

POPULAR SCIENCE SUMMARY OF THE PROJECT

Anybody can make a mistake and come into conflict with the law. Sometimes the violation of rules can be so unpardonable that it must entail isolation of the perpetrator from the rest of the society by placing them in a penitentiary institution, youth detention centre or youth educational facility. It must not be forgotten that the penalty or reprimand and corrective measures should be enforced there in such a way so as to arouse in the detainee the need to abide by the principles of the law and instil in them elementary moral norms, as this is in the interest of not just the perpetrator of an offence but of the entire society, which the perpetrator usually re-enters at some point in time. It is also unquestionable that placing a person in a detention facility does not deprive them of their dignity and of elementary rights vested in each human being, including the right to practise religion.

This research project does not concentrate on the influence of religion on the rehabilitation of detainees, as separating this factor from other determinants is exceptionally difficult. Instead, it focuses on **respecting their right to manifest it and worship**. Institutionalisation in prison or another type of facility is doubtless a difficult situation for any person, especially one maintaining close relations with his family environment. Safeguarding the right to participate in religious practices to believers may help them restore internal balance, whereas atheists, given the considerable amount of free time and more opportunities for reflection on their own life choices, frequently turn towards religion, and the state is compelled to enable them to practise it and worship.

Research into standards as regards the right to participate in religious practices and services, which ought to be respected in prisons, has not been conducted in many years. What is more, safeguarding minimum rights in this respect for juveniles placed in youth detention centres and youth educational facilities has never been examined by Polish researchers although the situation of juveniles is even more difficult given that it is necessary to reconcile their right to have their own religious convictions with their parents' right to raise them according to their own religion. These issues have not been examined by foreign researchers, either. Hence, the research planned under this project is intended to determine which, if any, religious practices and services are restricted in penal isolation settings, and to establish to what extent such restrictions, if any, are legitimate.

The research requires conclusions to be drawn on two different levels. First, it is necessary to identify the judicial model by determining to what extent the state safeguards prisoners' right to worship and participate in religious practices and services in all types of penitentiary facilities, youth detention centres and youth educational centres. The special status of some of the detainees will also be taken into account in this regard. The normative analysis, to be performed under the principle of specificity of criminal law provisions, also requires establishing to what extent the regulations in force precisely define a minimum list of religious rights that facility authorities must safeguard.

In the next stage of the research, survey questionnaires will be carried out among the detainees in selected facilities and with staff working at these facilities (using a standardised questionnaire), including correction officers, educators and chaplains, to verify this model. In other words, the objective is to determine whether the rights that are normatively vested in each person are actually respected, whether detainees perceive them as sufficient, and if not, what the reasons for this are. The questionnaires will also help establish whether special rigors, applicable to some of the detainees, e.g. those designated as especially dangerous offenders, result in restricting these detainees' right to participate in religious practices and services and if so, whether this is legitimate and necessary. Furthermore, given the dominant position of the Roman Catholic Church in Poland, it is important to examine whether persons declaring affiliation with other religions have the same or similar rights to worship and if not, whether this is justified. The research team, in April 2016, conducted pilot research (subsequently published in *Archiwum Kryminologii* [Criminology Archive] in two penitentiary institutions. The research highlighted differences in the minimum rights to participate in religious practices and services among persons sentenced to deprivation of liberty and those held under pre-trial detention with respect to religious freedom, thus showing research potential to carry out further scientific analysis in this sensitive and important for many people sphere of life.

The research carried out both in the normative and empirical sphere will make it possible to develop a postulated model of standards for the protection of religious rights of persons deprived of liberty.