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COUNCIL FOR PENOLOGICAL COOPERATION

PC-CP

**DRAFT EXPLANATORY MEMORANDUM TO COMMITTEE OF
MINISTERS RECOMMENDATION (XX)XX
ON EDUCATION IN PRISON**

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I. RULES

BASIC PRINCIPLES:

1. *All prisoners shall have access to education.*

The right to education has been firmly established in a variety of European and international human rights instruments, including Article 2 of Protocol No.1 to the European Convention on Human Rights (ECHR).¹ The European Court of Human Rights (ECtHR) has been clear that prisoners do not lose this right by virtue of their imprisonment, and any restrictions to the right must be justified².

The ECtHR has repeatedly recognised the importance of education in its case law, including in a prison context. The ECtHR has said that “in a democratic society, the right to education, which is indispensable to the furtherance of human rights, plays...a fundamental role”³. It has acknowledged that education is a type of public service that “not only directly benefits those using it but also serves broader societal functions”⁴. The Council of Europe's Committee for the Prevention of Torture (CPT) has also recognised the value of education as not only preserving prisoners' “humanity” during their sentences but also preparing them for release.⁵

While Article 2 of Protocol No.1 ECHR does not directly oblige member States to “provide education in prison in all circumstances, where such a possibility is available it should not be subject to arbitrary and unreasonable restrictions”.⁶ In practice this means that an “inherent part” of prisoners' right to education under Article 2 of Protocol No.1 is access to educational programmes or opportunities that are in existence within the prison at that particular time.⁷ The ECtHR has acknowledged in its case law that both the 1989 version of this Recommendation and the European Prison Rules go further than this, by recommending that educational facilities should be made available to all prisoners. In keeping with both of these Recommendations of the Committee of Ministers, this Rule similarly requires that educational facilities be made available to all prisoners.

The principle that education in prison is “an imperative in its own right”⁸ is reinforced by a number of international instruments that specifically address the right to education in prison⁹. Additionally, the right to education is increasingly acknowledged as encompassing education, training, and lifelong learning, with adult learning and education being recognised as a fundamental component of this right¹⁰. As a result, it is the responsibility of prison authorities to provide education and training facilities that enable prisoners to access education, training and lifelong learning while serving their sentences.

¹ Article 2 of Protocol No. 1 to the European Convention on Human Rights (Council of Europe), Article 26 of the Universal Declaration of Human Rights (United Nations, 1948), Article 13 of the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966), Article 14 of the Charter of Fundamental Rights of the European Union (European Union, 2009)

² Velyo Vele v. Bulgaria, No.16032/07, 27 May 2024, paragraph 30

³ Velyo Vele v. Bulgaria, No.16032/07, 27 May 2024, paragraph 33; Ponomaryovi v. Bulgaria, No. 5335/05, 28 November 2011, paragraph 55, citing Leyla Şahin v. Turkey, No. 44774/98, 10 November 2005, paragraph 137.

⁴ Velyo Vele v. Bulgaria, No.16032/07, 27 May 2024, paragraph 33; Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraphs 56-57.

⁵ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 25th General Report CPT/Inf(2016)10, page 35.

⁶ Velyo Vele v. Bulgaria, No.16032/07, 27 May 2024, paragraph 34

⁷ Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraph 51; Velyo Vele v. Bulgaria, No.16032/07, 27 May 2024, paragraph 31

⁸ The right to education of persons in detention. Report of the Special Rapporteur on the right to education. A/HRC/11/8. Geneva: United Nations Human Rights Council (UNHRC)

⁹ Standard Minimum Rules for the Treatment of Prisoners (United Nations, 2015), European Prison Rules (Council of Europe, 2020)

¹⁰ Recommendation on Adult Learning and Education (UNESCO, 2015). Council Resolution on a new European agenda for adult learning 2021-2030 (2021/C 504/02) European Union. “Education 2030: Towards inclusive and equitable quality education and lifelong learning for all” and the Education 2030 Framework for Action. UNESCO. General Comment No. 13 of the Committee on Economic, Social and Cultural Rights of the United Nations Economic and Social Council (21st session) referring to Article 13 of the International Covenant on Economic, Social and Cultural Rights,

2. *Education in prison should include a broad and balanced curriculum commensurate in level, breadth, quality, and qualifications to the education provided for adult learners in the community.*

This Rule should be read alongside Rule 28.1 of the European Prison Rules, which requires not just that prisons seek to provide access to educational programmes, but that these are “as comprehensive as possible” and meet prisoners’ “individual needs while taking into account their aspirations”.¹¹ Thus, education in prison should mirror adult education in the community and address the diverse needs of adult prison learners.

