

Social Reintegration of Prisoners in Algerian Penal Policy

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Abstract:

The social reintegration of prisoners involves providing appropriate support to help them prepare for a successful return to society after serving their punishment. However, a detainee who has spent a long time in detention and has become accustomed to the structure and regulations of prison life is often confronted with multiple obstacles upon release. These include a lack of societal acceptance due to the stigma of being labeled "imprisoned", the fear of potential actions from those around him, and, in some cases, rejection even by his own family, along with the psychological issues associated with such isolation. Furthermore, a former inmate may struggle to find employment, build social relationship, or find an environment that fosters lawful and honest living. These difficulties can, in many cases, lead to recidivism when reintegration effort fail.

Keywords:

Prisoners, social reintegration, incarceration, social rehabilitation, punitive work, crime.

Received: (date) 02/05/2025 & Accepted (date) 31/05/2025 & Edited (date):30/06/2025

to Cite the article:

TACHET Ourdia, "Social Reintegration of Prisoners in Algerian Penal Policy", *RARJ*, vol. 16, n°1, 2025, pp. 584-603

Available on: <https://www.asjp.cerist.dz/en/PresentationRevue/72>

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إعادة الإدماج الاجتماعي للمحبوسين في السياسة العقابية الجزائرية

الملخص:

تعتبر سياسة إعادة الإدماج الاجتماعي للمحبوسين من أولويات السياسة العقابية الحديثة التي تعطي أهمية بالغة لإعادة تأهيل المحبوس وتحضيره للعودة مرة أخرى إلى الحياة الاجتماعية بعد قضائه لمدة عقوبته. إلا أن طول الفترة التي يقضيها داخل الزنزانة مع اعتياده على نمط حياة معين، قد يجعل إعادة إدماجه تحديا كبيرا بالنسبة للمصالح المكلفة بإعادة الإدماج الاجتماعي للمحبوسين. ففي الكثير من الحالات يجد المفرج عنه نفسه منبوذا في المجتمع حتى من أقرب الناس إليه، وهذا ما يعزز عزله عن المجتمع ويفتح الباب أمام احتمال عودته للإجرام خاصة بعد فشله في إيجاد عمل أو حياة مجتمعية مستقرة.

الكلمات المفتاحية:

المحبوسين، إعادة الإدماج الاجتماعي، السجن، إعادة التأهيل الاجتماعي، العمل العقابي، الجريمة.

Réinsertion sociale des détenus dans la politique pénale algérienne

Résumé :

Le processus de réinsertion sociale des détenus se fait à travers un soutien adéquat pour les préparer à la vie sociale après avoir purgé leur peine. Bien que ce n'est pas chose facile ; le détenu qui a passé beaucoup de temps dans l'établissement pénitentiaire et s'est habitué à un certain mode de vie carcéral, se retrouve après sa libération confrontée à de multiples difficultés qui risquent d'empêcher sa réintégration. Il se voit généralement confronté au rejet de la société en raison de la stigmatisation de la "prison" qui l'accompagne tout le long de son parcours, et la peur de ses réactions possibles et imprévisibles. Les prisonniers libérés ont souvent du mal à trouver un emploi, des amis ou un environnement qui les encourage à mener une vie normale, ce qui peut les amener, dans de nombreux cas, à récidiver.

Mots clés :

Incarcéré, réinsertion sociale, emprisonnement, réhabilitation sociale, travail punitif, Criminalité.

Introduction

Crime has existed since ancient times, and with it, society's response. The society would meet the criminal with the harshest punishments in retaliation. However, it eventually became evident that such punitive measures offered little benefit to society, on the contrary, the crime has become a living reality in all societies. But with the development of the purpose of punishment and the emergence of prison sentences, the need to take care of the imprisoned appeared. Modern penal policy has increasingly embraced the social reintegration of prisoners as fundamental objective of combating crime. The detainee is being rehabilitated and prepared for life outside prison.

Nonetheless, reintegrating into society after months or even years of incarceration is far from easy. On their release from prison, prisoners often encounter obstacles that push them to return to prison in spite of themselves. To prevent this, it is crucial to implement social rehabilitation programs from the very beginning of incarceration.

It must be said that social reintegration, or resocialization, refers to the learning process that fosters the development and maturation of an individual's personality, in such a way that the person becomes a recognized member and cooperator of the social group by adapting his conduct to the rules of the group¹. This is the very purpose of the process of social reintegration of prisoners released after serving their custodial sentence.

