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Resocialization possibilities with education for incarcerated juveniles

I. Preliminary remarks

In my opinion, the penal execution is such a research area, where the investigation and processing of the literature and the measures is not sufficient, but empirical research is necessary. It is important to see how the measures prescribed by law are out into practice. That is the reason why I did interview and questionnaire monitoring in all of our homeland juveniles' prisons: The empirical research was between 10th July and 26th October in 2012 in Kecskemét (10 July 2012), in Pécs (16 July 2012), in Szirmabesenyő (15 August 2012) and in Tököl (16 August 2012).

129 offenders filled in my questionnaire (in Kecskemét 20, in Pécs 38, in Szirmabesenyő 26, in Tököl 45 offenders, one of the 45 offenders was unvaluable because he crossed out the whole questionnaire). The offenders filled in the questionnaire anonymously and voluntary.

The aim of this study to confront the measures and the practice and to reveal the reforms and changes which are expected with the new penal execution code (hereinafter referred to as: The New Penal Execution Code ¹), which will come into force on 1st of January in 2015.

The New Penal Execution Code compared to the presently updated statutory regulations among the special rules of the juveniles. The logic of the updated measure and the The New Penal Execution Code is the same. The general imprisonment rules shall apply also to juvenile convicts with consideration of the special rules laid down in the juveniles' Chapter.² However, it is an important change that The New Penal Execution Code deals with the special rules of the juveniles in a much more detailed way compared to the ones until now.

The juvenile offenders are special categories of offenders. The education of the juveniles will be more productive than the education of the adults, because the juveniles' personality is still in evolution.

I think that primarily it is important to keep in mind the aspiration of the prevention of the recidivism in the execution of the imprisonment. The institutions can warrant this aspiration with the resocialization programs.

II. Prisons of the juveniles

Law Decree 11 of 1979 (Law Decree on the execution of penalties and criminal measures) lays down the requirement that it is important to execute the imprisonment of the juveniles in a

¹ Law CCXL of 2013 about the execution of the sanctions, the measures, some compulsory provisions and the misdemeanor closing. The parliament accepted the act on 17 December 2013.

² Article 48 par. 1 Law Decree 11 of 1979 and Article 192 par. 1 The New Penal Execution Code

separate institution from the adults.³ The Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules (hereinafter referred to as: European Prison Rules) enacted too, that “children under the age of 18 years should not be detained in a prison for adults, but in an establishment specially designed for the purpose.”⁴

I would notice it here, that by The New Penal Execution Code the juveniles’ imprisonment not only executes in a separate institutions but it would be possibly in the separated part of the adults’ prisons.⁵

It was mentioned previously, that juveniles are serving imprisonment in four institutions in our homeland: in the Juveniles’ Regional Penal Execution Institutions in Kecskemét, Pécs, Szirmabesenyő and in the Juveniles’ Penal Execution Institution in Tököl.

The institution in Kecskemét was built in 1997. Primarily it was created for the place of juveniles offenders too, but there was a transition period around 2001-2002, when the mother-children contingent functioned here.

The program PHARE was posted in 1990. Within its framework the title of the competition was “Repair of the prison conditions, reintegration into society of the juvenile offenders”. Result of this competition Juveniles’ Regional Penal Execution Institution in Pécs was built, which is suitable for reception of 50 people. The foundation-stone of the building was laid down in 2004 and the ceremonial conveyance was in 2006. There are only male, juvenile pre-trial detainees and convicted in the institution, on three bench, in 1-2-3 people cell.

The institution in Szirmabesenyő came off in 2002. Its capacity is 115 people.

The institution in Pécs was built in 1963, which is suitable for reception of 807 people. Its appellation was different in the years. It was a Central Hospital of the Ministry of Justice and Penal Execution Workplace in 1963. It was a Central Hospital of Criminal Execution and Workplace in the document of 5th June in 1964. Following this, it was a Central Hospital of Penal Execution and Institution of the Juveniles since 1968. After that, it bore the name Prison of the Juveniles, this name lived even in 1990. Primarily it was cavalry barrack, and then it was an internment camp.

III. Penal execution education

“The education – as a tool of the reintegration to the society and reduction the chance of the recidivism – is a conscious, purposive work, which task is beyond the general aim is to shape individual the antisocial orientation of the personality into correct direction and to change the incorrect motivation of the behavior, motivation system.”⁶

The Law Decree 11 of 1979 and Order of the Minister of Justice 6 of 1996 on the execution of imprisonment and pre-trial detention (here under referred to as Prison Rule Order) about the rules of the execution of the imprisonment and pre-trial detention contain the details of the offenders’ education. Due to the aim of this study primarily is to present for the reader how is education of juvenile offenders happens in practice, I set aside the detail review of the germane measures. I emphasize the most important provisions without the claim of the completeness, and because it is necessary to apply the regulations of the adults to the juveniles – with the differences mentioned in the measures –,⁷ accordingly I review too the differences between this two regulations. Furthermore as the result of my research, I show the similarities and the differences, what I experienced in the prisons.