This can be achieved by providing a comprehensive prison curriculum that is consistent with the Recommendations on Key Competences for Lifelong Learning (European Union, 2006)¹². This reference tool for policy-makers, education providers, employers, and learners, identifies eight core competencies required for personal fulfilment and growth, active citizenship, social inclusion, and employability. Each of which apply equally to prisoners. The key competencies are: 1) Communication in one's native language; 2) Communication in other languages; 3) Mathematics proficiency and foundational skills in science and technology; 4) Digital literacy; 5) The ability to learn independently; 6) Social and civic skills; 7) Initiative and entrepreneurial spirit; and 8) Cultural awareness and appreciation. Developing these core competencies will not only address the unmet educational and personal development needs of prisoners but can break the cycle of reoffending by equipping prisoners with the skills, competencies and qualifications to live better while in prison and after release.

3. *Education in prison should be based on the principles of adult education.*

The education of adults is different from the education of children. As this Recommendation relates to adult prisoners, it follows that the education provided to them should be based on the principles of adult education. Unlike children, adults are self-directed and experiential learners who need autonomy to direct their own learning and who draw on life experiences to make learning meaningful. Adults are motivated to learn when the learning is relevant to their current situation or personal life; and problem-solving and real-world learning are key motivating factors. Therefore, adopting a flexible and tailored approach by customising teaching methods, materials and assessment to meet the individual's needs and preferences is recommended for the prison learner. While implementing a flexible and learner-centred approach can be restricted within a prison environment, the adoption of Universal Design for Learning¹³ approaches will help to provide wide-ranging activities, methodologies and assessment practices while enhancing engagement and facilitating more effective learning experiences for a diverse range of prisoners.

4. *The quality of education of prisoners is a public responsibility independent of the provider of education in prison.*

Member States have the obligation to establish comprehensive and learner-centred policies and procedures for education and training in all of its forms, including in prisons. It is the responsibility of public authorities to ensure that education provision is embedded in national law and standards, irrespective of the organisation responsible for delivering the educational programmes. Accordingly, member States are responsible for the maintenance, improvement, and monitoring of quality in provision and practice. This is addressed further under Rules 9 and 28.

5. *Education should be offered as soon as possible after admission to prison and be available throughout detention.*

To ensure that all prisoners can access education and training, and to provide meaningful progression routes, prison authorities should facilitate early access to education and training that meets the needs of those in prison, and which continues to be available until release. Prison authorities should also

¹¹ Recommendation Rec(2006)2-rev of the Committee of Ministers to member States on the European Prison Rules ('European Prison Rules'), Adopted 11 January 2006, revised 1 July 2020, Rule 28

¹² Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning. Official Journal of the European Union L394. http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_394/l_39420061230en00100018.pdf

¹³ Universal Design for Learning (UDL) is an approach to teaching, learning and assessment that provides guidelines for flexible teaching and assessment methods that can be applied to any discipline to ensure that all learners can access and participate in meaningful, challenging learning opportunities.

develop measures and support relevant stakeholders to facilitate the smooth transition into educational programmes post-release. This principle is developed further under Rule 9.

6. *Education certificates and qualifications acquired by prisoners should not specify that they were delivered in a prison.*

Qualifications obtained while in prison should hold the same value as those offered in the community and should not indicate that they were awarded within a prison setting. Providing qualifications with credible currency in the labour market and society plays a key role in motivating prisoners and improving the impact of their participation in learning. Accordingly, accreditation gained in prison should align with the European Qualifications Framework (EQF), European Credit System for Vocational Education and Training (ECVET), and the European Quality Assurance Reference Framework for VET (EQAVET)¹⁴, as well as national qualifications frameworks. Furthermore, it is essential to provide a genuine opportunity for prisoners to progress and raise their level of qualifications throughout their sentences. This will facilitate improved credit transfer across programmes while in prison and enhance the transferability of qualifications after release.

The EQF meta framework may be useful for prisoners who have acquired skills and competencies that are not recognised by formal qualifications and efforts should be made to implement some form of validation of informal and non-formal learning where possible. As the EQF is designed to help learners and employers to recognise and compare the qualification levels across Europe it may be of particular relevance to those imprisoned outside their own country.

7. *Education shall have no less a status than work and other activities within the prison regime and prisoners should not lose out financially or otherwise by taking part in education.*

This Rule reinforces Rule 28.4¹⁵ of the European Prison Rules, which sets out the same principle. It also complements Rule 25.1 of the European Prison Rules, which calls for prison regimes to “offer a balanced programme of activities”¹⁶.

Education should have the same status, practical support, and remuneration range as work or other regime activities. It is crucial that prisoners do not lose out financially or otherwise by taking part in education, either on a full-time or part-time basis, as they will not be motivated to participate in education if they are disadvantaged in any way by doing so. Further consideration should be given to what incentives, including financial, could encourage prisoners to engage with education (as outlined under Rule 12). Moreover, prison authorities should officially recognise and promote education as a legitimate regime activity on par with, and equally valid, as work. Equal opportunities for work and education should be available during normal working hours to ensure education is not sidelined as an evening or leisure activity or seen simply as “a utilitarian add-on should resources allow it”¹⁷.

ACCESS TO EDUCATION

The central principle of Rules 8 and 9 is that access to education should be provided to prisoners without discrimination. While several categories of potential discrimination are listed in Rules 8 and 9, these should not be seen as an exhaustive list.

