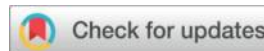




Guaranteeing the prisoners' right to penal labor in the international law

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Abstract:

Penal labor is a method of rehabilitating prisoners and a state obligation in exchange for seized freedom. It is a social defense duty founded on the legitimacy of punishment. Since the 1885 International Prison Congress until the 1955 Geneva Conference, international documents and conferences have recognized this labor as a crucial tool for a prisoner's rehabilitation and re-education. It is essential in prisons as it aids in the reform and rehabilitation of prisoners and is one of the scientific and professional programs recognized by international documents and principles. Furthermore, it is one of the best ways to achieve the basic mechanisms that may reintegrate prisoners into society, benefiting both the prisoner and society.

Keywords: punitive labor; Reform and rehabilitation; Prisoner; International law

Introduction

Penal labor is currently viewed differently than in the past, when it was considered a method of torture, and prisons were seen as a shelter for the homeless during the 16th century, the era when prisons first appeared. In this context, prisons were called labor prisons or Amsterdam workhouses. Such prisons were widespread in the Netherlands and England, which saw prisons as a tool to force people to work¹. The emergence of modern punitive policy and the push for development changed the view on penal labor, making it a tool for reform and rehabilitation. It was transformed from an additional punishment into a rehabilitative value that aligns with prisoners' desires² to facilitate their social reintegration and access to decent work after release³. In 1977, John Howard, a prison reform advocate, said, "Let the prisoners work and they will turn into noble men⁴."

Based on this, we raise the following question: "How does international law's recognition and support of prisoner penal labor contribute to the success of social reform and rehabilitation?" In this context, penal labor has different definitions. Some see it as the effort a prisoner makes on specific

tasks during their sentence according to prison labor regulations⁵. Others see it as a progressive step in the social treatment of citizens, including the guilty, and a correct method for reform and rehabilitation⁶.

1. Adjusting Penal Labor and Its Purposes

When discussing the guarantees of a prisoner's right to work, it is necessary to discuss the nature of the work and whether it is compulsory.

1.1 Adjusting Penal Labor

Regardless of its nature, penal labor is a legal event with legal specifications and effects on the relationship between the prisoner and the prison administration. This is because the nature of enforcing the punitive process is a legal case that creates legal relationships between the state and the prisoner. The prisoner respects the verdict and commits to the general conditions of the verdict and the prison law. Thus, penal labor is not a mere physical event because the prisoner's legal rights were not restricted by their imprisonment⁷, as we shall discuss.

1.1.1 The Prisoner's Right to Work

Some believe that a prisoner has the right to work as a social individual to whom society owes this right in humane conditions, especially since work is seen as a method for re-education and rehabilitation, not for torture⁸. This view is based on paragraph 01 of Article 23 of the Universal Declaration of Human Rights (adopted by the UN General Assembly on December 10, 1948), which states, "Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment." Furthermore, paragraph 01 of Article 06 of the International Covenant on Economic, Social, and Cultural Rights (adopted by UN General Assembly Resolution 2200-21 on December 16, 1966, and came into force on January 03, 1976) states, "The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right."

Moreover, Article 13 of Cairo Declaration on Human Rights in Islam (ratified by the Council of Foreign Ministers of the Islamic World Congress in Cairo on August 05, 1990) states, "Work is a right to be guaranteed by the state and the society for every able-bodied person. Everyone is free to choose the work that suits him, and the state and the society...". Furthermore, Article 15/b of the Universal Declaration of Human Rights (issued on September 19, 1981) states that the state must guarantee the right of every citizen to work and to choose the type of work that

suits their abilities and potentials. Additionally, Article 34 of the Arab Charter on Human Rights (approved by the Council of the Arab League on May 23, 2004) states that work is a natural right for each citizen without segregation. Besides, Article 15 of the African Charter on Human and People's Rights (approved by the Council of African Presidents in Nairobi in June 1981 and came into force on October 26, 1986) provides that "Each individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work⁹."