³ Article 49 par. 1 Law Decree 11 of 1979

⁴ 11.1. European Prison Rules

⁵ Article 192 par. 2 The New Penal Execution Code

⁶ Czenczer, Orsolya: *The education as a resocialization tool in the juveniles’ prisons*. p. 1. In Prison Review, No. 3, 2008, pp. 1-12.

⁷ Article 48 par. 1 Law Decree 11 of 1979 , Article 207 Prison Rule Order

The aim of the imprisonment is the successful resocialization of the offenders; its task is to execute some reintegration activities and their way maybe the penal execution education. Regards to it the study shows the tools of the education in a view of empirical research.

III.1. Employment

III.1.1. Education and training

In the execution of the imprisonment “it is necessary to particularly support and motivate the acquisition of the elementary educational level”, but in justified case, the offender has a possibility to do his/her secondary studies, or to continue his/her on going higher studies. The Law Decree 11 of 1979 emphasizes this principle separately in connection with the juveniles that “it is necessary to turn a singular attention to the juvenile’s education, development of his/her personality and physical in the imprisonment”.⁸ The European Prison Rules stresses too that “particular attention shall be paid to the education of young prisoners”.⁹ Recommendation No. R (89) 12 of the Committee of Ministers to member states on Education in prison is governing among the recommendations of the Committee of Ministers to member states.

Throughout decades, the measures made the acquisition of the missing education level mandatory for who is under 40 years old and who hasn’t got the eight-classes skills. The general compulsory education concerns the offenders since 1994.¹⁰ Earlier, the general compulsory lasts until the reaching 18 years, but currently it lasts until reaching 16 years.¹¹ It means that it is obligatory for the offenders under 16 years, to continue studies in prison. However, the numbers of the offenders, who don’t participate in the studies, are significantly lessened with this regulation, because the juvenile offenders typically brought in to the prison in their ages of 16-17. The New Penal Execution Code emphasizes in connection with the education that the juvenile is bound to make enough for his/her general compulsory education, until he/she won’t fill the age, which is specified in a separate law.¹²

General experience is that the offenders’ educational level significantly fails from the average educational level of the countries’ commoners.¹³ My research confirms this fact. 43 people (33,6 %) didn’t finish and 62 people (48,44 %) finished the grade school. 10 people (7,81 %) finished the apprenticeship, 7 juveniles (5,47 %) finished the trade school and only 1 people (0,78 %) finished the secondary school [3 people (2,34 %) chose the other possibility and 2 people (1,56 %) didn’t reply].

It is apparent, that more than half of the offenders didn’t start their secondary studies, but they had the chance because of their age.

The juveniles take the appropriate information of the studies which they must or may be continue in the institution when they arrive to the prison.

In Kecskemét, the local education leadership appointed that the age of compulsory schooling juveniles where they can continue their studies as a guest student or private student. The education takes place in the organization of the András Gáspár Vocational School in the institution. The vocational school makes a curriculum for the whole year, where it defines the time of the education and which teachers will go to the institution and when. The whole education was organized by the vocational school. According to the institution in Kecskemét, unfortunately, the girls continue their studies as a private student, but the boys are enrolled.

⁸ Article 48 par. 2 Law Decree 11 of 1979

⁹ 28.3. European Prison Rules

¹⁰ Frank, Tibor: *Milestone (Education and vocational training of the juveniles)*. p. 15. In Prison Review, No. 1, 1998, pp. 15-18.

¹¹ Article 45 par. 3 Law CXC of 2011 about the national public education

¹² Article 193 par. 2 The New Penal Execution Code

¹³ Kőszegi, Szilvia: *Education and training of prisoners*. p. 55. In Prison Review No. 3, 2010, pp. 55-62.

De iurisprudencia et iure publica

Currently, 10 people involved in the preparation for vocational training education, and they will obtain a competency certification at the end of the education. Those who are involved in the project, receive scholarship.

Two people study in higher education, the woman attends a teacher-training college and the man is enrolled to the machine industry and automation college. The institution is very proud of these two juveniles, because until now nobody was involved in higher education (Only Kecskemét, where the offenders are involved in the higher education among the juveniles' prisons.). These offenders are in the I. safety group, which means they can continue their studies and lay down their exams out of the institution with the permission of the leader. They made it possible for the woman offender to place and use a computer in her cell.

Currently, training and OKJ training aren't in the prison, but earlier there was an OKJ training, which gave a qualification in gardening.