The ECtHR has found that any limitations to the right to education in a prison context must be foreseeable for those concerned, pursue a legitimate aim, and be proportionate to that aim.¹⁸ There is

¹⁴ Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning. <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A32008H0506%2801%29>

¹⁵ European Prison Rules (Council of Europe, 2020) Rule 28.4: Education shall have no less a status than work within the prison regime and prisoners shall not be disadvantaged financially or otherwise by taking part in education.

¹⁶ European Prison Rules (Council of Europe, 2020) Rule 25.1: The regime provided for all prisoners shall offer a balanced programme of activities.

¹⁷ Muñoz, V (2009) *The Right to education of persons in detention*, Report of the special rapporteur on the right to education, Human Rights Council, United Nations.

¹⁸ Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraph 56; Velyo Velev v. Bulgaria, No.16032/07, 27 May 2024, paragraph 32.

no exhaustive list of legitimate aims, but these may include preventing disorder and crime, and ensuring safety, security and good order.¹⁹ In the context of prison overcrowding, the CPT has linked the lack of access to out-of-cell opportunities including education as negatively impacting day-to-day lives of prisoners and, alongside other compounding factors related to prison overcrowding, increasing the risk of inhuman and degrading treatment.²⁰

8. *Access to education should be provided to all prisoners regardless of race, colour, ethnic origin, nationality, gender, age, disability, sexual orientation, language, religion, political or other opinion, economic, social or other status or physical or mental condition.*

Ensuring that all prisoners have equal access to education, irrespective of age, ethnicity, political beliefs, and other such factors, not only adheres to relevant legal standards but serves to exemplify, model and foster the values of inclusivity, diversity, and equality. Such principles are essential for strengthening tolerance, respect, and intercultural understanding. Providers of education in prisons should foster and promote these democratic principles by offering prison learners educational opportunities that encourage critical thinking and active citizenship.

9. *Access to education should be provided to all prisoners regardless of length of sentence, remand status, security regime, or individual categorisation.*

Reiterating the fundamental principle that prisoners have a right to education, prison authorities should ensure that all prisoners have access to education and training opportunities in the prison where they are serving their sentence. Consequently, considerations such as remand status, sentence duration, security issues or restricted regimes ought not to serve as de facto obstacles to the practical realisation of the right to access education. Additionally, it is essential that operational constraints, such as inter-prison transfers, staff redeployment, or limited out-of-cell time, do not adversely affect a prisoner's right to access education and training.

The CPT has called for more out-of-cell educational opportunities to be provided to remand prisoners, as part of a comprehensive and purposeful regime of activities, which should be "more varied" in nature the longer the period of detention is.²¹ The ECtHR has similarly found that the uncertain length of pre-trial detention, and seeking to avoid mixing convicted and remand prisoners are not appropriate justifications for denying remand prisoners access to existing educational programmes under Article 2 of Protocol No.1 ECHR.²²

Access to education can be of particular value to life-sentenced prisoners. The CPT has recognised this value, stating that educational activities are "crucial in promoting social and mental health well-being and imparting transferable skills that will be useful during and after the custodial part of the sentence"²³. The CPT has also emphasised the value of maintaining access to education for individuals in high security units, saying that this education can have an important role of countering the "deleterious effects" of high security units.²⁴ The Committee of Ministers' Recommendation to member States on the management by prison administrations of life sentence and other long-term prisoners calls for a systematic approach to participation in work, education and training, acknowledging that these and other activities both "provide for a purposeful use of time" and "increase the changes of a successful resettlement after release".²⁵

¹⁹ Leyla Şahin v. Turkey, No. 44774/98, 10 November 2005, paragraph 154; Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraphs 56, 60; Uzun v. Turkey, No. 37866/18, 10 November 2020, paragraph 32.

²⁰ CPT, 31st General Report, CPT/Inf(2021)5, page 5.

²¹ CPT, 26th General Report, CPT/Inf(2017)5, page 34

²² Velyo Veleve v. Bulgaria, No.16032/07, 27 May 2024, paragraph 39.

²³ CPT, 25th General Report, CPT/Inf(2016)10, page 40

²⁴ CPT, 11th General Report, CPT/Inf(2001)16, page 17

²⁵ Recommendation 2003(23) of the Committee of Ministers to member States on the management by prison administrations of life sentence and other long-term prisoners, Rule 10.

RESPONSIBILITY FOR EDUCATION

10. *Public authorities are responsible for developing and resourcing policies and practices that aim to ensure quality education in prison.*

The provision of comprehensive, meaningful and high-quality education and training in prison is a crucial element of penal policy. Therefore, responsible bodies should guarantee that provision adequately and efficiently addresses the educational and personal development needs of the prisoners and equips them for employment or further learning opportunities after release. Achieving this necessitates strong coordination and cooperation among education providers, prison authorities, and relevant public bodies (detailed further under Rules 25, 26 and 27).