Thus, the prisoner is a social citizen who has been deprived of freedom, but not of other rights, including work¹⁰. The state is obligated to protect them from unemployment and to provide work that suits their abilities and potentials to benefit them¹¹, as provided by the Hague Congress in 1950. This Congress introduced different recommendations regarding work, mainly the nature of work in prisons as a right to be guaranteed by the state. Recommendation one of this Congress provides that each prisoner has, and must commit to, the right to work¹². This right is also based on the principles of modern punitive policy, which considers rehabilitation a right for criminals, and because work is a rehabilitation method, it is a right for the prisoner¹³. Regulation 71/3 of the Standard Minimum Rules for the Treatment of Prisoners states, "Prisoners shall be provided with a work of a productive nature sufficient to occupy them for a normal working day."

In addition, Principle 05 of the Basic Principles for the Treatment of Prisoners states, "Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights, and, where applicable, the International Covenant on Economic, Social, and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto."

1.1.2 The Prisoner's Obligation to Work

The prisoner's obligation to work stems from the fact that work is an important punitive tool inside the prison due to its benefits. In prison, the prisoner is subject to all tools that aim at their re-education and rehabilitation, which are the main goals of imprisonment. Refusing to work is a refusal of the imposed punitive methods and may have disciplinary sanctions¹⁴. In addition, the prisoner owes the society the duty to educate and rehabilitate themselves to deter their criminal tendencies¹⁵, as recognized by Recommendation 04 of the Geneva Conference in 1955, which states, "Prison labor should be so organized as to prepare prisoners for their reintegration into society, and that it should not be of a punitive or degrading nature, or aimed at making profit at the expense of the prisoner¹⁶." Furthermore, Article 71/2 of the Standard Minimum Rules for the Treatment of Prisoners states, "All

prisoners under sentence shall be required to work, subject to their physical and mental fitness as determined by the medical officer.” Thus, punitive labor implies prisoners’ rights and obligations and cannot be an additional punishment to the main one¹⁷.

2. The Purposes of Penal Labor

Most penologists exclude a punitive purpose from labor purposes and see this labor as a method for maintaining discipline and developing the economic side of the prisoner without humiliating them¹⁸. Therefore, penal labor has different purposes, such as rehabilitating the prisoner, maintaining discipline in prison, and generating income for the prison and the prisoner, as we shall discuss.

2.1.1 Rehabilitating Prisoners

Penal labor aims at rehabilitating prisoners, as it preserves their mental and physical health to enable them to respond to other rehabilitation elements, gain self-confidence, live decently, succeed in social life after release, and overcome unemployment that may be a cause for crime¹⁹. This is confirmed by Rule 71-1-5 of the Standard Minimum Rules for the Treatment of Prisoners, which provides that prison work should not be of a painful nature and should provide professional training for prisoners, mainly the young ones, to benefit them. In addition, Principle 08 of the Basic Principles for the Treatment of Prisoners states, “Conditions shall be created enabling prisoners to undertake meaningful remunerated employment which will facilitate their reintegration into the country’s labor market...”.

2.1.2 Achieving and Maintaining Discipline in Prison

Penal labor prepares prisoners for cooperation with the prison staff. Penologists found that leaving prisoners unemployed creates boredom and idleness, pushing them toward rebellion and breaking the rules²⁰. Thus, employment fosters respect for the prison staff and policies and helps the rehabilitation program succeed because under discipline, the administration can focus on education and rehabilitation instead of fighting rebellion, spread tranquility, and reduce skirmishes and conflicts²¹.