As secondary education, the offenders have the possibility to finish the ninth class, which means three days education in a week in an evening school. Nine people finished this training in 2012.

As vocational training, six offenders took part in the paver OKJ course. Earlier, there were cleaner, painter-wall paperer and town maintainer OKJ course in the institution.

There is a classroom with computers for the offenders.

The institution takes part in a distance education program with the University of Bremen, Bergen, Vienna, and with a Dutch institution, too.¹⁴

In Szirmabesenyő, the Pannon Educational Center does the education. The institution offers working orientation, physics, chemistry, first aid, IT, history, PE, engineering, Hungarian grammar and literature, hospitality and natural sciences lessons.

The offenders spend daily 4-5 hours with the learning. In the school year of 2012/2013, 86 offenders took part in the education. 11 offenders learnt in the 7th-8th classes, 31 in the 9th class, 15 in the 10th-12th classes. Specialty of the institution is that it has got a substantive school bound. About 20-20 offenders took part in paver and fork lift driver courses.

The Pannon Educational Center does the education in Tököl. The lessons are in the morning (8⁰⁰-12⁴⁵) and in the afternoon (15⁰⁰-18¹⁵) too in a separate classroom. They teach the following subjects: Hungarian grammar and literature, Maths, Geography, PE, Chemistry and Physics. 212 offenders took part in education in the school year of 2011/2012 and 186 of them finished it successfully. From the 212 offenders, 194 attended to the primary school and 18 to the secondary school (9th-10th classes).

16 offenders take part in the pottery vocational training, 13 juveniles and 3 adults, 15 finished successfully the school year from the 16. 122 offenders learnt in primary school, 14 offenders in secondary school (9th-10th classes) and 30 persons in vocational training (painter, thrower training) in the school year of 2012/2013. The ADU Educational Center kept painter, bricklayer and paver training in 2000.

I think the most important is the vocational training in the education, because it increases significantly the possibilities of the reintegration. If the juvenile has got a trade, he/she has the possibility to get a job in the labor market. Nowadays the offenders have a chance to get a job in the labor market, if they have got a trade. It is necessary to turn a singular attention on the organization and support of the vocational training outside the school system in the adult education.¹⁵

For example, there is a new intensive experimental project in the North-Rhine-Westphalia Consumer Protection Center in the prison of Siegburg in Germany, where the juvenile offenders can learn consumer protection, business and telecommunication. The offenders take part in the

¹⁴ Report's the ombudsman of Fundamental Rights in case AJB-4495/2012., p. 5.

¹⁵ Maurer, Péter: *Position of the education in the prisons – in the view of who stand on the professorship' two side.* p. 32. In Prison Review No. 2, 2011, pp. 30-35.

program voluntarily. The aim of this program is that the juveniles learn more, what they can use in the everyday life.¹⁶

All institutions have got a library; the juveniles can visit it weekly. Lots of offenders (65,63 % = 84 offenders) live with this chance.

For example, the institution in Pécs has got a separate library, but the offenders have the possibility to demand books from the adults' eight thousand books library. The county library gave more than six hundreds books to the institution, primarily literature, but the offenders can demand books individually (for example KRESZ textbook or language books).¹⁷ For example, in Australia the Prison Foundation set up that program, in which they collect the necessary books for the offenders. The benefit of the initiative is that the books to the offenders' interest are easily collected.¹⁸

The primary school students were given 8667 Ft/month grant in 2012. The literature usually takes a stand on that view that the juveniles are better motivated with the grant than getting a job after.¹⁹ The result of my questionnaire was opposite to this, because the juveniles' significant majority are more motivated by the labor market [74,22 % (95 persons)].

In The New Penal Execution Code it has already been suggested the amount of the grant to the study result. The Hungarian Helsinki Committee's opinion about this: in such a stimulus less environment as the prison, introduction of this system increases the already existing inequalities and it would create further tensions, because some offenders may think of it as discrimination. It would be a better idea, if they extend the grant for those offenders, who don't learn in primary school, but for example in secondary school.²⁰

It is necessary to emphasize the juvenile can take part in some privileges if he/she takes part in a primary school or in a school system training which their gives first vocational qualification. So they don't have to work and support their living while learning to get their first qualification.²¹

III.1.2. The work

Work is obligatory for the offenders since 1 January 2012²², but there are some exemptions, such as the offender's compulsory education attendance.²³ The aim of the work is "to help to maintain the physical and mental force of the offender and to give possibility for the acquisition and innovation of the vocational practice, and make it easy to reintegrate to society after the release."²⁴

The European Prison Rules emphasizes that "The organization and methods of work in the institutions shall resemble as closely as possible those of similar work in the community in order to prepare prisoners for the conditions of normal occupational life."²⁵

The work can contribute to the prevention of the recidivism, furthermore it is useful activity, because it teaches the offenders for discipline, it is adequate for the reduction of the pressure, it trains for cooperation and for actuality, decline stress and last but not least it means earning potential. According to the professions, if there isn't a possibility for the working in a

¹⁶ Király, Klára: *News from the prison world*. p. 96. In Prison Review No. 4, 2010, pp. 93-100.