11. *Public authorities are responsible for developing measures and for supporting relevant stakeholders to facilitate post-release learning.*

Making further and higher education more accessible for prisoners will support their reintegration into society. Thus, national and prison authorities have a role to play in supporting prisoners to continue with, or indeed commence, education on release. Rule 11 in this Recommendation is within the spirit of Rule 28.7 of the European Prison Rules, which calls for prison education to be integrated with wider educational and vocational training systems "so that after their release [prisoners]... may continue their education and vocational training without difficulty".²⁶

Providing a variety of progression routes in prison that merge seamlessly with external provision is key to supporting the transition from prison to formal education on release. Developing collaborative partnerships with further and third level education institutions to integrate prison provision with college provision, or to at least facilitate smooth credit transfer, is a positive start in this area (See Rule 16). Relevant authorities should look to develop and align pre and post release 'prisoner-specific' support hubs that provide information on rights and disclosure, funding opportunities and more general student support measures.

As it is well-evidenced that those with criminal convictions are under-represented in higher education, efforts should also be made to dismantle the real and perceived barriers that prevent former prisoners from continuing their studies after release. Accordingly, national policy should target prisoners as a priority group for widening access and participation in further and higher education. Educational institutions should review their admissions and convictions policies as they have been found to deter prospective prison students. Instead, greater cooperation with prison authorities regarding assessment of risk will prevent disproportionate duplication of same.

12. *Every effort should be made to encourage prisoners to participate actively in a range of educational opportunities.*

It is essential that prison management and staff understand the benefits to be had from prisoners' engagement with education. Without this understanding, they will fail to endorse education or encourage participation. Staff induction and in-service training should explore the multiple benefits of prison education, not just for prisoners, but for prison regimes, prison staff, and wider society. This will help foster a prison-wide culture and attitude that regards education as the norm, and which supports and promotes it as a legitimate and worthwhile activity on par with work and other activities. Nurturing a pro-education culture among prison staff and other agencies will greatly enhance prisoner, and indeed staff, participation in education.

Factors impeding participation have been classified into four main categories²⁷: firstly, institutional barriers, which may include restricted access to classes or the Internet; secondly, informational barriers,

²⁶ European Prison Rules (Council of Europe, 2020), Rule 28.

²⁷ Manger, T., Eikeland, O.J. & Asbjørnsen, A. Effects of Educational Motives on Prisoners' Participation in Education and Educational Desires. *Eur J Crim Policy Res* **19**, 245–257 (2013). <https://doi.org/10.1007/s10610-012-9187-x>
Panitsides, E. A., & Moussiou, E. (2019). What does it take to motivate inmates to participate in prison education? An exploratory study in a Greek prison. *Journal of Adult and Continuing Education*, 25(2), 157-177. <https://doi.org/10.1177/1477971419840667>
Brosens, D., Croux, F., & De Donder, L. (2019). Barriers to prisoner participation in educational courses: Insights from a remand prison in Belgium. *International Review of Education*, 65(5), 735-754.

characterised by a lack of awareness or knowledge regarding available opportunities; thirdly, situational barriers, which encompass uncertainties about the programme's effectiveness or relevance; and fourthly, dispositional barriers, often stemming from previous negative educational experiences²⁸.

Addressing institutional barriers requires a comprehensive approach that goes beyond mere access. It entails the development of innovative solutions and the provision of practical support, such as facilitating individuals with pre-existing employment skills to maintain and augment those skills, or enabling those in full-time education prior to imprisonment to complete their credits or finish their courses. To effectively overcome informational barriers, it is essential to engage prisoners in the process of creating individual learning plans (ILPs)²⁹ that integrate seamlessly with their overall sentence management plan (see Rule 13).

Situational barriers can be overcome by developing policy and practice that takes into account prisoners' beliefs and cultures thereby offering courses and certificates that prisoners find relevant and useful. Furthermore, it involves the promotion of non-traditional forms of teaching and learning along with alternative methods of assessment and accreditation (detailed further under Rules 14 and 15). Importantly, this will also go a long way towards addressing dispositional barriers by providing prisoners with the assurance that the education received in prison is tailored for adults and markedly different from that of their formative years.

13. Sentence planning should address the educational needs and strengths of the individual while taking into account their interests and aspirations.

A personalised Individual Learning Plan (ILP) linked to an overarching sentence plan should be developed in consultation with each prisoner at the start of their sentence and reviewed and updated regularly until their release. As a collaboratively drafted document, an ILP enables prisoners to take responsibility for their learning, provides clarity over their goals, and makes the overall learning experience seem more achievable. All of these factors are crucial for maintaining motivation and fostering self-directed learning. ILPs not only facilitate the delivery of tailored and flexible education but inform prisoners of the options available to them and can be used to track and measure educational attainment and progression throughout the sentence.

