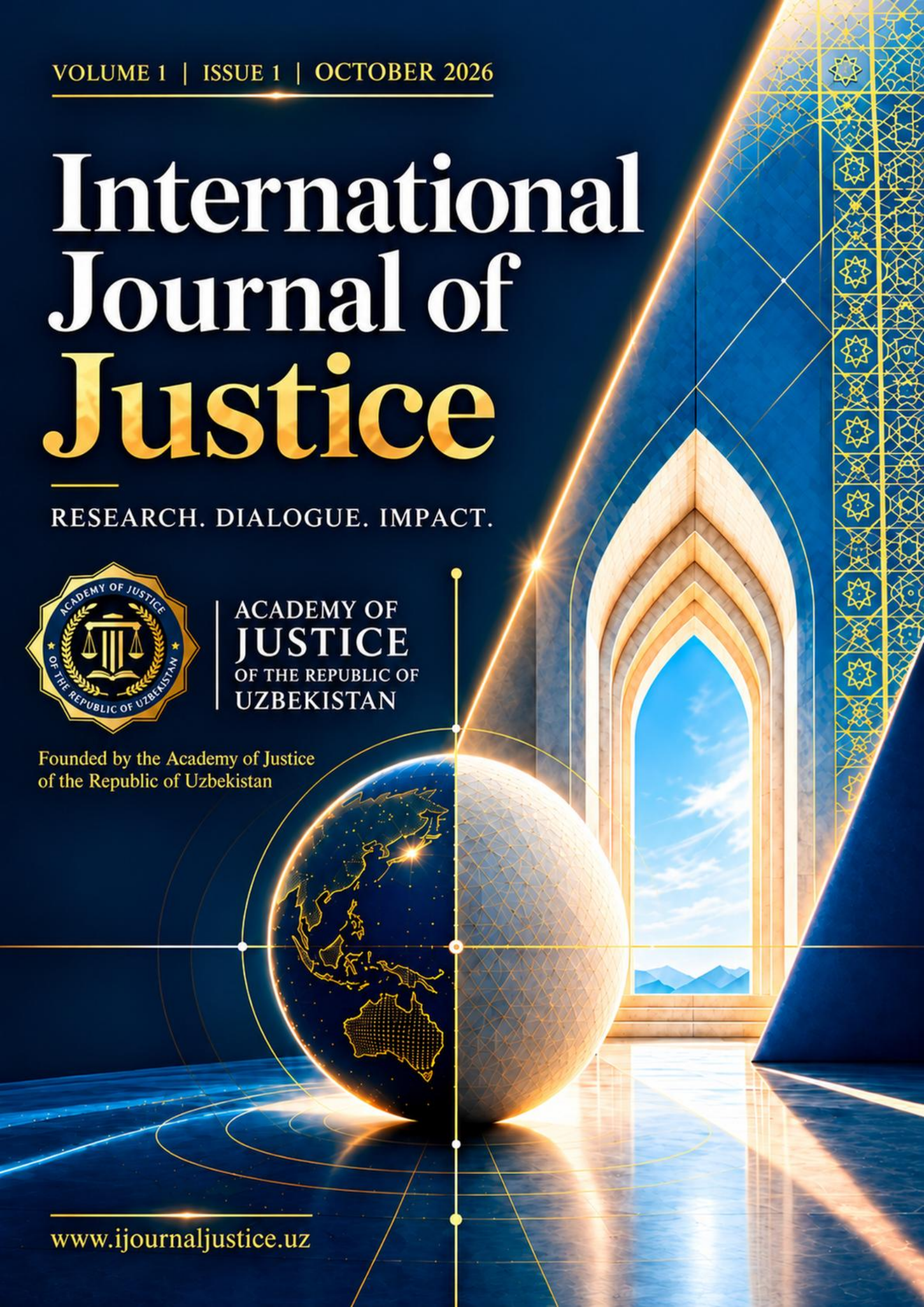
VOLUME 1 | ISSUE 1 | OCTOBER 2026

International Journal of Justice

RESEARCH. DIALOGUE. IMPACT.

ACADEMY OF JUSTICE OF THE REPUBLIC OF UZBEKISTAN

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DETENTION OF FOREIGN NATIONAL PRISONERS IN PENITENTIARY INSTITUTIONS: A COMPARATIVE ANALYSIS OF INTERNATIONAL PRACTICES AND NATIONAL LEGISLATION

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***Abstract*:** *In the modern penitentiary system, improving the conditions of detention of persons holding foreign citizenship is of particular importance, with due regard to their legal status, security, and specific needs. In studying the social and legal relations in this area, comparative legal, systemic legal, formal legal, and analytical approaches were employed. The study identified the positive and negative aspects of differentiated models of prisoner placement, particularly the practice of accommodating inmates in specialized and general correctional institutions, and substantiated the role of safeguards provided by national legislation. The proposals developed in this study are of practical significance for introducing individualized mechanisms into the execution of sentences, bringing the conditions of detention into line with international standards, and improving the regulatory and legal framework governing the penitentiary sector. Overall, rather than adopting a single universal model for the detention of foreign nationals in places of imprisonment, the most appropriate approach is to introduce a system based on the national context and the individual characteristics of each inmate, incorporating risk assessment and dynamic monitoring mechanisms.*

***Keywords*:** *Penitentiary system, correctional institutions, foreign inmates, legal status, conditions of detention, differentiated approach, risk assessment.*

The detention of prisoners who are foreign nationals in penitentiary institutions is one of the pressing areas of the modern penitentiary system. When accommodating and detaining foreign prisoners, it is necessary to take into account their legal status, nationality, linguistic and cultural characteristics, religious needs, personal safety, as well as the possibility of maintaining consular and family contacts. Therefore, various countries have developed specific organizational and legal mechanisms for the placement and detention of foreign prisoners.