¹⁷ Report's the ombudsman of Fundamental Rights in case AJB-4495/2012., p. 5.

¹⁸ Király, Klára: *News from the prison world*. p. 99. In Prison Review, No. 4, 2010, pp. 93-100.

¹⁹ Cf.: Lakos, Zsuzsa – Lőrincz, József: *When the overall is poppy-seed – education of the juvenile detainee*. p. 36. In Prison Review, No. 4, 2011, pp. 31-40.

²⁰ Zádori, Zsolt: *Trainee in the coop*. <http://helsinkifigyelo.hvg.hu/2013/09/11/nebulok-sitten/> (2013-10-28)

²¹ Article 216 Prison Rule Order

²² Article 33 par. 1 d) Law Decree 11 of 1979

²³ Article 44 par. 1a Law Decree 11 of 1979

²⁴ Article 44 par. 1 Law Decree 11 of 1979

²⁵ 26.7. European Prison Rules

De iurisprudencia et iure publico

prison and the offenders hang out, they will be frustrated, aggressive, depressed and undisciplined and their possibility for the reintegrate to the society will decrease significantly.²⁶

There are two important differences in connection with the work between juvenile and adult offenders. The first, they aren't allowed to do overtime for the offenders who are under 18.²⁷ The second difference is that they can't subsume the juvenile for night work.²⁸

Otherwise the employment of the juveniles is according to the juveniles' labor law.²⁹

Although the significant majority of the juveniles (70,31 %, 90 people) if can choose, they choose work instead of learning (for example if he/she is in compulsory education, he/she prefers working instead of learning), they have a little chance for it. On the one hand there are a few working opportunities, on the other hand the institutions sometimes don't have the necessary conditions.

However, if the offender starts work, it is necessary to have a healthy monitoring. It is necessary to clear up if she/he is healthy for the job or not.

Three juveniles worked in Kecskemét (10 July 2012), two of them in the lavatory and one of them was a dirt wiper.

One juvenile worked as a cook in Pécs (16 July 2012).

The juveniles didn't work in Szirmabesenyő. There was a possibility for a cook dealer job in this institution earlier.

56 juveniles worked during the research period (15 August 2012), 20 people worked for the Dunapapír Kft. as a paper sorter and 36 people worked in the institution as a maintainer and some offenders worked in the garden.

III.1.3. Free-time activities

It is necessary to give chance to the offenders for the civilization and do sports to spend their free-time useful.³⁰

According to the European Prison Rules "Recreational opportunities, which include sport, games, cultural activities, hobbies and other leisure pursuits, shall be provided and, as far as possible, prisoners shall be allowed to organize them."³¹

The Committee of Ministers pins down in the Recommendation CM/Rec (2008) 11 that it is necessary to let at least 2 hours methodical exercise to the imprisonment juveniles³², and one hour must be in the air, if the weather allows it.³³

With the previous permission of the national commander there is a possibility to set up cultural and sport organization for two or more prisons' offenders.³⁴

They organize the Ferenc Liszt Musical Festival in Tököl and the football championship in Szirmabesenyő (for six years) for the juveniles in every year.

There are individual and collective programs in the institutions, where the participation is voluntary.

There are particular activities in Pécs, for offenders who are before release. The students of the Department of Community and Social Studies (Institute of Social Relations) University of Pécs keep programs weekly before the release and the patrons help their job. The South-

²⁶ FEJES, IMRE: *Employment (Resocialization or (and) economy) / Debate/*. p. 32. In Prison Review, No. 4, 1994, pp. 30-39.

²⁷ Article 117 par. 4 a) Prison Rule Order

²⁸ Article 110 Prison Rule Order

²⁹ Article 53 Law Decree 11 of 1979

³⁰ Article 40 par. 1 Law Decree 11 of 1979

³¹ 27.6. European Prison Rules

³² A CPT's 2. Generally Signification [CPT/Inf (92) 3] has already urge the necessary of the exercise in the prisons.

³³ Recommendation CM/Rec (2008) 11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures, 81.

³⁴ Article 75 par. 3 Prison Rule Order

De iurisprudencia et iure publico

Transdanubium Employment Center holds vocational guidance once a month for individuals and groups. The Baranya County Government Offices' Judicial Service holds particular activities once a week; the offenders who are before release can learn of living skills basics.