However, this social integration constitutes one of the main challenges of modern penology which must propose effective means for a good reinsertion. Indeed, many means are made available to the detainee before and after his release to successfully integrate into society and prevent his recurrence. But in general, and because of overcrowding and short-term sentences and other problems, the prison has difficulty readjusting its function so that the sentence does not become a source of social isolation. And due to lack of resources, the prison systems in general and the Algerian system in particular, are struggling to create all the essential conditions for the effective reintegration of prisoners. The time of the sentence then, becomes a path to isolation, and the release from prison often looks like a leap into the unknown. To avoid this, the prison administration must make sure to give the sentence an educational dimension in order to properly prepare the prisoner for social life after his release from prison, and the state must provide a set of means to make for a good citizen, a prisoner in the future will adapt well to society, and first of all he will avoid recidivism.

¹ Paul Mbanzoulou, *La réinsertion sociale des détenus*, Editions L'Harmattan, Paris, 2000, p. 17.

Therefore, social reintegration is also one of the problems that requires the participation of everyone for its success. Hence the importance of research in identifying ways to prevent recidivism through the rehabilitation and social reintegration of the prisoner. Therefore, the subject of this research is to identify the laws and measures taken by the state to achieve this goal, what place to give to convicts who are serving a custodial sentence following a violation of legal regulations, and how to encourage them to respect social norms once their sentence has been served. Hence, the authorities must continue to follow the released and accompany them after their release, as they urgently need help to successfully reintegrate them into society and have a normal life, whether through financial support, or moral support, especially in terms of helping them find an honest job. Because if they are left unaccompanied, their bad past will follow them for the rest of their lives and prevent their integration into the society. It is necessary to prepare them in advance for a social life together from the beginning of their imprisonment until after their release, and to provide them with the necessary means to cope with their difficulties of adaptation from the first moment they enter prison. This is done by empowering them with educational and training programs, training and vocational programs, humanizing the conditions of their detention, and helping them to make them good citizens after their release.

This research therefore seeks to explore the legal frameworks and measures implemented by the Algerian state to support prisoner reintegration.

To answer this problem, we have followed the descriptive and analytical approach in two parts: the first part consists of demonstrating the means used by the Algerian legislator to reintegrate the socially imprisoned, while the second part concerns the Challenges and difficulties facing prisoners during their rehabilitation.

Section I: The means used by the Algerian legislator to reintegrate socially imprisoned individuals:

Like other countries, Algeria considers that investing in penitentiary reform through the integration of prisoners is one of the most effective measures against crime and recidivism. To achieve this goal, several methods have been deployed by the Algerian state, such as relying on legal means to facilitate the rehabilitation of prisoners

A) - legal means for the reintegration of prisoners:

Algeria's prison system has made considerable progress in meeting international standards aimed at improving and humanizing the conditions of detention for prisoners.

To achieve this objective, a series of reforms has been implemented, affecting the legislative framework to better apply prison policy and reinforce the principles of social reintegration for prisoners, strengthening rehabilitation programs.

Thus, the legislative framework has seen important achievements in the field of prison organization and social reintegration of prisoners.

Among the most important laws in this field, the law 05-04 promulgated in 2005, carrying the code of the penitentiary organization and the social reintegration of prisoners.²

Thanks to these reforms, the fundamental rights of prisoners are more protected and respected. They can now spend all or part of the sentence outside the penitentiary institution, or undergo vocational training, or benefit from conditional freedom or semi-liberty, etc.

According to article 88 of Law 05-04: "the purpose of the re-educational action carried out towards the prisoner is to develop in him his own abilities and aptitudes as well as a constant elevation of his intellectual and moral faculties and his sense of responsibility, with a view to reviving in society in compliance with the law".

There are also several decrees and orders in the same context. Among others, the executive decree n ° 05-431 of November 08, 2005, fixing the conditions and methods of awarding social and financial assistance for the benefit of destitute prisoners upon their release.

As well as the Executive Decree n ° 06-109 of March 8, 2006, fixing the organization and functioning of the penitentiary institution.

Also, the executive decree n ° 07-67 of February 19, 2007 fixing the organization and functioning of the external services of the prison administration responsible for the social reintegration of prisoners. These services play an important role in the follow-up of prisoners released after having served their sentence.

We can also cite the interministerial decree of December 12, 2005, fixing the scale of remuneration granted to criminal labor. The prisoner can thus receive a sum of money for his work carried out in detention, so he can use it when he leaves the penitentiary institution.

² law n° 05-04 of February 6, 2005 relating to the code of prison organization and the social reintegration of prisoners, O.J.P.D.R.A n° 12 of 02/13/2005.

It is also worth mentioning the interministerial decree of August 02-2006, outlining the procedures for providing social and financial assistance to destitute prisoners upon their release. Thus, the released prisoner can get some money to support himself on the day of his release, such as food or transport to return home.

All this legislation aims only at the social reintegration of prisoners and the prevention of recidivism by re-educating them during incarceration

B) - Educational tools for the reintegration of prisoners:

A set of educational tools has been developed by the Algerian state to support the successful reintegration of prisoners after their release. It prepares them for an orientation towards a healthy, positive and stable life. Among these means we can mention: the humanization of the conditions of detention, the rehabilitation of the detainees and their follow-up after having freed themselves.

