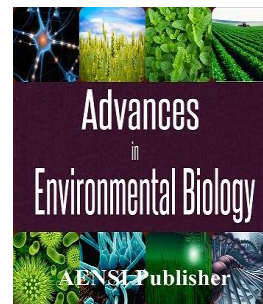




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Effects of Imprisonment Penalty on Correction and Rehabilitation of International Convicts and Prevention of Reiteration

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ABSTRACT

Code of regulations for preventing crimes and criminals forced labor was approved at the 1st United Nations Conference held in Geneva in 1955 and endorsed by Economic and Social Council of UN in Resolutions 663 (XXIV), 31/Jun/1975, and 2070 (LXII), 13/May/1977. RMTs have referred to prisoners relationship with outside world and their future after being released, but in modern times, speaking of making prisoners ready to leave jails is important. Such preparation does not begin after liberation, but rather it is a Continuous process beginning with issuance of conviction rule. RMTs place emphasis on this fact that process of preparation for liberation is a long-term one beginning at onset of imprisonment penalty, what make compatibility of international prisoners with societies more possible is existence of a carefully designed program of preparing them, with their continuous contacts with the world outside jails being in place.

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INTRODUCTION

Spirituality:

Speaking of God is extremely difficult, although it seem to be easy (Emmons & Grumple, 1999). God subject, present qualities and existing relationships have been, are, and will be one of human beings most principal problem since to answer this question in any ways makes outside world different to humans in addition to this fact that humans themselves gain another effect and meaning in the light of answers they give to the question. Term God and its equivalents in different languages have diverse meanings. Term God signifies some magnificent and finite being that is Creator and Master, on hand, and this term is attributable to any being or experience limited having some special significance or inspiring some specific reverence.

For some, God is true, internal, exhaustive, dominant and material. But for others like William James, God is unknown, less objective and tangible [18]. In fact, there exists a significant relationship between styles of adults fondness to God and religious measures, with adults reporting their relationship with God as safe getting lower scores on scales of lone lines and/or depression [15,11]. It can be argued, in fact, that negative religious coping lacks a deeply internal relationship, Seemingly associated with anxiety trait, that is, with this style of religious coping, individuals take fears of punishment and of God into account. They consider god as a source of pain and punishment rather than a source of love and affection. However, positive religious coping is based on a loving relationship with God and sense of spiritual relations with others as well as belief in the world's purposefulness, as a result, it is a positive attitude towards creation.

In recent years, extensive studies have been performed on how people react to the life problems and difficulties, entailing expansion of topics on stress, disease and health, importance of such concepts as coping styles.

In this regard, some believe that it is impossible to determine which events and situations are identified as stressful, emphasizing on cognitive aspects of stress. In this view, how we perceive and evaluate our environment determines which stimula are stressful. A person suffers stress when he demands wants beyond

available resources. Individual differences in responding to stressful situations give rise to the concept of coping and adjustment [22].

Religion is one of major elements of each nation culture and life style is one of important indexes of mental health. Religion and piety are, whether directly or indirectly, involved in mental health. Religious values, faith, and religious beliefs are important elements forming personality.

To foster religion is, indeed, a set of transformations made in individuals thoughts and opinions in order to create a specific Kind of conducts and behaviors based on religious norms. Hasn't Sigmund Freud thought that societies do not need religion? In our age when a large number of people are victimized by psychological disorders, anxiety and discomfitures, religious norms are the best medications curing and saving humans from concerns. Speaking of his 30-year experience with psychoanalysis, Adler reported that only those patients who did not regain their religious senses were not treated.

In 1990, Pargumment et al., found positive effects of different types of religious coping. Pointing to religious dimension of coping, Pargumment note that religion can be a part of core composition of any coping processes. He believes that religion provides people with resources to cope with harmful or threatening situations and helps them evaluate different situations differently, increasing their ability to cope with such conditions. He believes that no one can face stressful events without any supports. Individuals have beliefs, conducts and ideals systems as well as some relations that determine how they act in hard moments, and religion is one of these orientation systems.

Observational experiences and sociological studies have shown that individuals educated by authentic, logical, religious and ethical instructions took more steps on the path of invaluable social objectives more dedicatedly and inclined less to antisocialism, deviation and disloyalty because God's satisfaction is the highest task for them compared to those not receiving such instructions.

Religion is as important to nurturing and health of human soul as the air is to breathing.