Prisoners should be actively involved in developing their own personalised ILP which specifies their educational, personal and employment goals and aspirations. The ILP should include details of prior learning and qualifications and any requirements for additional learning support. It should highlight the prisoner's existing strengths as a starting point on which to build; and long-term goals should be broken into manageable learning objectives that can be readily achieved. ILPs should be in a standardised digital format that can be readily accessed, especially if the prisoner is transferred during their sentence.

This Rule should be read alongside Rule 28.1 of the European Prison Rules, which requires that educational programmes offered to prisoners are "as comprehensive as possible and which meet their individual needs while taking into account their aspirations".³⁰ It should also be read alongside Rule 103 of the European Prison Rules, which calls for prisoners to be involved in the development of their own sentence plans, and for these to include consideration of work, education, other activities, and preparation for release.³¹

Costelloe, A., & Langelid, T. (2011). Prison education and training in Europe: A review and commentary of existing literature, analysis and evaluation. Birmingham: GHK Consulting.

²⁸ Behan, C. 'Learning to Escape: Prison Education, Rehabilitation and the Potential for Transformation' (2014) 1(1) Journal of Prison Education and Re-entry 20. Ole-Johan Eikeland et al., *Education in Nordic Prisons Prisoners' Educational Backgrounds, Preferences and Motivation* (Norden 2009)

²⁹ Individual learning plans, sometimes known as personal learning plans or negotiated learning plans, are tailored or individualised educational roadmaps that takes into consideration the learner's unique needs, interests, strengths and weaknesses. An individual learning plan customises the learning journey to accommodate individual circumstances and aspirations.

³⁰ Rule 28, European Prison Rules (Council of Europe, 2020).

³¹ Rule 103, European Prison Rules (Council of Europe, 2020).

PROVISION OF EDUCATION

14. *The education provided in prison should be as close as possible in all aspects to adult education in the community.*

Building on the basic principle that education in prison should be grounded in the philosophies and practices of adult education outlined in Rule 3, it follows that the educational opportunities offered to prisoners should align with those available to adult learners in the community. To guarantee that prisoners access equivalent learning opportunities as the general adult population, it is crucial that provision does not replicate a traditional school-based curriculum, and that teaching methods and materials are tailored for adult learners.

Equivalency and equality of opportunity is further assured by providing a range of qualification levels and progression routes for prisoners to access the most appropriate pathway for their individual needs and educational backgrounds. The levels of provision and educational pathways should facilitate the attainment of equivalent qualifications to those offered externally to smooth transition into further learning or employment on release, as specified in Basic Principle 5. Equally, up to date and practical educational and career guidance should be provided throughout the learner journey to allow the prisoner build on the skills and qualifications achieved.

Purpose-built education centres with up-to-date facilities and resources similar to those in the community should be the norm rather than the repurposing of older buildings or sections of buildings built for different purposes. Similarly, for prison provision to truly reflect the standards and norms available in the community, digital technology and eLearning opportunities should be available to prisoners to address the digital divide experienced on entering prison. This will equip prisoners with the digital skills and know-how necessary for employment and further learning (see Rule 20).

Where prison provision cannot mirror the optimal qualities of adult provision on the outside, it is advisable to bring in programmes and activities from external agencies to supplement and strengthen the existing provision. While there are obvious advantages to involving 'the outside' community where possible, it should be cautioned however, that any such involvement be carried out by qualified professionals and the programmes provided must be appropriate to the prison context. Equally, such programmes should complement existing provision rather than replicate it. Rules 25, 26, and 27 elaborate further on the importance of aligning education inside and outside the prison setting.

15. *Prisoners should have access to elementary education and should have the opportunity to attain the associated certificate.*

In many jurisdictions, obtaining a national educational certificate or qualification will be required for gaining access to certain forms of employment or further education, meaning that enabling prisoners to achieve such certification forms additional importance in preparing them for release. However, it is essential to acknowledge that traditional classroom-based teaching and learning methods most likely proved ineffective for such prisoners in the past, and may have reinforced their negative experiences of education and compulsory learning. Consequently, it is largely unproductive to replicate this approach within the prison context.

Adopting an adult and learner-centred approach to support second chance education will likely prove more effective. Individualised, tailored programmes that build on existing knowledge and work experience, coupled with differentiated or Universal Design for Learning (UDL) methodologies, are key to developing positive learning environments that contrast with previous negative ones. Adapting content and curriculum for adults, treating learners as equals, facilitating mentoring and collaborative learning, and promoting self-directed learning are all highly successful in motivating prisoners who have previously struggled in mainstream education.

Furthermore, in circumstances where the attainment of a national educational certificate is not the primary objective, such approaches enable prisoners to pinpoint their own learning needs and understand why what they are learning is important. This can help them identify underdeveloped talents and re-discover an interest in learning while also developing the skills and capacities for successful entry into formal education or the workforce.

