

Labor and Education in the Penitentiary System - Basic Components of Rehabilitation

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ABSTRACT: The main objective that future criminal policies, in terms of the execution of sentences, must pursue more and more is the rehabilitation of detainees. Given the complex nature of the rehabilitation process, it is necessary for penitentiary administrations to use as many elements as possible, acting simultaneously or in a well-established order. This process should thus include several factors, such as: the assessment of their socio-educational needs; attending educational courses, vocational training; mastering the rules of behavior in society; cultural-educational actions of physical education and sports; encouraging and supporting family and community connections; moral education and religious assistance; permanent or temporary actions for recreation. In our opinion, of all these, a very important place is occupied by work and education. These fundamental elements will not only correct the personality of the detainee, but, moreover, will give him a better physical and mental condition, these representing, for the penitentiary administration but also for society, the indicators of a changed man, in which society must have full confidence. This paper provides an overview of these two processes, work and education, of persons deprived of their liberty, and emphasizes their importance, both for the detainee and for society as a whole.

KEYWORDS: rehabilitation of persons deprived of liberty, work, education, educational programs in the penitentiary, dual purpose of rehabilitation of persons deprived of liberty

The education of the society members as a whole, as well as the re-education of those society members who have committed crimes, must be a very special priority for the authorities of each state. It is no coincidence that the most economically developed states also have the most educated citizens, which shows that, along with a financial education, certain well-established economic rules, there is also a need for a social education, respectively by forming a correct attitude towards work. The whole activity in the penitentiary must revolve around this complex notion, which involves several aspects, such as the interaction and communication of staff with detainees, the programs in which they participate, the activities in the penitentiary, but also the sanctions to be applied to detainees that violates internal regulations.

The concept in question was provided by both the European Prison Rules (2006) 2 in Articles 65 and 66, and in Article 10 (3) of the International Covenant on Civil and Political Rights, according to which the penitentiary system must be designed to ensure that the treatment of detainees will achieve its essential goal of reforming and socially rehabilitating them. In order to achieve such a goal, it is obvious that in any penitentiary there should be places where a wide range of programs can be carried out to improve the situation of detainees, and, in our opinion, within these programs, work and education are the elements that have the greatest potential to change the lives of detainees for the better and to facilitate their rehabilitation.

It must be kept in mind, however, that the majority of the prison population comes from social backgrounds characterized by a state of high or very high poverty, from divided or dysfunctional families. It is possible that many of the detainees never had any occupation in the period before the conviction, not being excluded from living on the streets, without shelter and without the support of the family.

All these factors make the chances of change for the better of these detainees unfavorable, and the process of seeking their change difficult. Despite all these disadvantages, prison authorities and staff should not be discouraged, but should constantly pursue the objectives of reforming and rehabilitating the detainees.

Acquiring, during the execution of the sentence, the knowledge and skills necessary to earn a living in the post-detention period is the element that gives the greatest chances of success to the reintegration of the detainee in society at the future release from prison. This, especially if we consider that, for many detainees, their presence in detention centers is the first opportunity they have to develop their professional skills and to perform lucrative activities. Thus, we note that, for this reason, the main purpose of involving detainees in gainful activities in the penitentiary is to prepare them for a normal life, characterized by honest work at their release, and not for the benefit of the prison administration.

Prison work and participation in educational programs not only lead to the acquisition of knowledge and skills necessary to carry out a certain activity, but also give detainees a sense of confidence in themselves and a purpose, making them feel useful.

We believe that, in modern penitentiaries, the vocational training of detainees must be focused on acquiring those work skills that will allow them to work on release not only in traditional jobs, such as construction or agriculture, but also on training in areas such as computer work, catering, which could prove to be especially important for young detainees. Therefore, in designing the work programs offered in the future to prison inmates, it is particularly important to identify the detainee's skills and employment opportunities available in the local community where he will return after serving his sentence.

The staff of a modern penitentiary must be creative in finding suitable activities for all categories of detainees, and the job offers must be varied, from the maintenance and repair of buildings or the interior of the penitentiary, to work in the kitchen and laundry, to the development of trades that, on release, will facilitate their work in small associative forms or the creation of an individual enterprise.

Particularly important for transforming the lives of prisoners and their social reform is their involvement in those activities that give them the opportunity to help certain governmental and non-governmental institutions or organizations in working with disadvantaged people, such as making furniture for the home of homeless people or toys for orphanages. Such activities create a feeling of empathy for detainees and, therefore, we believe that, in modern prisons, there should be as many such job offers as possible.

In order for work experience not to be seen by detainees as an obligation or forced labor, but exclusively as a form of preparation for the post-release period, it is important that they receive fair remuneration for the work they perform during the execution of the custodial sentence. This can be done in a variety of ways that modern prisons can adopt. The most commonly used method is to pay a salary equivalent to that which would have been paid to a civil society worker, with the possibility for detainees to transfer some of their money to their families or to save it for use at the time of release.

However, the concept of "restorative justice" is increasingly being used, which means that detainees are encouraged to donate a proportion of the income earned during detention as a form of reparation for the crime committed, a concept which, in turn, we consider is much more beneficial for the evolution and rehabilitation of detainees. Along with work, the positive aspects of which I have mentioned, education and school play an important role in rehabilitation, so that, in penitentiaries, emphasis must be placed on creating diversified educational and cultural programs, as a high proportion of private of freedom individuals have no basic knowledge of writing and reading. This low level of education is one of the factors that influenced them in committing crimes and in entering the penitentiary, respectively, the development of educational programs in prisons must take into account that for many of them the time spent in prison is the only real opportunity to participate to educational courses.

However, in addition to these educational activities, cultural activities must also be offered, as they are likely to help detainees develop self-confidence.