1- Humanization of detention conditions:

Humanizing detention conditions involves establishing foundational measures for the future social reintegration of prisoners after incarceration. This consists in particular of respecting the fundamental rights of prisoners as humans, by prohibiting any form of mistreatment or violence in penitentiary establishments. and also, to ensure that the sentence is proportional and individualized according to the case of each one.

a- individualization of the sentence:

Resocialization of the prisoner must be allowed by a sentence adapted to his personality and his material, family and professional situation. The punishment must serve a rehabilitative purpose and enable the prisoner to reintegrate into society after its completion³. Thus, individualizing the sentence means varying it according to the criminal and allowing the judge to adapt the punishment as well as its execution methods according to the case, taking into account the personality of the convicted person and the circumstances that pushed him to commit his act.

b-prohibition of torture:

Torture involves inflicting severe suffering on individuals suspected of committing prohibited acts. Because of its seriousness, the states of the world have agreed since the end of World War II to prohibit torture and other cruel, inhuman or degrading treatment in all circumstances. No exception is allowed, whether in time of peace or war.

³ Hugo Cappadora, *Le sens de la peine*, bibliothèque de droit, Paris, 2018, p.19.

The Convention against torture and other cruel, inhuman or degrading treatment or punishment is one of the most widely signed or ratified international human rights treaties. Algeria is one of the countries that has ratified this treaty⁴

Indeed, the Algerian penal code criminalizes any form of torture. Article 263 bis of the criminal code proposes the definition of torture: any act by which acute pain or suffering, physical or mental, is intentionally inflicted on a person, regardless of the motive. Any person who exercises, provokes or orders the exercise of an act of torture on another person. Incurs five to ten years of imprisonment and a fine of between 100,000 and 500,000 DA.

The Algerian law prohibits any harm to the mental and physical integrity of persons deprived of their liberty, and the official who would be responsible for the torture shall be punished by a sentence of between 10 to 20 years.⁵ Article 263 quarter: "Is punished with imprisonment of 10 to 20 years of imprisonment on time and a fine ... any official who exercises, provokes, or authorizes the exercise of an act of torture ...".⁶

c)- Equipping penitentiary institutions with instruments of re-education:

In each penitentiary institution, educators, teachers, psychologists, assistants and social assistants are appointed under the authority of the prison director.

And within each penitentiary institution, there is a specialized service providing social assistance to prisoners in order to prepare and facilitate their reintegration. Psychologists and educators are also in charge of studying the personality of the prisoner and raising his level of general education, assisting and helping him to solve his personal and family problems, and organizing his cultural, educational and sports activities.⁷

d)-Maintaining family ties:

The detainee has the right to keep in touch with his family and to receive visits from them, to allow them to prepare for his return to society later. Particular attention must be paid to maintaining and improving relations between the detainee and his family in the interests of both parties. Maintaining or re-

⁴ <https://www.omct.org/fr/ce-que-nous-faisons/la-torture-et-le-droit> (visited on 4/11/2023)

⁵ Commission nationale consultative de promotion et de protection des droits de l'homme. [www.https://ohch.org/sites/default/files/documents/issues/ruleOflaw/Overlincarceration/CNCPPDH-Algeria.pdf](https://ohch.org/sites/default/files/documents/issues/ruleOflaw/Overlincarceration/CNCPPDH-Algeria.pdf).artclevisited on 3/11/2023.

⁶ Law n° 04-15 of november 10, 2004, O.J.P.D.R.A n°71 p.10, amended and supplemented the penal code by order n° 66-156 of June 8, 1966.

⁷ Articles: 89,90,91 of the code of penitentiary organization and social reintegration of prisoners, law:05-04.

establishing family relationships is often essential for successful reintegration.⁸ One of the modern purposes of penal policy is that it is working to change the function of Prisons to become a place for the social rehabilitation of prisoners. It makes them able to return to their original environment with their families as an integral part of society.⁹ maintaining the family relations of the detainees is a must for the success of their social reintegration.

e)- Improve the conditions of detention:

In Algeria, the process aimed at improving the conditions of detention and strengthening the rights of detainees is essentially taking shape through the construction of new modern establishments, in accordance with international standards and which provide services and educational and sporting activities.

The law also expands the list of persons authorized to visit detainees, and allow humanitarian and charitable associations to visit detainees for human or educational reasons.

As part of the improvement of detention conditions, Algerian law allows detainees to contact their families during their transfers, illnesses or due to distance, by using the landline phone, under the control of the establishment.

Algerian law also guarantees the prisoner's right to submit requests and complaints to the prison director, the employer is required to report them in a special register, in order to study and to ensure the truthfulness of the facts, to take the appropriate measures.