While the ECtHR has recognised that member States enjoy a margin of appreciation in relation to regulating access to educational facilities, the breadth of this margin of appreciation is narrowest with the earlier forms of education.³² This approach has been justified based on the importance of these levels of education both for the individuals concerned and for "society at large".³³

16. Prisoners should have access to higher education where appropriate.

Considering Rule 2, which emphasises the necessity for a broad curriculum to enable prisoners to reach their full potential, providing access to higher education is essential in this regard. Moreover, it adheres also to the principle of minimum restrictions. A varied and wide curriculum provides an appropriate balance between basic educational skills and provision for those ready to undertake higher level studies. In essence, it provides a valid and clear progression route for those serving longer sentences.

The growing numbers of life-sentenced and other long-term prisoners has led to significant shifts in the age profile of prisoners with many unlikely to be released until they are elderly and no longer seeking employment. Short term employability courses are not valid for this cohort; and access to higher-level courses should be available to those who have progressed beyond basic options. For these groups, a clearly defined educational progression route throughout their sentence is "crucial in promoting social and mental health well-being"³⁴ and can counteract "the deleterious effects of their long-term imprisonment"³⁵. Thus, for those serving lengthy sentences who have demonstrated ability and motivation, the opportunity to pursue higher education allows for progression in their learning journey along with the acquisition of professional skills while also proving highly beneficial in maintaining positive mental health.

Additionally, it should be noted that prisoners are not a homogeneous population, and that for some forms of crime, the level of prior educational achievement is frequently higher than the general prison population. Educational provision should reflect this diversity in educational attainment. In many countries, this has led to the burgeoning of university-prison partnerships. While these university outreach programmes may not focus exclusively on providing higher education, they should be harnessed to promote and support higher level provision, enrich curricula choices and provide opportunities for continuity of learning following release.

Opportunities to pursue higher education should be considered on individual merit; including prospective benefits, the area of study in relation to the individual's index offence, and the availability of resources to facilitate course completion.

17. Creative arts and cultural activities should be part of the education programme and prisoners should be encouraged to take part in these.

This Rule aims to establish creative arts as a core component of education provision and as a credible and effective means to reduce recidivism and increasing employability while fostering personal development and critical reflection. Moreover, the arts are effective in cultivating dynamic security³⁶ by occupying prisoners in activities that absorb and interest them, thereby, alleviating the boredom and stresses of prison life. It is also significant in building positive relationships among prisoners and between prisoners and staff.

The arts in prisons have been well documented in terms of their benefits in developing literacies skills³⁷, nurturing positive social identities, and improving employability prospects for ex-prisoners³⁸. Research

³² Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraphs 32, 64.

³³ Ponomaryovi v. Bulgaria, No. 5335/05, 28 November 2011, paragraph 56; Uzun v. Turkey, No. 37866/18, 10 November 2020, paragraph 35.

³⁴ CPT, 25th General Report, CPT/Inf(2016)10, page 40.

³⁵ Ibid., page 33.

³⁶ "Dynamic Security is a concept and a working method by which staff prioritise the creation and maintenance of everyday communication and interaction with prisoners based on high professional ethics, and ensure that there is sufficient purposeful and meaning activity to occupy prisoners, bounded by effective security". <https://rm.coe.int/final-training-manual-on-dynamic-security-june-2018-koregirana-4-16808ccae2>

³⁷ (Tett et al, 2012)

³⁸ (Koestler, 2014)

evidence has demonstrated how participating in the arts can promote desistance from crime through fostering empathy, promoting family relationships and assisting restorative justice³⁹. Moreover, enhancing self-perception and esteem can nurture positive change, helping establish a sense of place in the world and promote desistance from offending⁴⁰. Accordingly, ensuring a dedicated place for the arts in the curricula for prison education will provide opportunities for prisoners to gain confidence and esteem which can in turn engender self-reflection and behavioural change.

In contrast to the view that the arts are a “soft option”, participation in creative activity can help overcome previously perceived personal failures and encourage a natural self-discipline and autonomy, thereby, instilling a radical shift towards learning⁴¹. Accordingly, the proven role of the arts as gateway subjects to more formal learning and accreditation cannot be overemphasised.

18. *Prisoners should have access and be encouraged to take part in physical education and sports to help them maintain and improve their mental and physical health.*

As indicated throughout the Recommendation, a holistic curriculum is needed in order to meet the social, physical and cultural needs of prisoners⁴². This Rule underscores the value of physical exercise and healthy lifestyles, and it implies that both physical education and sports warrant an important place in the prison curriculum.

Physical education (PE) and sport go hand in hand but also each bring their own benefits for prisoners and the prison regime, as they do for the outside community. While sports tend to emphasise competition, rules, and performance, physical education prioritises the ability to engage in and value physical activities alongside overall health and well-being. Thus, PE interconnects well with any programme targeting prisoner health and wellbeing, such as stress management, smoking cessation, nutrition, etc.; thereby supporting and complementing the work of the prison health care team, including psychology, psychiatric and addiction services.

While the benefits of regular physical activity for psychological and physical health are well established, the role of sport in the development of social and cultural capital should not be overlooked. When organised effectively, sport can develop various soft skills such as resilience, teamwork, communication and leadership. All of which are transferable skills essential for employment.