The group activities have an important role in Pécs, there are some programs which operated continuously and periodically. The Baranya for Juveniles Nonprofit Kft. holds Juvenile Club once a week for 5-10 people. The aim of the club is the correction of the world vision, by putting the forming of connection with people into the center in the institution, with the innovation of the commune and it tries to unfold the hidden worth of the people. There is introduction on the first group activity, clearing the framework, competences and the connections, and definite the collective aims and in the last they devise collectively the rituals, traditions in the first collective activity. After that, they hold community developing plays and programs; they give information for those who are before release, they train real life situations and prove self-expression.

The representatives of the Reformed, Catholic and Golgotha Church and the Sionist Assemblage hold ethnic education activity for juveniles, the ethnic consultancy has an important role. The representatives of the church said mass.

The colleagues of the Baranya County Judicial Office hold living manner experience and skills program once in a fortnight for 8-12 people which helps the reintegration to the society with role plays.

The Goldstein-training is a periodical program, which teaches the juveniles for responsible thinking and acting.

The aggression replacement training is a periodical program too, which advance the counteraction of the aggression. It has got three parts: training, which proves the social skills, temper control training and ethnic proving training.

The prison must be given the chance for the self-education to the offender.³⁵ There are lots of possibilities for it in the institution in Pécs. The aim of the creative activity is that the offender realizes his/her own ideas.

The craft study group focuses on the manual skill.

The speciality of the institution is a mural, which is made by the offenders with the "Mural Painting" techniques. It is somewhat to graffiti, but it is more realistic and esthetic work. The offenders mix the colors and paint to the wall. They use 3 basic colors and black and white.

The Prison theatre is a weekly program where are generally 6-9 people. The institution holds a poem-writing competition once a month.

Once in a fortnight, in two hours they set up the Film club for 10-12 offenders. They screen primarily such films, which have an education aim, but it is also important to engage the juveniles' attention.

In most offenders' cage a TV can be found, so they can get information about the World and national news.

They keep all national and church celebration in the prison. The offenders make programs and prepare with the help and the lead of the preceptors and they usually connect the historical national celebration with the mental quizzes.

A group of the offenders deliver a performance to their mates and to the staff on a world day in every month.

"Outside" tutors have already held seminars in some occasions for the juveniles. In addition they set up several times musical-dancing performance, which has a big interest, Balázs Székelyhídi, ROXX69, the 30Y, the Zoltán Tajti and his group and the Crybabies, furthermore the "Szerafi" chorus of the Saint Ferenc church, Katalin Sólyom performer and Tamás Czeininger ornithologist made a concert.

³⁵ Article 39 par. 5 Law Decree 11 of 1979

Among the sports, the most popular is football, basketball and body building, but there are badminton, table-tennis and billiard-table too.

According to the opinion of the ombudsman of the fundamental rights, the programs which involve the ethnic education are adapted for planning the life after the release. They have the possibility to state her/his case and to prove into correct direction their world vision and their values.

In Kecskemét the offenders have got a possibility to do sports acting, to go to the library, play guitar study program. Those can apply to the guitar education who wants to learn singing.

The institution has the basic sport equipment for example badminton, table-tennis, darts, volleyball, handball and football.

Currently, there isn't a gym in the institution, but they are planning equipment into the garden with the help of TÁMOP program. The juveniles will use these equipments outdoors.³⁶

The women like the patchwork and the cooking.

The religious programs and the activities of the Probation Service are collective programs.

The "Who knows what?" quiz has a big tradition in Kecskemét's prison. The interest for it is very big every time. The participating juveniles get applause for reward at least.

Beyond the above mentioned ones, 11 juveniles take part in planting 500 trees and they care and water them.³⁷

Similar to the institution in Pécs, a mural was made in Kecskemét with the involvement of the Pécs Szín-Tér Association. The mural was planned and realized by 25 juveniles.³⁸

The sport is very popular too in the institution in Szirmabesenyő. There are possibilities to play football, basketball and table-tennis.

Those who came from the Semmelweis Hospital perform a healthy day. The Drug ambulant holds an informative performance. There was a drama day earlier.

The institution organizes bread baking on 20 August, where were about 10-15 offenders from the benches.

The specialty of the institution is the animal assistant therapy and the wildlife-cage, where they keep dogs. The puppy education program began in 2012 and four juveniles take part in it voluntary. The offenders train two puppies throughout twelve months and after that the dogs will be a guide-dog. The juveniles like these activities, because accordingly they have own daily routine and they spend more time in the air.³⁹

In New York, the Fishkill Prison is similar to Szirmabesenyő they also joined "Dog therapy behind the bar" program. The offenders have to train the puppies. The dogs will be such dogs which help to disabled people. According to the institution the program has an important role, because psychological studies confirm that the connection between people and dog has a charitable influence.⁴⁰

In the institution in Tököl from Monday to Sunday there are sport possibilities for the offenders. The prison has got a gym, but they don't urge the body building. The sport possibilities are entertaining, they have an educational influence, it improves the concentration skills and the teamwork, the institution wants to show what results can be reached in this area. So they invite famous sportsmen (for example Ágnes Farkas, Ottó Vincze, Tivadar Kunkli). They held a Kolonics memorial day too.