2.1.3 The Economic Purpose

Penal labor has economic benefits for the prisoner and the state. The prisoner produces goods whose value benefits the prison administration and helps the state afford the prisons’ costs. Besides, prisoners are used for some necessary services in the prison, such as hygiene, maintenance, cooking, etc. This marks an ideal use of the huge human resources in the prison²². In addition, such work

satisfies the material needs of prisoners to spend on their families and save money to be used after release²³. The economic aspect of penal labor must rank second after rehabilitation and re-education so as not to turn prisons into productive units because such work is a mere method toward the main goal, which is rehabilitation and re-education²⁴. In this context, Article 72/2 of the Standard Minimum Rules for the Treatment of Prisoners points out that the educational and vocational training of prisoners shall not be subordinated to the purpose of making a financial profit. In addition, Principle 08 of the Basic Principles for the Treatment of Prisoners states that the work should allow the prisoners to participate in taking financial care of themselves and of their families. Finally, Recommendation 02 of the Geneva Conference 1955 provides that the interests and vocational training of prisoners should not be subject to financial profits from industry in prison²⁵.

3. Conditions and Legal Regulation of Penal Labor

Penal labor must be productive, diverse, paid, comparable to Free Labor, and not hard. In addition, it must be orderly inside prison in accordance with international law. Thus, we shall tackle the conditions and legal regulation of penal labor.

3.1 The Conditions of Penal Labor

Penal labor must meet the following conditions:

3.1.1 Not Being a Hard Work

Work in prison is a tool for professional training and re-education, not torture. In this regard, Article 71/2 of the Standard Minimum Rules for the Treatment of Prisoners provides that labor is imposed on all prisoners according to their mental and physical fitness as determined by the medical officer. Thus, hard work is a cruel and inhuman treatment if it exceeds the prisoner's ability, causes pain, or raises risks for the prisoner²⁶. Hardship and pain in penal labor are subject to the nature and conditions of the prisoner, not labor itself, because the work may be painless in nature, but the prisoner's health conditions hinder them, making the work painful and dangerous²⁷.

3.1.2 Productiveness

The labor must be productive to achieve its goals, earn the prisoner's loyalty, push them to show skills and abilities, and encourage them to continue doing it even after release²⁸, as stated in paragraph 03 of Rule 71 of the Standard Minimum Rules for the Treatment of Prisoners, which provides for providing a work of a productive nature for prisoners.

3.1.3 Diversity

Penal labor must not be limited to one given type so that the prisoner can choose what suits their abilities and personal inclinations²⁹ to foster good treatment and re-education, as provided for by Rule 71/2 of the Standard Minimum Rules for the Treatment of Prisoners and Recommendation 01 of the Geneva Conference. Besides, Rule 43 of the UN Rules for the Protection of Juveniles Deprived of their Liberty states, “Juveniles shall have the opportunity to choose the type of work they wish to perform, with due regard to appropriate vocational requirements and the needs of the institutions.”

3.1.4 Comparable to Free Labor

Article 72/1 of the Standard Minimum Rules for the Treatment of Prisoners states that the organization and methods of work in the institutions shall approximate as closely as possible to those of similar work outside, so as to prepare prisoners for the conditions of normal occupational life. Besides, Principle 08 provides for providing the conditions that allow the prisoners to exercise a remunerated, beneficial work that facilitates their reintegration into their countries' labor market. In addition, Rule 45 of the UN Rules for the Protection of Juveniles Deprived of their Liberty states that the organization and methods of work available in the detention facility should be similar to those of similar work in the outside community so as to prepare juveniles for the conditions of normal occupational life. This implies that the work must be similar to works performed outside and that the prisoner must not be oriented to work that is not performed or consumed in the labor market with similar working hours and breaks³⁰ to avoid works that currently require technically programmed machines³¹. This is because penal labor is a form of rehabilitation for the prisoner to work after release, and its success requires being prepared and technically and professionally trained.