Additionally, like the arts, PE and sports serve as accessible gateways to formal education and provide numerous opportunities to integrate and embed key literacy and numeracy skills as a core component of delivery. It should be noted also, that sport-based accredited qualifications provide a significant and popular route into employment. In short, properly organised and professionally delivered PE and sport programmes motivate reluctant learners, address literacy and numeracy needs, and equip prisoners with transferable skills and valuable qualifications.

When setting out the “benchmarks” that it uses to monitor the “basic requirements to enable prisoners to live decently in a prison”, the CPT has emphasised that “a satisfactory programme of purposeful activities” including work, education, sport and training, is “of crucial importance for the well-being of prisoners”⁴³. The CPT has repeatedly called for the development of a wide range of out-of-cell activities for prisoners including education and sport.⁴⁴

19. *Prisoners should have access to vocational education and training which involves certification and training in employability skills.*

The importance of Vocational Education and Training (VET) is emphasised throughout Rules 25 and 28 of the European Prison Rules, underscoring the central principle that VET are key elements in enabling prisoners obtain and retain rewarding employment on release which is in turn a key factor in

³⁹ <https://artsincriminaljustice.org.uk/evidence-library/>

⁴⁰ (Giordano, 2002)

⁴¹ (Scottish Prison Service Arts Review, 2015)

⁴² <https://unesdoc.unesco.org/ark:/48223/pf0000378059>

⁴³ CPT, 30th General Report, CPT/Information(2021)5, page 36, 39.

⁴⁴ See: CPT, 32nd General Report, CPT/Inf(2023)7, page 15; CPT, 21st General Report, CPT/Inf(2011)28, page 32.

desistance from crime.⁴⁵ To help prisoners compete effectively in the job market, training should provide the same skills and qualifications as available and sought in the community (see Rule 28.7a of the European Prison Rules). Equally, training and workshop facilities and equipment should be of industry standards and overseen by qualified personnel. Where there are institutional barriers to the quality and availability of VET, partnering with local businesses and employers to provide training within the prison is advised. Any such collaboration and relationship-building are also vital in increasing companies' willingness to hire somebody with a criminal record.

Prison work should be seen as an opportunity to practice, develop and master employability skills and should be linked to employment opportunities and relevant qualifications where possible (see Rule 26.5 of the European Prison Rules). There should be a clear link between work and education to allow prison workers to supplement their practical skills, transferable skills and improve their literacy, numeracy and digital skills. Traditionally, VET has provided ample opportunities to embed adult literacies in a vocational context. It similarly offers opportunities in a real-life setting to build soft skills such as time-management, self-organisation, adaptability and other employability-related interpersonal and communication skills. As many prisoners may have never been part of the work force, continuous development and recording of essential pre-employment skills, including CV writing and interview preparation, is important as these skills are transferable and adaptable to evolving work environments and technologies. All training opportunities should be aligned with career guidance and sentence management plans to ensure the training or qualification is delivered at the appropriate stage in the prison sentence so that the skills and qualifications obtained do not become obsolete.

20. Prisoners should have access to digital literacy learning, within a secure technical infrastructure.

Access to digital technologies and the Internet are essential components of contemporary educational practices and opportunities. The lack of access to digital resources and technologies is a significant barrier to learning and the primary cause of the digital inequality experienced by prisoners. Bridging this digital divide by providing up-to-date and secure technologies will enhance prisoners' digital literacy⁴⁶ and equip them with the competencies necessary for employment, further education and life in a digital age.

Secure Internet services or alternative "Intranet" systems that replicate the digital experiences of modern life are increasingly available to both mitigate security issues and improve learning. To further enhance security and to promote responsible use, prison authorities and education providers should implement contract agreements with prisoners which outline personal accountability and security protocols for Internet access and digital technology use.

Providing some form of Blended Learning⁴⁷ which combines traditional face to face classroom practices with online learning elements is recommended as it offers flexible access and enables prisoners to utilise and improve their digital skills. Furthermore, it is advantageous when compared with eLearning⁴⁸, which is conducted entirely online without any in-person interaction and relies heavily on digital resources. However, when physical access is not possible or severely curtailed, eLearning serves as an alternative for those prisoners capable of benefiting from it.

The ECtHR has found that Article 10 of the European Convention on Human Rights, relating to the right to receive information, "cannot be interpreted as imposing a general obligation to provide access to the Internet, or to specific Internet sites, for prisoners".⁴⁹ Nonetheless, restrictions must still be justified and it has found a breach of Article 10 when a prisoner was denied access to the internet to read a website providing information on options for university degrees.⁵⁰

⁴⁵ See Rules 26.5, 26.6, 28.2 and 28.7 of the European Prison Rules (Council of Europe, 2020).

⁴⁶ Digital literacy refers to an individual's understanding and ability to confidently use digital skills required for work and everyday living.

⁴⁷ Blended Learning, also known as hybrid learning, combines traditional face-to-face instruction with online learning components.