The detainee also has the right to be Informed of all his rights and the legal voices to follow to complain in case of problems.¹⁰

2- Reeducation and rehabilitation of prisoners:

One of the difficulties facing many released prisoners is that they often do not receive adequate support, especially in finding housing. Which makes them unable to find suitable living conditions. Many of them fall into social isolation after failing to find stable and suitable shelter and employment. This is why many of them fail to integrate into society and return to criminality again.¹¹

The concept of rehabilitation is to hope for a reform of the prison and the general punishment turned towards the improvement of man and his spirit. To do this, the Algerian legislator has adopted several forms of rehabilitation and

⁸ UNODC, Manuel d'introduction pour la prévention de la récidive et la réinsertion des délinquants, Nations unies, New York, 2013, p. 37.

⁹ Peter M. Carlson and Judith Simon Garrett, *Prison and jail administration, practice and theory*, second edition, Jones and Bartlett publishers, Massachusetts, USA, 2008, p. 29.

¹⁰ Document consulted on the official website of the Ministry of Justice of Algeria.

¹¹ Curt T. Griffiths, Yvon Dandurand, Danielle Murdach, The social reintegration of offenders and crime prevention, the international center of criminal justice policy, it was published by the international center of criminal law reform based in Canada, policy paper, April 2007, p. 15.

reintegration of prisoners, including education, vocational training, work in prison and teaching.

a- Teaching:

One of the mitigating causes of criminality is education, as it has been proven that education contributes significantly to the rehabilitation of prisoners and facilitates their reintegration after release. Providing educational programs to the prisoner may help educate, sensitize and help prevent him from reoffending. Therefore, attention should be paid to intensifying educational programs for prisoners to prepare them for a normal social life after their release to make them good and productive citizens.¹²

The education provided to prisoners is considered as the first means that allows the moral preparation of prisoners and makes it possible to abolish any form of ignorance.

Ignorance considered as a factor that prepares the individual for negative behavior that pushes to crime.

Teaching can therefore allow reflection and can help individuals behave appropriately within social norms, and thus integrate easily within society.¹³

According to the law 05-04 article 94: it is organized, for the benefit of prisoners, courses of general education, technical, training, apprenticeship ... based on approved official curricula.

b-Vocational training:

In principle, every prisoner has the opportunity to undergo vocational training. The prison administration must take all the necessary measures to ensure the professional training of prisoners who wish it, as long as the internal regulations of each prison determine the conditions under which these professional trainings are carried out.¹⁴

The right to vocational training is defined through article 95 of Law 05-04 which stipulates that vocational training within rehabilitation centers is mandatory, this law also explains the right to continue training outside the detention center within

¹² Charles B.A.UBAH, Offender rehabilitation issues, published by Lexington books, 2023, p.10.

¹³ GUERIZ Mohamed, YAHYAOU Meriem, « La formation professionnelle des jeunes détenus au sein des centres de rééducation Algériens, études pratiques », *revue de sciences humaines et sociales*, n°24, juin 2016, p.3.

¹⁴ BOLZE Bernard, BOUVIER Jean-claude, *Le nouveau guide du prisonnier*, Edition de L'atelier, Paris, 2000, p.176.

a company: "vocational training is organized inside the penitentiary institution, in outdoor construction sites or in vocational training centers". This allows the prisoner to acquire skills in specific profession.

c- Prison work:

In the past, the work of prisoners was especially prized for its economic profitability and its contribution to the management of the institution. What has changed is the importance given to this work, which has become a tool for the rehabilitation and social integration of prisoners.

Thus, working in prison contributes significantly to accustoming prisoners to regular, good-quality work while filling in any educational and professional gaps. Those released from prison are therefore better equipped to integrate durably into a paid activity.¹⁵

Algerian law also defines the work of the detainee according to a new orientation which eliminates the old conception of forced labor as a means of punishment. work is today considered as a mean of re-education according to article 96 of Law 05-04 which states: "as part of the training action and with a view to his rehabilitation and social reintegration, the prisoner may be assigned, by the prison director and after advice from the commission for the application of sentences, with suitable work based on his health, physical and mental capacity. taking into account the rules for maintaining order and the security of the penal institution».¹⁶

3- The follow-up of prisoners released by specialized services:

The external services of the penitentiary administration responsible for the social reintegration of prisoners were created under Article 113 of the law of the prison organization and the social reintegration of prisoners. The mission of these services is to accompany and guide released prisoners, as well as to monitor people placed under various regimes such as conditional release, temporary suspension of the application of the sentence and exit permission, and defendants subject to judicial review obligations. The execution of social surveys, as well as the follow-up of people sentenced to alternative sentences.

These services are also responsible for ensuring the continuation of social reintegration programs and taking steps with specialized institutions in the sectors in order to ensure that concerned individuals benefit from reintegration mechanisms¹⁷.

