



## Germany: From custody to resocialization - Affectivity in transition

### Introduction

The German penal system has changed fundamentally in recent decades: from a system of detention to a model geared towards resocialization. Affectivity - the ability to feel emotions and form interpersonal relationships - plays an increasingly recognized role in this. But how are affective needs dealt with in the German prison system today?

### Historical development and legal framework

Until the 1960s, the penal system in Germany was barely regulated by law. It was not until scandals and public debates created political pressure that led to the passing of the federal Prison Act (StVollzG) in 1976. Section 2 of this law defined resocialization as the primary goal of the prison system - a paradigm shift.

As part of the 2006 reform of federalism, legislative competence for the penal system was transferred to the federal states. Since then, all 16 federal states have passed their own laws, which continue the goal of resocialization, but also allow for differences in the way affective issues are dealt with.

### Affectivity in practice - heterogeneity of state regulations

A central principle of the penal system is that life in prison should be „brought into harmony with general living conditions as far as possible“ (e.g. Section 3 StVollzG). This also includes contact with loved ones. Nevertheless, practical implementation varies considerably between the federal states.

For example, some states are increasingly granting visits without supervision or supporting parent-child relationship management projects. NRW, for example, has its own resocialization programmes that focus on affective bonds. In Bremen, on the other hand, individual measures are being developed for preventive detention that specifically promote links to the social environment.

### Affective rehabilitation approaches in Germany

Affective aspects are increasingly being integrated into prison planning - be it through social work, psychological support or special programs for parents, couples or long-term prisoners. However, access to such services is often restricted by staff shortages, overcrowding or institutional barriers.

Projects such as father-child days, family working groups or accompanied visits are evaluated positively - however, they are heavily dependent on the respective location, the management of the institution and the available resources. The creation of safe but unsupervised visiting rooms (e.g. for long-term partnerships) has so far remained the exception.

## Strengths and weaknesses of the German model

### Strengths:

- Clear legal anchoring of resocialization as a goal
- Professionally qualified staff in psychological and social services
- Variety of pilot projects and model tests

### Weaknesses:

- Lack of uniform standards for affectivity
- High influence of federal differences
- Hardly any explicit regulations for intimate partnerships or sexuality

## Conclusion

Germany has laid important foundations with regard to affective aspects in the prison system. However, practical implementation remains patchy and is heavily dependent on the respective federal state. More structural support, sensitization of staff and a public debate about affectivity in prisons are needed - so that resocialization is not only enshrined in law, but also becomes emotionally effective.

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**The following partners have  
contributed to this project  
result**

**I. Vitale International**

**Bucharest Jilava Penitentiary**



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