighting the features of these institutions to ensure an appropriate individual approach to teenagers serving sentences.

2. It is necessary to keep convicted teenagers separately (by gender; by the severity of the crime; by personal attitude to the crime committed; by character traits). This is necessary to prevent a negative impact on positively characterized convicts. The division of convicts into categories will make it easier to work with them and will contribute to accelerating the return to life in society. Russian legislation only provides for the separate detention of persons of different sexes. In educational colonies, female convicts are kept together without any separation, including according to age (Article 74 of the Criminal Code, Article 58 of the Criminal Code).

3. International law provides for a rule allowing convicted teenagers to use the library fund and read any literature, including entertainment and religious content. Article 95 of the Criminal Code of the Russian Federation contains a limit on the number of books that can be in the hands of a convicted person at the same time (up to 10). In our opinion, this restriction should not cover persons who are in educational colonies. It is also necessary to remove this restriction in relation to convicted women with young children.

4. International law directs States to create open correctional institutions for adolescents. However, the Russian legislation does not say anything about such correctional institutions.
5. Correctional institutions for adolescents should be decentralized and small. In addition, they must interact with the cultural, economic and social environment. This contributes to the better integration of adolescents into society after serving their sentence. In our country, educational colonies for teenagers are often overcrowded and are not focused on the peculiarities of the region, since they are part of the centralized system of the Federal Penitentiary Service.

6. International acts fix the provision on the right of convicted teenagers to phone calls. At the same time, no restrictions are set in this plan. The Russian legislator went the other way. So, based on Article 92 of the Criminal Code of the Russian Federation, in the absence of technical capabilities, the management of an educational colony or other institution of the correctional system can limit the number of phone calls (up to 6 calls per year with the duration of one call – no more than 15 minutes). In some cases, minors are generally allowed to make calls in exceptional cases (for example, convicts serving sentences in strict conditions).

It is worth mentioning separately the international norms that guide States to apply early release to convicts in a shorter time and on a wider scale. The approach provided for by the current domestic legislation cannot be called justified. The most common type of early release under Russian criminal law is conditional early release (hereinafter referred to as parole). In accordance with the content of Article 93 of the Criminal Code of the Russian Federation, UDO from serving a criminal sentence can be imposed in relation to minor convicts, after they have actually served:

- not less than 1/3 of the term of the imposed punishment for a crime of medium or small gravity or for a serious criminal offense;
- at least 2/3 of the term of the sentence imposed for committing a particularly serious crime.

As we can see, the terms for parole correspond to those provided for adult convicts. Therefore, in this situation, it is impossible to talk about compliance in the domestic criminal legislation with the international approach to the conditional release of convicted teenagers from correctional institutions at an earlier date.

Let us also draw attention to the fact that the existing institution in our country of replacing the part of the sentence that has not been served with a milder type of punishment (Article 80 of the Criminal Code) does not have any features at all and has an earlier period of application against convicted adolescents in comparison with adult convicts. It should be noted that the term that a teenager must serve to replace the unserved part of the sentence in the form of imprisonment with a more lenient sentence in the Republics of Uzbekistan, Tajikistan and Belarus is earlier than in Russia. In this regard, minor convicts, including women, receive the right to be released from prison earlier than in the Russian Federation.

We propose to revise the terms of the application of parole in relation to juvenile convicts, restoring the dependence of the served part of the sentence imposed on the severity, type and category of the crime. To do this, it is necessary to make appropriate amendments to Article 93 of the Criminal Code of the Russian Federation. The same is proposed with regard to the institution of replacing the unserved part of the sentence in the form of imprisonment with a more lenient sentence.

In summing up, we emphasize that non-compliance in the Russian Federation with international norms and standards in the field of ensuring the legal status of convicted adolescents does not allow us to talk about the implementation of most fundamental rights that take into account the specific characteristics of this category of persons, including an individual approach to religious, educational and other correctional effects, social, medical and other types of support.

CONCLUSIONS

Summing up the results of the research, we can draw a number of significant conclusions. The regulation of the legal status of convicted persons who have not reached the age of majority has been worked out quite fully in international law. International penal enforcement legislation establishes a special legal regime for the criminal punishment of persons of minor
age. This consists in establishing the priority of protecting the rights of minors and providing them with the opportunity to receive education. The most important importance in the execution of criminal punishment in the form of imprisonment is the correction and education of convicted persons, as well as the reduction of recidivism of crimes.