¹⁵ SHEA Evelyne, *Le travail pénitentiaire : un défi européen*, Editions L'Armattan, Paris, 2006, p. 13.

¹⁶ law : 05-04 in.itc.

¹⁷ Ministère de la justice, le secteur pénitentiaire et de la réinsertion,

a-Allocation of social assistance to destitute prisoners:

In application of article 114 of Law 05-04, the destitute prisoner is the one who does not have on the day of his release enough saving to cover the costs of clothing, transport and care.

The aid provided includes the allocation of aid of a kind covering in particular the detainee's needs for clothing, shoes and medicines, as well as financial assistance intended to cover the costs of transport by land depending on the distance separating the detainee from his place of residence.

The request for assistance is submitted by the detainee to the director of the penitentiary institution one month before the date of his release. And for the allocation of social and financial assistance, the prisoner's actions and behavior, and the evaluation of the services and works that he carried out during detention are taken into consideration.¹⁸

4 - Favoring alternative sentences:

In accordance with the recommendations of the United Nations, the pursuit of more humane criminal policies has led Algeria to adopt alternatives to certain criminal sanctions with harmful effects on the majority of detainees. It is in everyone's interest to promote the development of these alternative sentences to incarceration and sentence adjustments to regulate the prison population, prepare for the reintegration of prisoners, and fight more effectively against recidivism.¹⁹

The alternative sentences adopted by the Algerian legislator are: suspended prison sentences, community service and the electronic bracelet.

a-Suspended sentences:

To allow the first-time offender who has committed a minor crime to question himself and not to repeat his illegal act again, Algerian law can replace the prison sentence with a suspended sentence according to Article 592 of the Code of criminal procedure: "in the event of a sentence of imprisonment, or a fine, if the convicted person has not been sentenced to imprisonment for a crime or an offence under common law, the courts and tribunals may order, by the same

[https:// www.mjustice.dz/\(31/10/2023\)](https://www.mjustice.dz/(31/10/2023)).

¹⁸ Executive decree n°05-431 of November 8, 2005 fixing the conditions and the modalities for the attribution of social and financial assistance to the benefit of the released detainees upon their release, O.J.D.R.A n° 74 of 13/11/2005.

¹⁹ JACQUOT Stéphane, RAIMBOURG Dominique, *Prison, le choix de la raison*, Edit Economica, Paris, 2015, p. 60.

judgment and by reasoned decision, that he will be suspended totally or partially from the execution of the main sentence»²⁰.

And if for five years from the date of the judgment the convicted person has not been sentenced to a crime or common law offense, the conviction shall be of no consequence in the event that the first sentence will first be executed without it being able to merge with the second.

b- Public service work:

The Algerian legislator defined general interest work in Article 5 bis 1/1 of the criminal code as a sentence that is carried out for the benefit of a legal entity governed by public law for public utility without consideration, for a period that varies between 60 and 400 hours.

Thus, the work for the public benefit constitutes a criminal response to the offense, allowing the court to have an alternative to the short-term prison sentence in a restorative and reintegrative perspective that contributes to preserving the social integration of the detainee in consideration of his personality and the nature of the facts that are accused of him.

The execution of the alternative sentence of community service thus tends to achieve several purposes such as:

- it allows to punish the condemned in a restorative approach.
- Promotes the reintegration of offenders into society.
- it is a means of resocialization of the convict.²¹

c-The electronic bracelet:

Article 150 bis of the Algerian law defines the electronic bracelet as follows: placement under electronic monitoring is a process that allows the convicted person to carry out all or part of the sentence outside the penitentiary institution. The article 5bis7 of law n°24-06 also defines electronic monitoring as consisting in carrying an electronic bracelet by the person who is finally sentenced throughout the penalty applied to him, allowing to know his presence in the place specified by the judge applying the penalties, which he must not leave except with his permission.

It must be said that the placement under electronic surveillance has experienced a strong growth mainly related to its alternative character to imprisonment, and

²⁰ Order n° 66-155 of June 8, 1966 including the amended and supplemented Criminal procedure law.

²¹ HAMMAS Hidayet, « Les peines alternatives en vertu de la législation algérienne, travail d'intérêt général et bracelet électronique », *journal of legal studies* (class c), volume 09, n° 2, 2023, p. 903.

which consists in making the convict wear an electronic bracelet which makes it possible to detect his presence.²²

Thanks to Law 18-01 of January 30, 2018 supplementing law 05-04, electronic surveillance concerns people sentenced to a custodial sentence of no more than three years or the year the rest of the sentence to be undergone does not exceed this duration.