³⁶ Report of the Hungarian Helsinki Committee of the visiting (29-30. April 2013) in the Bács-Kiskun County Prison, p. 22.

³⁷ Ibid p. 21.

³⁸ Ibid p. 20.

³⁹ Report of the Hungarian Helsinki Committee of the visiting (3-4. June 2013) in the Borsod-Abaúj-Zemplén County Juveniles' Prison, p. 8.

⁴⁰ Király, Klára: *News from the prison world*. p. 117. In *Prison Review*, No. 2, 2009, pp. 113-118.

III.1.4. Therapeutical activities

“The therapeutical activities are adjusted to the changed work capacity and healthy condition of the offender.”⁴¹ I don't focus on the therapeutical activities, because it hasn't got practice in the juveniles' prisons.

III.1.5. Curing and restoration programs

The drug prevention department is such a drug-free place where the offenders can go voluntary and on the score of request (the offenders need the preceptor's opinion and the recommendation of the psychologist) and the offenders promise that they won't use any narcotic or stupefying influence drugs. They agree to give urine sample once a month to do the drug test.⁴²

The drug-prevention department was established in 2003 and started in Tököl and in Szirmabesenyő in 2004.

Colleagues of the AVP Hungary and For the Clear Future Fundament take part in the job in Tököl. The colleagues of the foundation held individual and group activities about the problem and about the alternatives of the treatment, the harms and physical influences, and introduced the effects of drug-abuse. There is a psychological class in Tököl and it's leader has got a vocational level with this problem, so the institution is in a favorable situation regarding the organization of the special programs.⁴³

In Szirmabesenyő the Miskolc Drug Ambulance introduced the drug addiction and the drug abuse during group activities, the County National Public Health Service dealt with the complex health promotion, whilst the Borsod-Abaúj-Zemplén County Police Headquarters held crime prevention performances.⁴⁴

The RÉV Addict-help Service does the diversion in Kecskemét. In 10 July 2012 two people took part in it for their request (one female and one male). The offender can ask the leader to take part in the diversion.

In Pécs, there are Drug-group and Drug-prevention group. The participation is obligatory for those offenders, who is/was connection with drugs. The aim of the Drug-prevention group is to prevent the drug-using and inform the juveniles about the consequences of the drug-using.

III.2. Contact with the outside world

It is necessary to the prison to help the offender maintaining favorable relationships and proving them.⁴⁵ According to the regulation of the European Prison Rules “Prisoners shall be allowed to communicate as often as possible by letter, telephone or other forms of communication with their families, other persons and representatives of outside organizations and to receive visits from these persons.”⁴⁶ Recommendation CM/Rec (2008) 11 of the Committee of Ministers to member states on the European Rules for juvenile offenders states the same point.⁴⁷

The contact has an important significance inside the education, because the reintegration of the juvenile is successful if there is a supportive family behind the juvenile.

⁴¹ Article 133 par. 1 Prison Rule Order

⁴² Vogel, Attila: *Operation of the drug prevention unit in the juveniles' prisons*. p. 41. In Prison Review, No. 2, 2005, pp. 41-44.

⁴³ Balogh, Attila: *Drug prevention units in the prisons*. p. 102. In Prison Review, No. 1, 2005, pp. 93-104.

⁴⁴ Ibid p. 94-96.

⁴⁵ Article 40 par. 1 Law Decree 11 of 1979

⁴⁶ 24.1. European Prison Rules

⁴⁷ Recommendation CM/Rec (2008) 11 of the Committee of Ministers to member states on the European Rules for juvenile offenders subject to sanctions or measures, 83.

The contact with the outside world can unlock the isolation from society and it contributes to the resocialization after the release. It can be one of the tools of the prevention of the recidivism, which is proved with a measurement in 1997 in USA.⁴⁸ The research showed that the contact with the outside world decreases the recidivism.⁴⁹

According to my research, high scales of the juveniles (91,4 %, 117 people) maintains communication with their relatives.

Our updated regulation distinguishes between four types of contact: correspondence, package, visits and the use of the phone. The Prison Rule Order regulates all of them, that's why I don't review these details. I draw attention on the differences of the prisons.