Reasons why religion has positive effects on mental health are as follows:

- A) Religion can create meaning, giving sense to human life and death [15].
- B) Religion create hopefulness, increasing individuals optimism.
- C) Religion gives a kind of self-control and-efficacy senses to believers which have some Divine roots and can compensate reduced self-control.
- D) Religion prescribes a healthier life style having more positive effects on mental health.
- E) Religion is a set of positive social norms, of which knowing results in effects of others' support and acceptance.
- F) Religion gives a sort of supernatural sense to people, which has psychological effects undoubtedly.

Self-efficiency

To correct increasingly growing normative problems in societies results additional problems and is an overwhelming task imposing huge costs on societies.

As Giddens asserts, under conditions where deviation is considered in a society as a usual, to a large extent, a commonplace task being a part of daily life, having productive and skillful human force and, ultimately, an independent society with healthy and dynamic organs and institutions is nothing more than utopia.

Primary source of abnormality is the conflicts between cultural ends and means of achieving these ends. Therefore, five types of reaction are shown by individuals due to pressures caused by conflicts between socially accepted values and limited means of achieving those ends so that individuals' behaviors are divided into congruent and incongruent (four modes of deviating behavior) behavior categories [16].

Park and Burgess argue cultural and racial minorities, largely immigrants, depart from their own homogeneous cultures and, as sub-cultures, enter different urban areas, especially slums: and in industrialized cities, this process of transformation of minority groups into subcultures along with low socioeconomic base of residents and living in a city slum lead to creating a criminal sub-culture and, generally, to prevalence of crimes.

Kohen believes that criminal gangs and sub-cultures grow in places where young people have little chances to be successful and to gain socioeconomic opportunities lawfully, He argues that conflicts of different sub-culture values are formed particularly between norms and values of lower-class and those of dominant middle-class in a society, providing grounds for young people's criminal conducts.

Bendora defines self-efficacy as a person's ability to dominate a particular situation and to positive outcomes, influencing individuals' thoughts and behaviors. Self-efficacy is one of key values in Bendora's theory of social cognition [19,20,21]. Bendora, Barbaranelli and Pastorelli define self-efficacy as individuals' beliefs in their own ability to mobilize motivations and cognitive resources and to aspects of individuals' self-efficacy is based on this belief that a person can influence his life outcomes by exercising control. In particular, when a person faces stressful factors, to have sense of controlling circumstances is an important factor in adapting to various situations [23].

Lazarus and Folkman developed a model for confrontation which encompasses some theories relevant to self-efficacy at the same time. Based on the views of these two authors, when confronting stressful situations, two types of cognitive evaluations, primary and secondary, influence such confrontation.

Primary evaluation is to classify a situation on the basis of meaning and importance it has to a person's well-being. Based on primary evaluation, a situation can be interpreted as benign/positive, stressful or irrelevant. From their view, primary evaluation of stressful factors can include damage-deprivation, threats and/or challenges, high self-efficacy in a given situation leads to evaluating that situation primarily as a positive/benign, irrelevant or stressful one. If a stressful situation is evaluated, self-efficacy will become an important component of secondary evaluation [22].

For Bendora, having increasingly growing sense of self-efficacy can turn a threatening situation into a secure one. Researchers are of this view that low self-efficacy sense is associated with low self-esteem and pessimistic attitudes toward self and its ability to perform. People with low self-efficacy avoid any actions they believe are beyond their ability to do. On the other hand, robust self-efficacy sense increases people's performance and well-being [25,21]. Studies have shown that low self-efficacy sense is characterized by such emotion-based coping strategies as denial, avoidance, self-control, reevaluation/adjustment [26,19] and also by anxiety and upset, depression, psychosomatic and negative well-being signs [27,19].

When confronting undesirable and stressful events, individuals with high self-efficacy and being capable of controlling their minds exhibit more persistence and do not accept negative thoughts about themselves and their abilities.

Developed by Alfred Bendora, self-efficacy concept is one aspect of his social cognitive theory. Bendora has presented self-efficacy as a core concept pointing to perception of abilities to do an act which is desired. In this view, behaviors are affected by social forces, but how to treat them and how they (social forces) are influenced depend on individual's power. Therefore, just as environmental condition shape humans, humans also select situations, influencing influenced by others.

Self-efficiency affects challenges individuals face. Strongly self-efficient individuals choose more difficult objectives, focusing on situations and circumstances rather than caring obstacles.

Self-efficacy influences degrees of persistence, commitment and effort to achieve goals. Self-efficacy sense is determined by the fact that how correctly we estimate our behavior measures. Low self-efficacy destroys motivations, decreases wishes, interferes with cognitive abilities. And affects physical health adversely [19].