3.1.5 Remuneration

The exercise of penal labor must be paid for the positive psychological effects it has on the prisoner who feels the value of work and may decide to continue exercising it even after release. Besides, it helps the prisoner's family, thanks to the wage received by the prisoner who used to provide for the family, and helps them avoid delinquency and keeps the family's unity and cohesion. In addition, the part of remuneration saved for release helps the released find their way in the community and avoid criminal paths³². This condition is confirmed by the decision of the UN General Assembly on the Basic Principles for the Treatment of Prisoners, which states that it is necessary to prepare the conditions that help prisoners exercise a beneficial remunerated job, and Rule 76/1 of the Standard Minimum Rules for the Treatment of Prisoners that provides that the prisoners are rewarded for their work based on a fair pay system.

In addition, Article 45 of the UN Rules for the Protection of Juveniles Deprived of their Liberty provides for allowing the juveniles, whenever possible, to exercise a paid work. The return for the work is called an allowance, a wage, or a financial reward. However, most modern penologists see penal labor as an obligation for the prisoner and a right at the same time, and that the return is a wage, not an allowance. This modern adjustment of the material return does not require a contractual relationship between the state and the prisoner, as the contractual relation is not the only source of rights and obligations. In this context, the prisoner's right to get a wage for their work stems from the legal position that is created by the judicial provision that sentenced them. Thus, the source of their right is the laws and regulations that govern their legal position³³. In addition, this attitude is supported by international conferences, as Recommendation 06 of the Hague Conference of 1950 provided that the prisoner must get a return for their work based on the rules applicable outside the prison, Article 23 of the Universal Declaration of Human Rights, and paragraph 01 of Article 76 of the Standard Minimum Rules for the Treatment of Prisoners.

3.2 The Penal Labor Regulation

The prisoners' work is based on three systems:

3.2.1 Entrepreneurship

The state agrees with an entrepreneur to manage and invest in the penal labor of the prison and assigns them the task of employing the prisoners. Thus, the entrepreneur decides the work and conditions, pays the wages, and collects and markets the products and crops³⁴. This system reduces the financial costs of employing the prisoners and protects the state from the risks of loss. However, the entrepreneur will have influence inside the prison and will target financial gains, and may abuse the prisoners and prioritize personal interests over the rehabilitation of prisoners³⁵. In this context, Article 73/1 of the Standard Minimum Rules for the Treatment of Prisoners provides that it is better that the prison administration, not the private entrepreneurs, run the factories and farms.

3.2.2 The Export System

This system aims at exporting the labor force to businessmen. Thus, the entrepreneur will have to bring machines and materials while the prison administration employs and manages the prisoners, pays their wages, and organizes the work, taking into account the rehabilitation considerations³⁶. However, this system may disrupt the prison administration, which may think about bargaining over the labor force and humiliate the prisoners; this may negatively affect rehabilitation and social

reintegration. In addition, businessmen's worries about financial losses and inability to supervise the work and use their capital inside prison demotivate them³⁷.

3.2.3 Direct Exploitation

This system requires the prison administration to employ the prisoners for its own account and to provide all materials needed for work and bear the financial costs, including potential losses³⁸. This system manifests in the administration's allocation of the products to the prisoners' consumption, sale of products in free markets, or employment of prisoners in other projects, such as opening and paving roads³⁹. This system subjects the prisoners to the full control of the penal administration and is recommended by Article 73/1 of the Standard Minimum Rules for the Treatment of Prisoners, which states that the prison administration should directly run factories and farms, not assign private entrepreneurs.

4. The Right of Prisoners to Social Insurance

The prisoners' right to work raises the question of social insurance. In this regard, one may ask whether a person loses their right to social insurance after entering prison. We can hypothesize that if a prisoner's work (who enjoyed social insurance before the enforcement of the verdict) is restricted due to health, administrative, or reform reasons, and the prisoner is unable to get a wage according to Article 76/2 of the Standard Minimum Rules for the Treatment of Prisoners to provide for their family, the family must be treated based on the provisions of partial or full disability caused by imprisonment. In addition, we can hypothesize that the prisoner is granted –rarely- the opportunity to carry on their job and get the same, or an approximate, pay, and thus, keep enjoying social insurance without the effect of imprisonment.