In the penitentiaries of the future, education should be seen as a tool for change that is not limited to acquiring basic literacy skills for illiterate detainees, but goes far beyond

teaching these basic skills. Education must also be carried out in a regime of deprivation of liberty at the highest level, aiming at the personal development of detainees, in the perspective of their social reintegration in a certain economic and cultural environment. Therefore, prison education should include access to books, classes and cultural activities, such as music, theater and art, without regarding such activities as merely recreational, but rather as methods of encouraging detainees to develop as a person. This of course requires that future penitentiaries be equipped with libraries, but also with special rooms for carrying out cultural activities, similar to cinemas, theaters or shows.

In conclusion, the programs prepared for prisoners in the penitentiary must be designed in a balanced way, in which the time devoted to work and the provision of education or cultural and sporting activities must be well dosed.

In the future, all these elements should be included in the programs prepared for detainees and should be found at a certain level in all penitentiaries, although their proportion during the day may vary from one detention center to another, depending on age, the abilities and needs of detainees. For example, for some detainees, especially the youngest, it is possible for the time spent on education to occupy most of the day, similar to attending school, while for others education may be provided in the evening after one day of work. In other situations, detainees may spend half the day working and the other half may engage in educational and cultural activities, especially in those penitentiaries where job offers are not enough to keep detainees busy for a full day.

It should also be ignored that penitentiaries are often places where there is a lot of untapped potential among detainees, which should be “taken advantage of” in the sense that those detainees with a high level of education (some of them may even be teachers before to get into prison) should be encouraged to help educate other less able detainees, of course under appropriate supervision.

Particular attention must also be paid to maintaining detainees’ contact with civil society. In this respect, the authorities should focus on the use of community facilities to the detriment of the creation of parallel structures. An eloquent example is the use of teaching staff who normally work in local schools and colleges and who could be hired to work in prisons as well, an idea found in practice in the Irish prison system where the prison administration has a collaboration contract with local schools.

The collaboration of the penitentiary system with the local education authorities would give a degree of normality to the penitentiary education. Whereas by adopting this policy of collaboration, detainees would enjoy the same educational content and the same methods used in civil society. At the same time, the capitalization of such a method facilitates the possibility to continue the studies of the prisoners after their release in the community.

Given that many jurisdictions, including our national jurisdiction, face severe overcrowding, a shortage of professional staff and few opportunities to interact with civil society, in addition to the hostile reception of society after the release of former detainees, none of the above they will be easy to achieve. It is the ungrateful task of penitentiary administrations to find solutions within the available budgets and that is why they should focus on developing partnerships with civil society and local educational institutions to increase the opportunities available to detainees.

An important factor to be taken into account in achieving the objectives of social reintegration of detainees is to ensure an educational program focused on the individual and their needs, thus based on a holistic approach and the professionalism of the teaching staff in the penitentiary. European and national jurisdictional practice has shown us that detainees must be seen individually as individuals with distinct needs because in the penitentiary we meet a multitude of individuals with such different characteristics, from illiterate individuals to individuals with a solid educational background, from individuals from the streets to individuals with a strong family font. Therefore, in order for educational policies to be

effective in achieving the goal of social reintegration, these aspects must be taken into account in the distribution of funds for the development of various educational and vocational training programs for prisoners, but also for continuing vocational training of prison staff.

As almost all detainees will be released, sooner or later, back into civil society, it is important that prison authorities consider the preparation for release from the beginning of the execution of the sentence. This is beneficial to both detainees and civil society, as an individual who has a place to live as well as an opportunity to earn a living will be motivated to live to his full potential in society.

For short-term detainees, we believe that the prison authority should develop policies and programs that involve the community as much as possible and develop links, where the prison regime allows, directly with civil society, to eliminate the risk of recidivism of the detainee, who tends to return to the criminal habit.

For detainees serving longer sentences, we consider that it is appropriate for prison authorities in vocational training and social reintegration policies to take into account the fact that the long duration of the sentence may have broken the detainee's ties with civil society and therefore, from the execution of the sentence, it is necessary to pursue the development of partnerships with private enterprises / governmental and non-governmental organizations to provide them with bridges to civil society at the time of release.

It is necessary for all prisoners to receive help, because ultimately a punishment must always mean correction. For some detainees, this could mean support in improving their self-confidence and faith. For others, this could involve assisting in finding a job, accommodation on release from prison, or securing a sum of money to allow them to travel to their home area. The more time a person spends in detention, the more obvious these needs become and therefore the penitentiary authorities should also take into account this aspect of the duration of the sentence in the development of projects with unemployment agencies, with the probation system, with services, social groups, religious groups and other non-governmental organizations. For people who are addicted to alcohol, gambling, drugs and who are often associated with criminal acts, we believe that special programs should be used and, moreover, we believe that it is necessary for prison authorities to develop partnerships for their implementation to detainees.

In our opinion, a very important stage for the detainee reintegration in the society is the preparation for release, i.e. the period immediately following the release.

This should give detainees the opportunity to get out of prison on a strict schedule, in the last part of the execution of the sentence, in order to gradually make contact, a few hours a day, with the company, during which time they attend a training course, carried outside the detention unit, or to obtain new work skills preferably in a workplace where to work after release. If this goal is not possible, we consider it necessary to give detainees the opportunity to return home regularly at the end of the detention period for a few days for a readjustment of both the inmate and their family members with the new situation.

Conclusions

In order to have a successful penitentiary system, it must ensure that detainees maintain ties to the civil society, isolation being necessary just to feel as a restriction of freedom and not as a separation from civil society, and it is essential to provide adequate training to be able to have a normal life when returning to society, work and education being the two pillars on which the success of the rehabilitation of detainees is based on.

References

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