For his part, The article 5 BIS 7 of law 20-06, stipulates that the judicial authority may replace the sentence of imprisonment imposed by placing the convicted person under electronic surveillance, provided that the accused has not previously been sentenced to the penalty of being placed under electronic surveillance and has violated the obligations arising therefrom, If the punishment prescribed by law for the crime committed does not exceed five years in prison, and also, if the sentence imposed does not exceed three years in prison.²³

Section II: Legal and social challenges encountered during the reintegration of prisoners:

The reintegration of individuals after long-term imprisonment involves complex legal, social, and institutional challenges, in a lot of cases it turns out to be very complex and difficult. Multiple challenges arise during the enforcement of punishment and upon the prisoner's release.

A)- Legal and practical obstacles to the reintegration of imprisoned persons:

Many problems and difficulties arise during the execution of the custodial sentence preventing the proper functioning of the rehabilitation and social reintegration program.

1-Problems caused by prison overcrowding:

The biggest difficulty affecting the conditions of detention and inhibiting the social reintegration of prisoners is the overcrowding in prisons. This problem affects the majority of countries including Algeria.

Among the causes of overcrowding of prisons in Algeria: population growth and the increase in facts and acts punishable by law, the overuse and unjustifiable application of pre-trial detention.

²² Merouane Mohamed, « Le bracelet électronique comme alternative à la détention dans le droit comparé », *revue de droit immobilier et de l'environnement*, volume 09, n°2, 2021, p. 10.

²³ Law No. 24-06 of April 28, 2024 amends and supplements Order No. 66-156 of June 8, 1966 containing the Penal Code, official gazette No. 30 of April 30, 2024.

Overcrowding can have negative effects on human rights. Among other things, substandard detention conditions, in particular with regard to hygiene and the use of the various services made available to prisoners (health, education, leisure ...).

Overcrowding also generates constraint on the efficient administration of correctional institutions, in particular to ensure discipline, which favors measures of physical constraints, and more frequent problems between prisoners on the one hand and between prisoners and supervisors on the other hand.²⁴

2-Adverse legal and consequences of short-term imprisonment:

In addition to the significant consequences in terms of prison overcrowding, short punishment has a negative impact on the reintegration of prisoners, restrict the development of a structured rehabilitation plan in which the convicted individual actively participates, because the deadlines are too short. However, if the individual is not an actor in his project, there is no adhesion and therefore minimal prospects for achieving successful reintegration outcomes. In addition, the person does not have time to start effective reintegration procedures or to obtain appropriate reintegration support and psychological treatment. These difficulties are amplified by the prison overcrowding.²⁵ Short custodial sentences interfere with the social stability and reintegration prospects of prisoners, and make it more difficult to implement educational programs.

3-Difficulties related to the cohabitation of different types of prisoners:

In penal institutions, the forced and persistent cohabitation of prisoners, incarcerated for different reasons, both in the period of the punishment, and in the nature of the offense itself, can be an aggravating factor of recidivism.

The methods of separation already existing between convicted prisoners and defendants are sometimes impossible to observe, in establishments suffering from chronic overcrowding.²⁶

4-Difficulties related to the health of prisoners:

Due to the poor conditions of detention and overcrowding, the state of health of the detainees is not always good. Indeed, detention conditions cannot be considered conducive to integration, as many prisoners suffer from physical,

²⁴ Commission nationale consultative de promotion et de protection des droits de l'homme, op.cit., p.4

²⁵ Les pénalistes en herbe, vers la fin des peines courtes d'emprisonnement, 6 juin 2001. Article publié sur le site : <https://www.lespenalistesenherbe.com/post/vers-la-fin-des-peines-courtes-d-emprisonnement> (visité le 14/11/2023)

²⁶ JACQUOT Stéphane, RAIMBOURG Dominique, op. cit., p. 62.

psychological or mental disorders²⁷. The prison environment often has very negative effects on the overall health of the prisoner. Especially the nutritional value of the meals provided to the prisoner is often insufficient and lacks nutritional value. The prevalence of smoking among prisoners also contributes to the spread of diseases among smokers. Poor ventilation, overcrowding and stress can also exacerbate health problems among prisoners. It is well established that the health issues among prisoners are widespread, especially in cases of solitary confinement and overcrowding²⁸. Thus, many of them cannot be in an ideal condition for social reintegration.

5-Difficulties related to the application of community service:

Where public service is most effective when applied to first-time offenders. For this type of offender, this alternative punishment gives more meaning to reform in comparison with imprisonment, which often leads imprisoned individuals face a higher risk of recidivism. However, in practice there are field particular challenges with the application of this alternative punishment due to the inadequacy of the institutions designated to receive the criminal individual.²⁹

Other difficulties in the implementation of this alternative sentence can be pointed out. We can cite the delay in their executions which is strongly criticized, due to the fact that the duration between the date of conviction and the date of execution often lengthens significantly. The public service penalty system has not recorded the desired effectiveness given its low rate of application in the courts and which is limited only in the public sector and for only a few offenses. It is therefore necessary to look more into the issue in order to broaden its scope.³⁰

6-Difficulties related to the vocational training of prisoners:

The implementation of training workshops (qualifying or not) faces many challenges such as the motivation of prisoners, the priorities of management and staff and the competition between work and training.