However, if the prisoner is not socially insured, Article 10/1 of the International Covenant on Economic, Social, and Cultural Rights and Article 23/1 of the International Covenant on Civil and Political Rights (ratified by the decision of the UN General Assembly session 2200-D-21 of December 16, 1966, and came into force on March 23, 1976) provide that the prisoner's family and children must enjoy the society and state's protection from need and delinquency. Granting prisoners the right to social security and state protection for their families is closely linked to the reformatory goal of punishment. It has been established as a state obligation and a right for the prisoner, as it relieves them from the burden of worrying about these matters, allowing them to focus on responding to reform programs.

The First United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Geneva, 1955), which adopted the Standard Minimum Rules for the Treatment of Prisoners, recognized these facts and included a number of rules that must be observed. In this regard, Rule 57 provides that the prison system should not add to the suffering inherent in the deprivation of liberty and Rule 61 states that steps must be taken to protect the rights relating to the civil interests of prisoners, social security rights, and other social benefits, to the extent that they do not conflict with the law or the punishment to be carried out. Besides, Rule 64 provides that the duty of society does not end with the prisoner's release. Therefore, governmental or private agencies must provide effective aftercare for reducing prejudice against the released prisoner and socially rehabilitating them.⁴⁰

Conclusion

Our findings show that punitive labor is one of the most important fundamental rights, as it helps preserve the prisoner's physical and psychological health by occupying their free time and improving their morale. In addition, it helps meet the demands of daily life inside prison, pay off personal debts, and save money to use after release until they settle and find employment. For a fruitful labor, prisoners should be entitled to compensation for work accidents and diseases, and to the right to social insurance. Despite the fact that the treatment of prisoners and their placement in prisons is fundamentally a domestic matter, international human rights law has witnessed significant legislative developments in this regard. This is evident in the formulation of numerous guiding principles, which have brought the reform-oriented and humanitarian ideas for prison reform to their peak, as well as the international charters and declarations previously discussed. The effective establishment of these principles requires sufficient legislative and judicial guarantees, without being left to jurisprudence or interpretation. These guarantees should not be limited to labor as a method of treatment inside the prison, but should include the individual rights and freedoms granted to the prisoner if they are subject to punitive enforcement outside of it.

Footnotes

¹Bettahar touati, Organisation et système pénitentiaires en droit algérien, 1ere édition, office national des travaux éducatifs, Algérie: 2004, p66

²The prisoner is called differently, as some legal systems refer to them as the inmate while others use the incarcerated. Criminologists define prisoners as individuals who have committed offenses against private or public rights, or who have violated established and recognized rules and laws, and have been placed in prison for different periods based on judicial and legal provisions issued against them.

See: Ahsan Mubarak Talib, Volunteer Work for Prisoners, 1st ed., Riyadh: Naif Arab Academy for Security Sciences, 2000, p. 21.

Ghanem Mohamed Ghanem, Human Rights in Prisons, Cairo: thought and law house, 2017, p. 9

³Ahmed Abdellah El Maraghi, Human Rights at the Stage of Penal Enforcement: A Comparative Study between Positive Law and Islamic Sharia, 1st ed., Cairo: The National Center for Legal Publications, 2016, p. 112.

⁴Ali Ezz El Din El Baz Ali, Towards Modern Prisons, 1st ed., Alexandria: Wafaa Legal Library, 2016, p. 167.

⁵Mohamed Abdel Razak Farhan, Work in Prisons: A Comparative Study, Cairo: Arab renaissance house, 2008, p. 32.

⁶ Ahsan Mubarak Talib, Op.cit., p. 99; Mahmoud Naguib Hosni, Criminology, 2nd ed., Cairo: Arab renaissance house, 1973, p. 318.

⁷Ali Ezz El Din El Baz Ali, Op.cit., p. 184.

