
Legislative and Motor Path for Re-Education in Prison

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Abstract

The purpose of this contribution is to analyze the positive value of motor activities in re-education treatments carried out in prisons. Cultural, recreational and sports activities are included, by Law 354/1974 on the penitentiary system, among the main elements of the treatment (Art. 15), together with education, work, religion, contacts with the outside world and with family members. Recreational and sports activities have acquired a particular value in the implementation of a re-educational program aiming at promoting the harmonious and global development of the prisoner's personality. Physical activities practice is a source of psycho-physical-emotional well-being, a basic tool for reaching self-realization, and is the privileged space facilitating social inclusion. The body is a means by which to form one's own identity and develop skills in order to act in the world.

Keywords: *Legislative Path, Motor Activity, Re-Education Treatment, Prison*

Introduction

Law n. 354 of July 26, 1975, which contains "Norms on the penitentiary system and on the execution of privative and limiting measures of freedom", has adapted the treatment of prisoners to the most advanced systems of personal freedom deprivation, defining the indications and the modalities of the penitentiary treatment. This law defines the treatment by using two different adjectives: "penitentiary treatment" and "re-education treatment". The "penitentiary treatment" indicates the rules and the modalities that regulate the detention, including the procedures, the rules and the activities that contribute to regulating the execution of the sentence, applied to all the categories of prisoners (Goffman, 2003). The reeducation treatment, instead, is only a part of the penitentiary treatment; it concerns the convicted prisoners and provides for voluntary participation (Coco, 1989; Serra, 1999). The Prison Administration Department is obliged to elaborate an individualized treatment program, and its observation and assessment must go on for the whole duration of the execution of the sentence. It is obliged to organize treatment activities but the convicts are not obliged to carry them out. The scientific observation of personality, foreseen by Art.13 of Law n. 354 of July 26, 1975, is the scientific method through which the Administration identifies the reasons underlying the commission of offences, and proposes a treatment program aimed at social reintegration. The observation is carried out by a multidisciplinary team: educators, social assistants, prison police personnel and, in some cases, also by professionals such as experts in psychology, social service, pedagogy, psychiatry and clinical criminology, cultural mediators and interpreters, always coordinated by the director of the institute. The observation must be completed within nine months following the final judgment, and it is a moment of document elaboration which outlines the person detained including the hypothesis of a treatment path. The treatment program is defined by the re-education interventions that operators assign to the prisoner during the enforcement of the sentence. The Circular n. 3233/5683 of the Department of Penitentiary Administration dated December 30, 1987, entitled "Protection of life and physical and mental safety of prisoners and detainees, and organization of the 'new detainees' service", results from the fear manifestations related to cases of self-harm and suicides due to acts of different types of violence, which are observed in prisons. At the end of the interview, the expert should

determine the fragility of a subject, and assess if the "new detainee" is at risk of suicide (Catanesi, 1995; Ferracuti, 1989; Romano, 2003).

1. The normative basis for a new re-education path

The constitutional norm of the humanization of penalties and of the re-education treatment for prisoners takes shape with the 1975 penitentiary reform of 1975, and with the following Execution Regulation. Law 354 of 26 July, 1975, underlines the need to create relationships between the prison and the territory, since the prison is often a closed reality in which not enough space is offered to support the human, physical and affective dimension, and this can compromise the prisoners' well-being (Gonin, 1994; Lazarus, 1991). The central role of the prisoner's well-being highlights the importance of the educational and treatment area, which is realized through the area of school and professional, cultural, recreational, and sports activities (De Leo, 1989; Mamrot, 2005). Prison is a fundamental place for the re-socialization of the detainee, and allows the latter acquiring different tools to face existential problems and personal and social responsibilities by means of an individualized treatment.

The individualization of the treatment implies that the interventions must be structured according to

the subject's personality, and this presupposes a scientific observation of the personality through which to acquire information on the subject's biopsychosocial dimension (Cardinali & Craia, 2012; Gonin, 1994). A commission made up of the director of the institute, the treatment operators (educators and social assistants), the representatives of the prison population and contacts with the outside world, essential to the process of social reintegration (art. 27 of the Penitentiary System), monitors the organization of these activities. All this is preparatory for the planning of cultural, artistic, recreational and sports activities. Participating in these activities is an opportunity to acquire knowledge, skills and competences, and is a chance to live positive experiences by building a relationship between the imprisoned world and the free one.

These activities must trigger a change in one's own inner perception, in terms of self-efficacy and self-esteem; they must constitute the possibility of replanning one's own experiences, and increase the prisoner's motivation to improve his life project too. Cultural, recreational and sports activities, as well as spending the time that goes by unchanged in prison, are part of the re-education treatment, promoting empowerment, change, opportunities, learning, orientation, problem-solving, sharing, participation, dialogue, exchange, confrontation, self-discovery and life project. Through the experience lived in prison the individual has the opportunity to train his/her skills as a citizen.

2. The role of motor activity

The cultural, recreational and sports activities are introduced by Law 354/1974 on the Penitentiary System, and are considered as some of the necessary elements of the treatment (art.15), together with education, work, religion, contacts with the outside world and with family members. Recreational and sports activity has great importance in the implementation of a reeducational program, since the practice of motor activities is a source of psychophysical-emotional well-being, a basic tool for personal fulfillment and the privileged space facilitating social inclusion (Rosa & De Vita, 2018a).