²⁷ DUBOIS Marie-Eve, La réinsertion sociale : les défis rencontrés à la suite d'une détention fédérale ou provinciale, université de Montréal, école de criminologie, faculté des arts et des sciences, rapport de stage en vue d'obtention du grade de M.SC en criminologie, 2018, p. 21.

²⁸ Health and Incarceration: A Workshop Summary, by the National Academy of Sciences.2013 link:

<https://www.ncbi.nlm.nih.gov/books/NBK201966/#:~:text=Poor%20ventilation%2C%20overcrowding%2C>, link visited 22/07/204.

²⁹ Health and Incarceration: A Workshop Summary, by the National Academy of Sciences.2013,

<https://www.ncbi.nlm.nih.gov/books/NBK201966/#:~:text=Poor%20ventilation%2C%20overcrowding%2C>, link visited (22/07/204), p. 61.

³⁰ HAMMAS Hidayat, op.cit., p. 917.

Most prisoners associate professional training with traditional schooling, which, for the majority of them, has not been a great success. According to a study, the social and academic level of prisoners, prisoners have no diploma, and vocational graduates often possess skills below the level indicated by their diplomas in a very high proportion given the often-low level of study of the prison population, it is clear that education is not among their main priorities.³¹

7-Difficulties related to prison work:

The general principle of the work of prisoners is the reduction of the harmful effects of prison and normalization. It constitutes a right to which every prisoner can have access.

There are three types of employment in a prison environment: the first concerns the maintenance of the prison, the second consists of workshop work at the service of private companies while the last is a workshop production for the prison service.

In addition to the few places available, the work performed is nothing qualifying, it should be noted, in fact, that it mostly consists of respective tasks, requiring little or no special skills. The same applies to the work produced on behalf of the prison service. In the workshops, furniture is made, bars destined for the prison.³²

B)- Difficulties hindering the social reintegration of released prisoners:

Social reintegration can present a number of challenges to prisoners released after serving their sentence. Indeed, difficulties and barriers can slow down or prevent the process of reintegration of these vulnerable individuals. Among these difficulties we can mention:

1-Technical difficulties in using the electronic bracelet:

Unfortunately, the electronic bracelet, which was a good alternative to imprisonment and a good means of social reintegration of prisoners, could not succeed in Algeria because of technical problems of use. Indeed, the Algerian minister of justice, announces, three years after the release of the promulgation of the law regarding the use of electronic bracelets, the cessation of the use of this device, specifying that the hopes of the use of the electronic bracelet in Algeria have faded after the finding of technical problems preventing the implementation

³¹ Ingrid Dupuis, La réinsertion de détenus, quelles perspectives ? collection working paper, janvier 2012, p.8

³² Ingrid Dupuis, op. cit., p.7.

of this device.³³ Certainly, the application of placement under electronic surveillance in Algeria on the ground requires mastery in several fields. It was necessary to take advantage of the experience of previous countries in this new field, to improve the use of this so beneficial tool.

2-Difficulties related to the criminal record:

The criminal record of an ex-prisoner contributes to their stigmatization, and stigmatization is an important barrier to social reintegration.

The concept of stigmatization in criminology generally refers to the rejection of an individual on the basis of a judgment made with regard to his values or his criminal acts and which, as a result, harms his reconciliation with society. The latter usually has little or no sympathy for criminals.

Stigma can therefore have an impact on an individual's reintegration efforts. The criminal record actually reduces the chances of getting a job, maintaining relationships, etc.³⁴

3-Relationship difficulties:

Reintegrating criminals raises doubt about the long-term potential for change in repeat offenders, especially if it has been dangerous. Rehabilitation contradicts the prejudice of incorrigibility that weighs on the recidivist,³⁵ Which affects his relationship skills.

The challenges usually encountered by released prisoners are in the relational sphere. A combination of difficulties certainly leads to social isolation. Several married prisoners encounter difficulties in marital relations. For those whose relationship as a couple had withstood incarceration, maintaining the relationship becomes a real challenge.

For singles, the challenge is rather to develop a marital relationship. These barriers also pose limits on a friendly level. Seeking to develop new connections, a sense of inferiority blocks building new relationships. On a personal level, several prisoners leave prison with unresolved personal issues, including unresolved problems prior to incarceration or being resolved. Given that it would be an element that led to the commission of the crime, the resolution of these problems was at the very base of the idea of their social reintegration.³⁶

³³ APS, Bracelet électronique, article publié le jeudi 11/01/2021 sur le ce lien : [https://www.aps.dz.algerie\(1e10/11/2023à19H\)](https://www.aps.dz.algerie(1e10/11/2023à19H)).