⁸Mahmoud Naguib Hosni, Op.cit., p. 329; Abdul Aziz Mohamed Mohsen, Protecting Human Rights at the Stage of Criminal Sentence Enforcement, 1st ed., Alexandria: University thought house, 2013, p. 30; United Nations, Human

Rights and Prisons: A Training Guide for Prison Staff on Human Rights, New York: United Nations Publications, 2004, p. 86

⁹For further, see: Atiya Muhanna, "The Role of Work in Prisoner Rehabilitation: A Comparative Study," Cairo, The National Journal of Criminal Sciences, No. 3, November 2007, p. 40.

¹⁰Fattouh Abdullah El-Shazly, Fundamentals of Criminology and Penology, Beirut: Halabi Publications for Legal Rights, 2006, p. 548.

¹¹Ali Ezz El Din El Baz Ali, Op.cit., p. 192.

¹²The conference addressed the issue of penal labor by answering the question of how work in prisons should be organized to achieve both a rehabilitative benefit and social and economic advantages. The Hague conference concluded by issuing eight recommendations regarding prison work, which are:

- The nature of prison work should be viewed as one of the therapeutic treatment methods for Prisoners and considered a right for all of them, even though it is also an obligation. The state should bear the burden of providing it for them, provided they have the right to choose the type of work they want, within the limits of training needs, prison administration, and its system.
- Work should be organized in conditions similar to free labor.
- The importance of this similarity in achieving the educational, economic, and social purposes of prison work.
- Rejection of the claim that penal labor competes with work and industry outside the prison.
- Mandatory compensation for work injuries and occupational diseases, and prisoners' entitlement to the social insurance systems in place in the country.
- Prisoners must be paid wages for their work, calculated on the basis of prevailing rules outside the prison, to the widest extent possible.

- The purpose of work for young offenders is, above all, to teach a trade. Therefore, trades must be diversified to meet all the needs of this education.
- Leisure time should be provided for Prisoners to pursue their hobbies, as well as intellectual activities and sports training.

See: Mohamed Hafez El-Naggar, *Prisoners' Rights in International Conventions and Egyptian Law*, Cairo: Arab renaissance house, 2012, p. 452.

¹³Ahmed Abdellah El Maraghi, *Human Rights at the Stage of Penal Enforcement: A Comparative Study between Positive Law and Sharia*, Op.cit., p. 131; Fawzia Abdel Sattar, *Principles of Criminology and Penology*, 5th ed., Beirut: Arab renaissance house, 1985, p. 378.

¹⁴Farid Belaidi, "Enforcement of Freedom Restricting Punishment," Master Dissertation, Tlemcen University, 2005, p. 234.

¹⁵Ali Ezz El Din El Baz Ali, Op.cit., p. 186; Hosni Mahmoud Naguib, Op.cit., p. 318.

¹⁶Ahmed Abdellah El Maraghi, *Human Rights at the Stage of Penal Enforcement: A Comparative Study between Positive Law and Sharia*, Op.cit., p. 119.

¹⁷Mahmoud Naguib Hosni, Op.cit., p. 339; Nour El Din Hendawi, *Principles of Penology: A Comparative Study of Egyptian and Kuwaiti Penal Systems*, Kuwait: Books house Foundation for Printing and Publishing, 1996, pp. 207-208.

¹⁸The economic purpose of work has an educational goal for the prisoner; it organizes the convict's economy so that they understand the importance of capital, means of employment, and budgeting costs, expenses, income, profits, and savings. These are all techniques aimed at creating financial and economic balance in an individual's life to guarantee them stability and financial security, preventing them from crises.

Mustafa El-Awji, *Social Rehabilitation in Prisons*, 1st ed., Beirut: Bahsoon Foundation for Publishing and Distribution, 1993, p. 383; Ali Ezz El Din El Baz Ali, Op.cit., p. 166.