The first difference is the social background. The observation in Kecskemét shows that juveniles arrive with bad social background and some of them lived in foster-home. The observation in Tököl is similar the offender came from principally stumpy or big family, or came from the reformatory. In contrast with this, there are such juveniles in the other two institutions who lived with their family. This fact indicates what contact types are common in the prisons.

The most frequent contact mode is the correspondence in Kecskemét and in Tököl. The visiting is very rare in Kecskemét, about one visitor goes to the institution once a week. There are about 4-5 offenders in the institutions, who are visited by relatives. The distance has bad effect on the visiting. It is typical for female offenders that they stay far away from their homes, so the visiting is very expensive for their relatives.

All contact types are typical in the institution in Pécs so the visiting as well. The speciality of the prison is that the psychologist and the leader preceptor held a group activity for the parents after the visiting. They deal with how they can treat their children who are in the prison and guilty. The ombudsman of the Fundamental Rights did a monitoring in the prison on 16 May 2012. Until this date they held one group activity for the parents, which concerned six families with seven people. In the course, the parents or others who grow up the juvenile have possibility discuss with each other their trouble and feelings with the juvenile in prison. Furthermore it is important part of the talking how the family can take back the juvenile after the release. The preceptor and the psychologist traced the possibilities and the family decided what they can undertake and warrant for their child. According to the ombudsman of the Fundamental Rights the parents group activities are adapted for conducive and prepare the juvenile for the free life.⁵⁰

A family deciding group conference program is conducive to the reintegration. This program is connected with the contact too. A psychologist leads this program. The juvenile who is before release and the person who support him/her can participate in this program.⁵¹

I notice that the family consultation and the family therapy appear in the New Penal Execution Code as an unbound contact mode. The reason of the introduction is that it is necessary to share the juveniles in a positive discrimination "it is necessary to turn singular attention to the vindication and promotion of the family and other positive outside contacts, which has a personality development and conflict handling function near the vindication and intensification of the traditional family bonds."⁵² The family consultation will take place with the request of the legal representative and the license of the prison. Although that parent, whose parental rights restricted or terminated, won't participate in the consultation.⁵³ Near the same conditions and if the prison has the possibility the juvenile may participate in a family therapy activity which may be a new establishment. The number of the family therapy depends on the

⁴⁸ Although the information concern not only for the adults but I think it is an useful information.

⁴⁹ LAING, KAREN – MCCARTHY, PETER: *Risk, Protection and Resilience in the Family Life of Children and Young People with a Parent in Prison*. 2004, p. 14.

⁵⁰ Report's the ombudsman of Fundamental Rights in case AJB-4495/2012., 9. p.

⁵¹ Ibid p. 4.

⁵² Preamble of the Bill

⁵³ Article 194 par. 1 The New Penal Execution Code

De iurisprudencia et iure publico

therapeutical needs.⁵⁴ Extraordinarily the activity may be outside the prison and the juvenile may ask the family consultation and the family therapy.⁵⁵ The main difference between these two contact modes is the consultation is an unbound meeting with the family, whilst there is a specialist on the therapy. The family therapy such a psychoterapeutical approach and method with the help of it, the therapist contributes to explore the problems which are in the family with the cooperation of the person and the family. The specialist in the course of the family therapy – compared to the opportunities – optimizes the function of the family system, modifies the quality of the empathy of the experiences and the family's behavior.⁵⁶ The family consultation and the family therapy aren't equal to the visiting and they may allow those among the offenders.⁵⁷

The practice of the family consultation came off earlier in the prison in Sopronkőhida. In this prison the offenders can ask for that 12 months before the release. The members of the family and the offender, the psychologist and the preceptor may be present on the consultation. They may talk about different subjects (for example workplace after the release).⁵⁸

There will be more contact forms in the future – additional to the classic contact forms – such as the visiting out of the prison.⁵⁹ According to the security level of the prison, the inmates are allowed to use electronic devices to keep contact.⁶⁰ The New Execution Penal Code doesn't define the details of this contact forms.⁶¹

The New Penal Execution Code – beyond the above mentioned ones – turns a particular attention not only for the contact with the outside world, but for the care of the familiar contacts because it will be possible in the future to the juvenile – for his/her request – to be placed in the same jail with his/her same-sex brother/sister.⁶² Certain discrimination questions are liable to occur with the contact of this regulation. According to The New Penal Execution Code, it is necessary to separate those who are in a different execution stage, the men from the women, the juveniles from the adults.⁶³ In consideration of this the juvenile may be placed with the same-sex and same grade brother/sister. The question of a viewpoint is that we can understand it as a positive or negative discrimination. It is positive discrimination for the same-sex and equally juvenile offenders, but it is negative for the different sex and/or different ages (with not equally juvenile) brothers/sisters. Otherwise The New Penal Execution Code defines what aspects have to be respected at forming the collective accommodation.⁶⁴

⁵⁴ Article 194 par. 2 The New Penal Execution Code

⁵⁵ Article 194 par. 3 The New Penal Execution Code

⁵⁶ Preamble of the Bill

⁵⁷ Article 194 par. 4 The New Penal Execution Code

⁵⁸ Report of the ombudsman of Fundamental Rights in case A/B-2084/2013.