Research shows that self-efficacy is associated with better health, higher success, and social uniformity.

This concept applies to different areas such as educational success, emotional disorders, health of job selection and sociopolitical changes. Siyoka Chang and Stephen demonstrated that increased self-efficacy entails improvement of mental health. Initial understanding of psychological factors is important to primary stress management. Stress is a factor important and contributing to many physical and psychological dis functions. Stress occurs under conditions where interactions between individual and environment as well as significant conflicts (including actual or imaginary ones) between environmental needs and perceived personal resources emerge. In other words, individuals' coping styles vary with stressful situations and conditions. In view points of Lazarus and Folkman, coping refers to the process of managing demands (external or internal) being evaluated as difficult or beyond individual resources. They argue that coping encompasses efforts (action-based and intra psychic) for managing and controlling environmental and internal demands and struggles among them [22].

Lazarus argues that coping serves two important functions: regulation of unpleasant and distressing emotions and action lead-taking in order to change and improve an annoying problem. On this basis, they enumerated two categories of general coping methods: problem-solving-focused coping and emotion-centered coping, the former of which includes active problem-solving methods used to solve stressful relations between self and environment. The most important strategies include: confrontational coping means making aggressive efforts to change situations, seeking social support means making efforts to gain others emotional and informational support, and planned problem-solving strategy means making measured problem-centered efforts to resolve situation include methods based on which people achieve optimal level of emotional regulation and ability to face extreme and critical situations and feelings. The most important strategies include: self-control, that is, efforts a person makes to regulate and his affections,

Avoidance, that is, making efforts in order to abstain from situations, re-evaluation/adjustment, namely, to make efforts in order to find positive meaning in experiences, with personal growth being emphasized, and flight/escape, that is, to make efforts to get freed from or avoid situations.

Research has placed emphasis on effective role of perceived self-efficacy in various coping methods individuals employ in stressful situations differently. Self-efficacy is one of key variables of bendora's social cognitive theory [19,20,21]. Bendora, Barbaranelli, Pastorelli define self-efficacy as motivations' beliefs in their own abilities to mobilize motivations and cognitive resources and to exercise control over a given event.

One major aspect of an individual's self-efficacy is this belief that he can influence his life outcomes by increasing control. In particular, when confronting stressful factors, to have sense of control over existing conditions is an important factor in adjustment to various situations.

Preparation for releasing from jails within international regulations:

This code of regulations for preventing crimes and criminals' forced labor was approved at the 1st United Nations Conference held in Geneva in 1955 and endorsed by Economic and Social Council of UN in Resolutions 663(XXIV), 31/Jun/1975, and 2076 (LXII), 13/May/1977.

RMTs have referred to prisoners' relationship with outside world and future after being released, but in modern times, speaking of making prisoners ready to leave jails is important. Such preparation does not begin after liberation, but rather it is a continuous process beginning with issuance of conviction rule.

Under Rule 80 of RMT, at the beginning of conviction, attention should be paid to prisoners' post-liberation life in the future. They should be encouraged to maintain or establish relationship.

With people and organizations outside jails because these relationship can contribute to meet interests of their family members and their own process of social adjustment. Importance of family relationships is discussed in chapter 3. Here, emphasis is placed on the importance of the roles of family and other relationships with external environment to prisoners' individual prosperity, which becomes more pronounced considering their rehabilitation outlook. One of the most important factor for prisoners not to turn to crimes again is stability of family relationships. In order to maintain such stability and for humane reasons, to decrease stress and irritating factors of imprisonment is extremely important since these factors can affect negatively prisoners' relationships with outside environment.

RMTs emphasize on this matter that preparation process for liberation is a long-term process beginning just at the onset of imprisonment sentence. Existence of a carefully designed program to make prisoners ready and to let their contacts with outside world continue makes their adjustment to society more probable.

Experience of liberation is not only delightful but also uncomfortable for prisoners and their families. That is, during period of imprisonment, family members changed, their relationships transformed and, in addition, places occupied by each family member shifted. Throughout the imprisonment period, to maintain relationships causes prisoners to witness these transformations and changes closely slowly.

Under Rule 81:(a) formal/informal services and organizations helping prisoners restore their social status need to provide them, as much as possible and as required, with necessary identity documents, housing, job and clothing suitable for and commensurate with weather and season, money they need to reach destination and continue living upon liberation, (b) representatives of these organizations admitted to jails need to be allowed to enter jails and to meet prisoners personally.