Having analyzed the domestic legislation regulating the legal status of convicted teenagers, we will draw some conclusions.

The Russian legislation does not accept an individual approach to convicted teenagers. Certain inconsistencies also occur in terms of the separate detention of convicted adolescents (by gender; by the severity of the crime; by personal attitude to the crime committed; by character traits). In Russia, only separate detention of persons of different sexes is provided for. In educational colonies, female convicts are kept together without any separation, including by age. International law provides for a rule that allows convicted teenagers to use the library fund without restrictions and read any literature, including entertainment and religious content. Russian legislation limits the number of books that can be in the hands of a convicted person at the same time to ten. In addition, international law directs States to create open correctional institutions for adolescents. However, the Russian legislation does not say anything about such correctional institutions. Another discrepancy is the number of convicts held in correctional institutions. International law stipulates that such institutions should be decentralized and small, and in our country, educational colonies for teenagers are often also overcrowded. We should also mention the right to make phone calls. Russian legislation is stricter in this regard, which is not entirely justified.

Based on the conducted analysis, we propose to revise the terms of the application of parole in relation to juvenile convicts, restoring the dependence of the served part of the term of the imposed sentence on the severity, type and category of the crime. To do this, it is necessary to make appropriate amendments to Article 93 of the Criminal Code of the Russian Federation. The same is proposed with regard to the institution of replacing the unserved part of the sentence in the form of imprisonment with a more lenient sentence.

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Legal status of minors held in educational colonies in the Russian Federation
Status legal de menores detidos em colônias educacionais na Federação Russa
Situación jurídica de los menores recluidos en colonias educativas de la Federación de Rusia

Resumo
O artigo é dedicado à análise das bases teóricas e legais que regulam o estatuto jurídico dos menores que estão em locais de privação de liberdade. A base metodológica da pesquisa é composta por métodos científicos, privados e especiais de cognição. O método dialético científico geral permitiu-nos considerar o problema das relações jurídicas surgidas no âmbito da garantia do estatuto jurídico dos menores condenados à prisão; para realizar uma análise comparativa da legislação internacional e interna na regulação do tema designado. Utilizando-se os métodos de lógica formal, caracteriza-se as transformações no âmbito da regulação do estatuto jurídico dos condenados juvenis na presente fase, identifica-se defeitos na regulação regulatória. Os métodos de conhecimento científico ajudarão a realizar um estudo da legislação vigente para o seu cumprimento do problema em questão.

Palavras-chave: Condenados juvenis. Estatuto jurídico. Privação de liberdade. Colônias educacionais. Legislação russa.

Abstract
The article is devoted to the analysis of the theoretical and legal bases regulating the legal status of minors who are in places of deprivation of liberty. The methodological basis of the research is made up of general scientific, private and special methods of cognition. The general scientific dialectical method allowed us to consider the problem of legal relations arising in the sphere of securing the legal status of minors who have been sentenced to imprisonment; to conduct a comparative analysis of the legislation of international and domestic legislation regulating the designated topic. Using the methods of formal logic, the transformations in the sphere of regulating the legal status of juvenile convicts at the present stage are characterized, defects in regulatory regulation are identified. The methods of scientific knowledge will help to conduct a study of the current legislation for its compliance with the problem under consideration.

Keywords: Juvenile convicts. Legal status. Deprivation of liberty. Educational colonies. Russian legislation.

Resumen
El artículo está dedicado al análisis de las bases teóricas y jurídicas que regulan la condición jurídica de los menores que se encuentran en lugares de privación de libertad. La base metodológica de la investigación se compone de métodos científicos generales, privados y especiales de cognición. El método dialéctico científico general nos permitió examinar el problema de las relaciones jurídicas que surgen en la esfera de la seguridad jurídica de los menores que han sido condenados a prisión; realizar un análisis comparativo de la legislación internacional y nacional en la regulación del tema designado. Utilizando los métodos de la lógica formal, se caracterizan las transformaciones en la esfera de la regulación de la condición jurídica de los reclusos menores de edad en la etapa actual, se identifican los defectos en la regulación reglamentaria. Los métodos de conocimiento científico ayudarán a realizar un estudio de la legislación vigente para su conformidad con el problema en cuestión.

Palabras-clave: Menores condenados. Situación jurídica. Privación de libertad. Colonias educativas. Legislación rusa.