The body becomes an instrument by means of which to build one's own identity and increase one's own skills to act in the world. "Recovering the sense of identity, the ability to empathize, to be protagonists of one's own life while respecting the value and dignity of others, therefore become primary objectives and key elements on which to focus an educational intervention" (Rosa & De Vita, 2018b). Scientific research identifies in the body the dimension underlying the processes that act on the changes in human behavior. The

corporeal experience is an essential condition in cognitive processes. Motor activities and sports practice in prisons seek to protect the psycho-physical wellbeing of the detainee, and can be a useful tool to develop cultural and human growth. The reeducational value of physical activity is connected to the quality of the prisoner's participation in the activities foreseen by his treatment plan. Several research activities have shown that physical activity supports personal care, self-esteem and the ability to interact. In the prison, it helps maintaining good health conditions in the detainee, but its value is linked especially to its educational value. Motor and sports activities "... represent the 'elective space' in which to experience oneself, and at the same time become the 'privileged means' through which people can develop and consolidate identity, self-efficacy (Bandura, 2000) self-esteem, personal autonomy and ecological relationships, favoring the development of psychosocial skills in the personal, social, interpersonal, cognitive and affective areas of each individual" (Rosa & De Vita, 2018b).

The International Charter for Physical Education, Physical Activity and Sport highlights that "Physical education, physical activity and sport can improve mental health, psychological well-being and complex action skills by increasing the positive perception of one's own body, self-esteem and self-efficacy, by reducing stress, anxiety and depression, increasing one's own cognitive function and developing a wide range of skills and qualities, such as cooperation, communication, leadership, discipline and teamwork, which contribute to the achievement of one's own goals in participation, learning and other aspects of life" (UNESCO, 2015).

Sports activity must educate those who practice it also in the constructive management of their own growth process, favoring the improvement of social interaction, self-esteem and mental and physical health (Di Palma & Tafuri, 2016).

While practicing physical and sports activities, the prisoner can improve his/her self-esteem; moreover, he can share emotions by learning to tolerate stress and managing to deal with aggression and anger, by also enhancing his/her self-control ability. Article n.2 of the "International Charter for Physical Education, Physical Activity and Sport" points out how sports can be an instrument for social and individual well-being: "Physical education, physical activity and sport, when properly organized, taught, funded and practiced, can make an important contribution to a wide range of benefits for individuals, families, communities and society in general" (UNESCO, 2015).

The individual in the group, through motor and sports practice, can implement positive relational dynamics, increase his/her social participation and the respect for the rules. The International Charter for Physical Education, Physical Activity and Sport highlights the inclusive nature of physical activity.

"Physical education, physical activity and sport can support potentialities and social well-being by setting up and strengthening bonds with the community and relationships with family, friends and peers, creating a sense of belonging and acceptance, developing positive social attitudes and behavior, and uniting people belonging to different cultural, social and economic backgrounds in the pursuit of goals and shared interests" (UNESCO, 2015). Motor and sports activities carried out in the prison context should include group experiences, since, in the group, it is possible to learn to

recognize the other and one's own and others' limits, finding solutions to difficulties. Physical and sports activity favors personal fulfillment, individual growth, socialization between detainees and their relationships with the outside world; moreover, it also offers its contribution from the health point of view, since was shown that it prevents diseases related to a sedentary lifestyle such as obesity and diabetes, as well as hypokinesia syndrome. Subjects carrying out regular physical activity, whether it in group or individually, show greater confidence in their own possibilities, greater self-esteem, ease in social relationships and better tolerance of stress; thus we can affirm that it will be difficult for these people to

show disorders like anxiety and depression (Di Palma et al, 2016). The Penitentiary System provides for individualized interventions by adapting the penalty to the detainee's personality. Even for motor and sports activities it needs to provide suitable and different programs based on the different types of prisoners. The individualized paths of integration and socialization are fundamental in the consideration of health as physical, psychic and social well-being, which refers to the concept of prevention and re-education of the person as a whole. "The primary objective of a 'culture of movement' is to employ each one's abilities combining physical activity, education, environment, well-being and citizenship rights" (De Vita & Rosa, 2018; Farinelli, 2005). Experiencing the rules without which one cannot carry out sports activity allows creating a system of rules that educate to act in everyday life, aiming at promoting well-being.

This is one of the main reasons why motor and sports activity is an indispensable element in the re-education treatment, and an opportunity for the prisoner to exercise his/her right to psychophysical-emotional well-being, as required by national and international legislation.

Conclusions

Practice of physical and sports activity in the prison context facilitates the development of the dimension of corporeity and the reduction of the negative effects caused by the limitation of freedom, favoring the individual's social dimension and the development of positive models of relationship and support, in view of a reintegration path. Voluntary participation in re-educational and rehabilitative treatment aims at supporting the individual's self-criticism process, which, together with the prisoner's conscious reflection on lifestyle his skills and ability to seek adequate motivations, can contribute to the construction of a new life project. Sport holds a deep educational value: discipline, respect for rules, solidarity and collaboration in achieving a goal, and the possibility of confrontation with different people, are just some experiences that allow the prisoner discovering a different way of civil and social cohabitation. Through sport, the detainee has the opportunity to experience healthy relationships with individuals outside the prison environment, laying the foundations for a different future. This prevents the process of personal growth from being stopped.

Even if depriving freedom, the prison must become a space through which to find and rebuild oneself. Motor and sports activities, provided for by Art. 15 of the Penitentiary System, become an opportunity for learning and educating to a future life project, and are fundamental in the construction and maintenance of the psycho-physical-emotional wellbeing of the individual who is in a state of personal freedom deprivation.

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