At the onset of each prisoner's serving his sentence, these representatives need to be surveyed about planning his rehabilitation, (c) it is better for these organizations to perform their activities as centrally or uniformly as possible so that maximum advantages can be taken of their efforts.

Universal Declaration of Human Rights, approved on 10/Dec/1948, announced human rights as a common ideal shared by all nations' peoples in order for all members and institutions of international community to take the Declaration into account continuously, to promote and spread regard for such rights and freedoms with help of respective Educations, and to provide for recognition of and global implementation of them not only in territories of party states but also in those of non-contracting states as well as among all prisoners.

Members of Islamic conference consisting of delegations from government of Islamic nations have codified a declaration named Islamic Declaration of Human Rights. Initially, a text including 32 Articles was submitted at Tehran Conference in 1989 (1410, Lunar year). Which was discussed in 19th meeting of state Secretaries held in Cairo in 5/Aug/1990 915/05/1369:14/Moharram/1411) and, eventually, was approved by members of Islamic Conference Organization after 25 Articles had been modified with an attached preface.

Preparations for releasing from jails in domestic regulations:

Following leniencies are provided for prisoners in implementing a gradual method and encouraging prisoners to regard regulations and statutes as well as making them be accustomed to social life. One function of social workers is to prepare prisoners for returning to environment outside jails. In 1975 statutes, Articles 289-293 were dedicated to preparing prisoners for being released from jails [2]. Office head of each jail was required to make a list of criminals who were to be released 2 months later at the end of each week and to submit the list to the office of social worker division, who were obliged to provide prisoners not having jobs and homes with these 2 essential things with help of protection of Prisoners society, Benefits Societies, Placement and job office, and Labor and social Affairs Department. Also, they were obliged to provide material and spiritual support to prisoners effectively continuously for at least 3 months after liberation with help of Protection of Prisoners Society. For foreign nationals, 2 months prior to liberation, relevant information needed to be submitted in written form to their respective countries' political representatives and consulate affairs through State Department in order for them to provide for and take necessary steps to determine their post-liberation statuses. For sick and poor prisoners, having been released, they should be referred to health care divisions, provided

with pre-planned hospitalization and treatment with help of Protection of Prisoners Society through social worker [22].

Protection of Prisoners Society:

In 1941, an institute named Protection of Prisoners Establishment was founded in Iran, whose rulebook was approved on 13/11/1941 (21/08/1320, Solar year).

For several reasons, unfortunately, having failed to fulfil its duties, this establishment was dissolved as a result. Having approved new rulebook of Population of Prisoners Society on 12/05/1957, government cabinet abolished that of the Establishment. On 10/05/1958, Protection of Prisoners Society to work, whose rulebook was revised on 4/11/1962. In 1963, Establishments affairs were run by a director board with one executive.

Establishment board of directors included county attorney, Prime Minister deputy, Home office's Police agent, National Constabulary agent, and Head of Jails Administration. Executive of the board was selected from government officials or outsiders by board of directors, being appointed for 3 years and there existed no problem with his second appointment. Under Article 17 of rulebook, the Establishment was a legal entity run commercially, end considered a public establishment in terms of its transactions with governmental organizations and agencies, It was run as a non-profit agency purchasing products from factories with no bid and being exempted from paying taxes [1].

Its objectives were to purify and correct prisoners morally, to contribute to the Reform Center and other jail agencies including workshops, mental and physical health facilities, especially those related to delinquent children, to train prisoners professionally and find jobs for those who are unable to do that as well as to help poor prisoners and their families After Revolution victory, new rulebook and statute of Protection of Protection of Prisoners Society was approved by Higher Judiciary Council on 3/03/1981 and, then some items of them were revised in order on 18/04/1983, 24/11/1384 and 16/11/1989 [10].