³⁴ DUBOIS Marie-Eve, op.cit., p. 20.

³⁵ Gillet Delphine, op.cit., p. 73.

³⁶ DUBOIS Marie-Eve, QUELLET Frédéric, *Les défis de réinsertion sociale*, édit presse de l'université de Montréal, 2000, p. 321.

4- The rejection of ex-offenders by Their surroundings:

Experts point out that many released prisoners barely receive support from their families and communities. This makes them feel that they do not fit into their community and do not belong to it. Because everyone treats them on the basis that they are prison exiles and cannot be trusted, and everyone keeps away from them; parent's fear for their children from potential negative influences leads them to prevent contact with prisoner, and everyone is wary of them and does not want to mix with them to become the majority of former prisoners' outcasts in society.³⁷

Another key informant said that " most ex-convicts are rejected by their family and friends and society closes the doors for them not to enter. They are greeted with a cold shoulder and that's what makes them return to criminal behavior".

5- Psychological difficulties associated with imprisonment:

Many people think that prison is a normal thing that often ends with the release of the detainee and return to his normal life. But the fact is that the time a prisoner spends in custody can put him in a complex psychological state, as it can create for him a set of consequences that haunt him after his release. Moreover, he may come out with psychological difficulties that may remain even after the release of the individual, and may result in serious behavioral disorders³⁸

The stigma of serious obstacles that haunt the prisoner after his release. Basically, this stigma can serve as an important stressor that may be associated with negative psychological adaptation, making the individual constantly in need of psychological and social assistance. This stigma may persist for a long time, which limits the released prisoner's capacity to adapt to their social surrounding, which affects his social reintegration and all efforts made in prison to rehabilitate him are in vain.³⁹

6-Difficulties in finding a job:

In the context of the employment crisis, the prisoner is in an unfavorable position to obtain work, because he has disabilities such as his image as an ex-prisoner and his criminal record, even if the job search is a major element of a

³⁷ CHIKADZI Victor, Challenges facing ex-offenders when reintegrating into mainstream society in Gauteng, south Africa, social work maatsk aplike work , link : https://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S0037-80542017000200008(visited on 22/07/2014).

³⁸ QUANDT Katie Rose , ALEXI Jones, Prison, incarceration can cause lasting to mental health, 2013.

Link: <https://www.prisonpolicy.org/blog/2021/05/13/mentalhealthimpacts/>(visited on 23/07/2024).

³⁹ BRINKLEY_RUBINSTEIN Lauren, "Incarceration as a catalypte for worsening health, health and justice", *a springer open journal*, October 2013, p. 09.

social reintegration process, the released prisoners are known for significant deficits in terms of skills, qualifications, professional experiences or motivation.

The job search for this category of individuals is complicated by a strong discrimination of employers with regard to individuals with criminal records. The criminal record stigmatizes the convicts, constituting an important barrier to social reintegration⁴⁰.

Conclusion:

The protection of society is the final objective aimed at by modern criminal sciences by rehabilitating people who have committed crimes or misdemeanors and ended up behind bars. The goal is not to take revenge on this fringe of society, but to help them re-educate themselves so as not to commit other crimes. To achieve this goal, the Algerian legislator to adopt a set of measures, such as the humanization of the penal system, adopt alternative punishments, encourage educational programs, vocational training and paid prison work.

Unfortunately, all these efforts sometimes remain insufficient to achieve a real social reintegration of prisoners after their release from prison. Indeed, programs for the social reintegration of prisoners often encounter many obstacles, such as the overcrowding of penitentiary institutions, or the problems faced by released prisoners preventing their social reintegration. To try to find solutions to these obstacles we propose the following suggestions:

- Create institutions by type of punishment, so that surveillance and reintegration personnel can strengthen their analytical capacity by having people detained by category of offense.
- develop additional forms of alternative punishment for non-dangerous crimes. In order to combat prison overcrowding.
- expand the use of public service to other categories of non-dangerous offenders, such as repeat offenders of not dangerous crimes, it will allow them to value the work.
- define a legal framework for prisoners working in prison, such as contracts, taking into account their professional experience to help them post-release.
- recruit competent internal or external personnel to reactivate the application of electronic monitoring by the electronic bracelet.
- improving the qualifications of reintegration and probation persons.

⁴⁰ Le défis de la réinsertion sociale, [www.https://erudit.org/fr/revues/crimino/2020-v53-n2-crimino05749/1074197ar](https://erudit.org/fr/revues/crimino/2020-v53-n2-crimino05749/1074197ar).(visited on 3/11/2023)

- encourage civil society to help released prisoners by creating establishing institutions and associations to support released prisoners and their families by providing them with assistance in case of need.