⁵⁹ Article 173 par. 1 The New Penal Execution Code

⁶⁰ Article 173 par. 2 The New Penal Execution Code

⁶¹ Before the Bill, in the Draft, they wanted to introduce the e-mail post, the Internet-based telephoning and the video telephoning as a new contact mode. The video telephoning was led in earlier with a help of cameras with a closed chain in the Prison in Belmont (St. Clairsville), in the Prison in Ohio (Youngstown), in the Prison in Noble (Caldwell) and in the Prison in South-Ohio (near Lucasville). There is a separated accommodation for this aim and two adults and two children are present together at the video telephoning. They want to expand this new contact form for all national prisons. The relatives of the offender have to maintain the incurring costs (this is 25 dollar/30 minutes). The new contact form has some benefits according to the professions: for example it decreases the cost of the travelling and it makes possibility for the deeper contact if the family hasn't got a possibility for the visiting. (Király, Klára: *News from the prison world*. p. 98. In *Prison Review*, No. 2, 2010, pp. 97-104.)

The offenders may set out peak five minutes MP3 messages on a web interface which name is Podknast. They have a possibility throughout this to give news about them, the life of the prison and about their experiences. (Király, Klára: *News from the prison world*. p. 92. In *Prison Review*, No. 4, 2009, pp. 87-94.)

⁶² Article 195 par. 1 The New Penal Execution Code

⁶³ Article 99 par. 1 The New Penal Execution Code

⁶⁴ Article 195 pars. 1-2 The New Penal Execution Code

De iurisprudencia et iure publico

II.3. Rewarding and disciplining

The Law Decree 11 of 1979 recites and details the rewards in the Articles 41-41/A and the punishments forms are in the Articles 42-43.

There are differences between the regulation of the juveniles and adults. The juvenile offenders⁶⁵ and a group of the juvenile⁶⁶ offenders can get a honorable mention. The time of the short term leave is longer, at the outside is 15 days.⁶⁷

The European Prison Rules doesn't have a substantive regulation about the rewarding but it does about the disciplining. According to the European Prison Rules solely such conducts be determined as disciplinary offence which are adapted for the risk of the true order, surety. It entrusts the definition of the acts or omission, types and time of the punishments to the inside law.⁶⁸

According to Tamás Módos the disciplining can't be used to change the behavior of the offenders, it is only an administration commitment. The offenders tend to commit the wrongs even after disciplining them. He misses the individuality from the rewarding (against the disciplining).⁶⁹

IV. Summary

According to Gergely Fliegau's definition "the resocialization means the setting back to the society and/or the recaptaincy". The aim of this study was to show for the reader what resocialization possibilities are there in the education of the juvenile offenders. In my opinion, the juveniles' prisons organize several programs, which can be conducive to the resocialization of the juveniles. However the coin has got two sides: the juvenile decides that how he/she uses the chances which the prisons offer.

I think it is necessary that the education would have an important role in the juveniles' education. The juvenile can compensate his/her shortage with the education. It is significantly important, because some of them continue the learning after a few years gap.

In my opinion, it would be necessary to take part in at least one program every day in the future for the juveniles. It is very important for the juveniles that the prisons offer different free-time activities. It is necessary to hold their attention, or they will be thinking about doing skirmish or smack-ups.

The education may be more productive among juveniles than adults, because their personality is still in evolution. Behind the personality there are very often some psychological problems or bad social background. A psychologist made a monitoring with juveniles in Austria and the result was a posttraumatic confusion at every second girls and fourth boys. He experienced distemper at lots of juveniles. According to his research, 30 % of the juveniles had sexual abuses and 80 % of them had psychical abuse.⁷⁰ It is very important that the juvenile gets all possibilities to reintegrate to the society from the first day he/she is imprisoned.

⁶⁵ Article 51 par. 1 Law Decree 11 of 1979

⁶⁶ Article 214 par. 1 Prison Rule Order

⁶⁷ Article 51 par. 2 Law Decree 11 of 1979, Cf.: Article 41 par. 3

⁶⁸ 57.1.-57.2. European Prison Rules

⁶⁹ Borbély, László: *Socialization and resocialization in the prison*. p. 97. In *Prison Review*, No. 4, 2006, pp. 93-98.

⁷⁰ Király, Klára: *News from the prison world*. p. 105. In *Prison Review*, No. 2, 2008, pp. 102-108.

De iurisprudencia et iure publico