¹⁹Mohamed El-Sebaei, *Prison Privatization*, 1st ed., Alexandria: New University house, 2009, p. 111; Mustafa Cherek, "Dealing with Prisoners According to International Standards and Comparing it with Algerian Prison Law," Souk Ahras University, No. 11, September 2014, p. 77.

²⁰Nabil Al-Obaidi, *Foundations of Penal Policy in Prisons and the Extent of States' Compliance with International Conventions: An In-Depth Study in International Criminal Law*, Cairo: The National Center for Legal Publications, 2015, p. 170; Fawzia Abdel Sattar, Op.cit., p. 378.

²¹Fattouh Abdullah El-Shazly, Op.cit., p. 538.

²²Mohamed Hafez El-Naggar, Op.cit., p. 459.

²³Ahmed Abdellah El Maraghi, *The Penal Treatment of the Prisoner: A Comparative Study in the Positive Penal System and the Islamic Penal System*, Op.cit., p. 117; Hassan Al-Marsafawi, "Work in Prisons," Cairo, The National Journal of Criminal Sciences, No. 1, March 1984, p. 66.

²⁴Ali Abdel Qader El Qahwaji and Fattouh Abdullah El-Shazly, *Criminology and Penology*, Alexandria: University publication shouse, 1999, p. 141.

²⁵Ahmed Abdellah El Maraghi, *Human Rights at the Stage of Penal Enforcement: A Comparative Study between Positive Law and Sharia*, Op.cit., p. 119.

²⁶Ghanem Mohamed Ghanem, *Human Rights in Prisons*, Cairo: Thought and law house, 2017, p. 192; Mustafa Cherek, "Dealing with Prisoners According to International Standards and Comparing it with Algerian Prison Law," Op.cit., p. 75.

²⁷Ali Ezz El Din El Baz Ali, Op.cit., p. 195.

²⁸Jamal Shaaban Hussein Ali, *the Treatment of Criminals and Methods of Their Care in Light of Social Solidarity in Islamic Jurisprudence and Positive Law*, 1st ed., Cairo: University thought house, 2012, p. 206.

²⁹Fawzia Abdel Sattar, *Op.cit.*, p. 283; Ali Abdel Qader El Qahwaji and Fattouh Abdullah El-Shazly, *Op.cit.*, p. 142.

³⁰Fawzia Abdel Sattar, *Op.cit.*, p. 384.

In addition, work should be performed in physical and humane conditions that provide public safety and proper performance, with breaks for rest and rejuvenation, and should not be physically or mentally exhausting.

Ghanem Mohamed Ghanem, *Op.cit.*, p. 170; Mustafa El-Awji, *Op.cit.*, p. 389.

³¹BettaharTouati ,*op.cit.* p. 67.

³²Atiya Muhanna, "The Role of Work in Prisoner Rehabilitation: A Comparative Study," *Op.cit.*, p. 58.

³³Mohamed Hafez El-Naggar, *Op.cit.*, p. 456.

³⁴Ali Ezz El Din El Baz Ali, *Op.cit.*, p. 214.

³⁵Nazir Farag Mina, *Summary of Criminology and Penology*, 2nd ed., Algiers: Office of University Publications, 1993, pp. 212-213.

³⁶Ali Ezz El Din El Baz Ali, *Op.cit.*, p. 216.

³⁷Ishaq Ibrahim Mansour, *Summary of Criminology and Penology*, 2nd ed., Algiers: Office of University Publications, 1991, p. 194.

³⁸Mohamed Mohamed Moustafa El Qadi, *Criminology and Penology*, 1st ed., Beirut: Halabi Publications for Legal Rights, 2013, pp. 363-364.

³⁹Nazir Farag Mina, *Op.cit.*, pp. 212-213.

⁴⁰ Nour El Din El Hussein, "Penal Reform in Light of the Principles of Public International Law," PhD Thesis, Ain Shams University, unpublished, pp. 461-462.