Conclusions:

Subject of reform and facilitation in order for criminals, especially international ones, to return healthy social life and for reiteration to be prevented is one of today's controversial topics. Imprisonment-related reform process begins with admission of a prisoner and, eventually, ends up watching him after his liberation. Post-liberation watch is a novel phenomenon in the field of reform and the last link of tactical chain of security-educative measures, which has been conceptualized and intended in international regulation as an inevitable necessity. It, in fact, identifies factors leading a newly freed person to reiterate crimes, negating them or reducing their effects. This approach is a part of steady and extensive watches being implemented highly effectively and fruitfully in order to harmonize and adjust newly liberated prisoners to society, with can be called as the stage of transferring liberated prisoners from jails to society. Actually, post-liberation watch programs are a part of treatment. Such centers are considered as a cornerstone in lives of imprisoned offenders and criminals. Importance of post-liberation watch becomes evident when an assistance-seeking person's behaviors' and performance compatibility with desirable and successful norms international community is achieved. To enhance this part requires some general and international determination. This approach precludes increase in social damages and arranges this individuals returning to generative life. To help liberated prisoners stabilize their liberty status not only reduces likelihood of reiteration sharply but also prevents many more number of society members from being victimized. Focus of post-liberation watches on surveillance, assistance, help and support programs is intended such that liberated prisoners employ new decision-making will and power in their lives, choose new ways and styles of life, eradicate and discard their criminal, destructive and devastating behaviors.

REFERENCES

- [1] Jamshid, alireza, 2011. "Corporate Criminal Policy", 1st edition, Mizan Press.
- [2] Ravandi, Morteza, 1989. "Course of law and Justice in Iran", Cheshme Press.
- [3] Rayejian Asli, Mehrdad, 2005. "Protective Victim Science", 1st edition, Dad Gostar Press.
- [4] Zeynali, Ali, Narvan, Mohammad and Mohammadzadeh, Turaj, 1999. "Statistical study of prisoner's return as an index of correction or penalty", summary of articles presented at 2nd global scientific-specialized conference of jails organization, Raah-e Tarbiyat press.
- [5] International Criminal Reform Organization, 2002. "Practical procedures in jails, translation by Reza Ali Akbarpour, Raah-e Tarbiyat Press.
- [6] Sakhavat, Ja'far, 1990. "Study of effects of jails on prisoners", Education and Research Center of Jails Organization.
- [7] Sadegh Ardestani, Ahmad, 1981. "Imprisonment in Islam", Mohammad Press.
- [8] Sedarat, Ali, 1961. "Criminal Law and Criminology", Kanoon-e Ma'refat Press.
- [9] Sadri, Keyvan, 2010. "Criminal Policy in Iran during shah and people Revolution Period", University Press.

- [10] Salahi, Javid, 2003. " Penology ", 1st edition Arash Press.
- [11] Gholami, Hossein, 2003. " Legal Evaluation of Reiteration Criminology", 1st edition, Mizan Press.
- [12] Toushe, Amir, 2010. " Imprisoned Women ", Iran Newspaper, 2649, 9th year.
- [13] Masoudnia, Ebrahim, 2007. " Perceived Self-efficacy and coping Strategies in Stressful Situations" , Iran Clinical Psychiatry and Psychology Journal, 4-13.
- [14] paragment, K.L., 1990. God help me: Toward a theoretical framework of coping for the psychology, of religion Research in the social scientific study religion, 2: 195-224.
- [15] Spilka, B., P. Shaver, L.A. Kirkpatrick, 1985. A general attribution theory for the psychology of religion. Journal for the scientific study of religion, 24: 1-20.
- [16] Davison, G.C., M.J. Neal, 2001. Abnormal psychology united state of American. John Wiley & Sons.
- [17] Emmons, K., c. Crumple, 1999. Religion and spirituality? The roles signification and the concept of God. International journal for the psychology of Religios, 9(1): 17-240.
- [18] James, W., 1961. The varieties of religious experience. New York, Np: penguin.
- [19] Bandura, A., 1977. Toward a unifying theory of behavioral change. Psychological Review, 84: 191-215.
- [20] Bandura, A., 2000. Exercise of human agency through collective efficacy. Current Direction of psychological Science, 9: 75-78.
- [21] Bandura, A., 2001. Social cognitive theory. Annual Review of Review of Psychology, 52: 1-26.
- [22] Lazarus, R.S., S. Folkman, 1984. Stress, appraisal, and coping. New York: Springer.
- [23] Aspinwall, L.G., L. Richter, 1999. Optimism and self-mastery predict more rapid disengagement from unsolvable tasks in the presence of alternatives. Journal of Motivation & Emotion, 23: 221-245.
- [24] Lazarus, R.S., S. Folkman, 1984. Stress, Appraisal, and coping. New York: Springer.
- [25] Locke, E.A., G.P. Latham, 1990. A theory of goal setting and task performance. Englewood, NJ: Prentice Hall.
- [26] Terry, D., 1994. Determinants of coping: The role of stable and situational factors. Journal of Personality & Social Psychology, 66, 895-910.
- [27] Holahan, C.K., C. J. Holahan, 1987.