The criminal-executive legislation of the Republic of Uzbekistan also establishes specific provisions aimed at regulating the legal status of foreign nationals and stateless persons, the procedure for serving sentences, and ensuring their communication with diplomatic and consular missions. Pursuant to Article 8 of the Criminal Executive Code, foreign nationals and stateless persons, while serving their sentences, enjoy the rights and freedoms established for citizens of the Republic of Uzbekistan, subject to the restrictions provided for by law.

The possibility for foreign prisoners to maintain contact with their home countries is also of significant importance in ensuring their legal status. Article 9 of the Criminal Executive Code guarantees the right of foreign national prisoners to maintain communication with

diplomatic missions and consular institutions of their respective countries [1, Art. 9]. Furthermore, the primacy of international law is ensured in this area. Where an international treaty establishes provisions that differ from those provided for by national legislation, the provisions of the international treaty shall apply.

The aim of the article is to analyze the existing legal framework governing the detention of prisoners who are foreign nationals in the Republic of Uzbekistan, examine the principal approaches developed in the penitentiary practices of foreign countries, and substantiate scientifically and practically oriented proposals aimed at improving the national system based on foreign experience.

The object of the study comprises the social and legal relations associated with the detention of prisoners who are foreign nationals in penitentiary institutions. The subject of the study includes the legal status of foreign prisoners, organizational mechanisms for their detention, the provision of diplomatic and consular contacts, and penitentiary models applied in foreign countries.

The study employed comparative legal, systemic legal, formal legal, and analytical methods. The comparative legal method was used to compare the procedure for detaining foreign prisoners in Uzbekistan with the practices of foreign countries. Using the formal legal method, the specific provisions established in the Criminal Executive Code concerning foreign nationals were analyzed. The systemic approach made it possible to assess in an interconnected manner the legal status, security, and social reintegration of foreign prisoners.

The research materials included the provisions of the Criminal Executive Code of the Republic of Uzbekistan, scholarly studies on the penitentiary practices of foreign countries, and data from Eurostat.

The research findings demonstrated that specific mechanisms regulating the legal status of foreign prisoners have been established within the criminal-executive legislation of Uzbekistan. In particular, it was established that foreign nationals and stateless persons are granted the opportunity to exercise their rights and freedoms under the national treatment principle, while their communication with diplomatic missions and consular institutions is guaranteed [1, Art. 9]. Furthermore, a procedure has been established for notifying the relevant diplomatic mission or consular institution upon the release of a prisoner [1, Art. 173].

The study of international penitentiary practices has shown that there are two main approaches to the detention of foreign prisoners. The first approach involves establishing specialized penitentiary institutions specifically for foreign prisoners. Under the second approach, foreign prisoners are detained together with domestic prisoners in general correctional institutions. In some countries, separate wings, blocks, or cells are designated for foreign prisoners within general correctional institutions [2].

The experience of the United Kingdom demonstrates the existence of specialized institutions for the detention of prisoners who are foreign nationals, including HMP Huntercombe, HMP Maidstone, and HMP Morton Hall. Under this practice, the detention of foreign prisoners is integrated with procedures concerning their subsequent immigration status and potential deportation [3].

In Norway, an approach aimed at the separate detention of foreign prisoners has also been developed. Kongsvinger Prison has operated as an institution specializing in the detention of prisoners who are foreign nationals. In the United States, specific detention mechanisms concerning foreign nationals have also been established, including practices implemented within the framework of the "Criminal Alien Requirement" program [3].

At the same time, it was found that in the majority of European countries, foreign prisoners are detained together with domestic prisoners in general penitentiary institutions. Eurostat data indicate that the proportion of foreign prisoners among the total prison population varies significantly across countries. In particular, a high proportion of prisoners who are foreign nationals has been recorded in Luxembourg, Switzerland, Austria, and Greece [4].

The analysis of the research findings demonstrates that both the separate detention of foreign prisoners in specialized institutions and their placement in general correctional institutions have certain advantages and disadvantages. Although specialized institutions make it possible to take into account the linguistic, cultural, and legal characteristics of foreign prisoners and to effectively manage issues related to their immigration status, excessive isolation may limit their access to education, medical care, psychological rehabilitation, and family contacts.

The model of detention in general correctional institutions, in turn, provides greater opportunities for foreign prisoners to participate in general, educational, and rehabilitation programs implemented within the penitentiary system. However, under such conditions, additional measures are required to address language barriers, cultural and religious needs, consular contacts, and personal security. Therefore, it would be inappropriate to regard any single model as a universal solution for the detention of foreign prisoners.

Based on the findings of the study, it is advisable to strengthen an individualized and differentiated approach to the detention of foreign prisoners within the penitentiary system of the Republic of Uzbekistan. In this regard, alongside the prisoner's nationality, consideration should be given to their personal security, the nature of the offense, linguistic and cultural needs, religious beliefs, consular contacts, and legal status following the completion of their sentence.

In this regard, it is proposed to establish a mechanism for the detention of foreign prisoners based on the principle of "assessment of legal status – determination of the level of risk – individualized determination of detention conditions – dynamic monitoring." Such an approach would, on the one hand, contribute to ensuring security within penitentiary institutions and, on the other hand, facilitate the effective protection of the rights and legitimate interests of foreign prisoners.

Thus, the experience of foreign countries demonstrates that there is no single universal model for the detention of foreign prisoners. For Uzbekistan, the most appropriate approach may be to adapt effective elements of foreign practices to national legal and institutional conditions, applying separate detention only where objectively necessary and, in general correctional institutions, taking into account the specific needs of foreign prisoners.

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