⁴⁸ eLearning is the delivery of education and training through digital means, involving technologies such as computers, the internet, and multimedia tools to facilitate flexible, self-paced, and accessible learning experiences.

⁴⁹ Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraph 59.

⁵⁰ Jankovskis v. Lithuania, No. 21575/08, 17 April 2017.

21. *Education should include practical life skills to enable prisoners to better manage daily life both inside prison and after release.*

This Rule underscores the basic principle in Rule 6 of the European Prison Rules, that "all detention shall be managed so as to facilitate [prisoners']... reintegration into free society".⁵¹ It also echoes Rules 2, 8 and 14 of this Recommendation, which endorse educational programmes that promote intercultural, social and civic competences and transversal key competences (learning to learn, sense of initiative, civic engagement) as being necessary to foster tolerance, solidarity and intercultural understanding. In this way, it should be recognised that 'life skills' encompass a diverse array of abilities and competencies that enable individuals to deal effectively with the complexities and challenges of daily life. Life skills may also be referred to as psychosocial skills, as they are psychological in nature and include thinking and behavioural processes and are frequently known as interpersonal skills. Regardless of the nomenclature, it is essential that prison life skills programmes encompass not only practical skills for daily living but incorporate also various subcategories of life skills as necessary and appropriate.

As there is no clear definition or agreement as to what constitutes life skills, and because the range of life skills for effective community functioning is extensive, each member State will identify their own priorities while noting that the sharing of effective examples and best practise can stimulate ideas and new thinking. Nonetheless, prisoners, especially those serving longer sentences, should be provided with opportunities to develop and sustain life skills while in prison. For those serving brief sentences, life skills programmes offer valuable opportunities to cultivate and practice skills and abilities that may not have acquired previously. For all prisoners, gaining life skills will enable them to better manage daily life both within the prison and after release.

Accordingly, life skills programmes should include the teaching of practical skills to prepare individuals for resettlement and independent living. Such programmes for example could include information on how to effectively manage a household such as the operation of domestic appliances, controlling budgets and shopping for fair deals. Therefore, life skills programmes should sit alongside, or be incorporated into, pre-release programmes that help prisoners identify and address their post release needs, particularly in terms of access to housing, legal assistance, social security benefits and similar key elements of resettlement.

As mentioned above, life skills programmes should also be seen as opportunities to develop social skills including responsible citizenship, and soft skills such as punctuality, patience and active listening, alongside more practical skills. This integrated approach to teaching and learning can be particularly motivating as it integrates key competencies such as learning to learn, cultural awareness, creativity, entrepreneurship and problem solving. Additionally, life skills should include basic health and personal care such as exercise and healthy eating, and can often be progressed in collaboration with prison health services.

ADDITIONAL EDUCATIONAL SUPPORT FOR SPECIFIC GROUPS

22. *The specific needs of prisoners requiring support in adult literacies should be addressed.*

This Rule complements Rules 28.2 and 28.3 of the European Prison Rules, which emphasise the importance of prioritising the education of "prisoners with literacy and numeracy needs and those who lack basic or vocational education", and call upon prison authorities to pay "particular attention" to the education of prisoners with special needs.⁵²

Traditionally, literacy skills are often defined by the learner's ability to demonstrate functional skills of encoding or decoding text, i.e., reading or writing. However, this is now considered a limited perspective as "literacies" (plural) include the ability to demonstrate wider skills of communication, evaluation and problem solving. Consequently, education providers should be encouraged to adopt a broad definition of literacy, which goes beyond the functional ability to read and write and includes the skills of speaking, listening and comprehension⁵³. Moreover, it should be noted that most literacy learners will require some numeracy support alongside any literacy programme.

⁵¹ Rule 6, European Prison Rules (Council of Europe, 2020).

⁵² Rule 28, European Prison Rules (Council of Europe, 2020).

⁵³ See also Scottish Government 2011, Barton et al 2000.

In order to prioritise prisoners with literacy and numeracy needs, Education Centres should develop a literacy-specific action plan that sits alongside and augments the overarching Education Centre action plan for improvement. The literacy action plan should;

- be based on the scale of need for literacy learning among the prison population;
- detail the resources to be devoted to the action plan (including teaching hours, continued professional development for teaching staff, equipment and materials);
- indicate how the action plan is to be monitored and evaluated;
- indicate the measures to be taken to improve literacy provision, (e.g., an individual learning plan for literacy learners, access to nationally recognised accreditation, teaching staff trained to nationally recognised standards and the use of literacy-specific methodologies, learning materials and resources).

23. *The specific needs of prisoners identified as being neurodiverse or as experiencing mental health issues should be addressed.*

Recent research has made significant advances in the identification of conditions that fall within the spectrum of neurodiversity.⁵⁴

It is estimated that around 20-30% of people in prison have some form of learning difficulty or neurodiverse condition that impedes their ability to cope with their imprisonment⁵⁵. One of the principal challenges in this area of intervention is the disparity of the various terms and definitions used to describe such conditions⁵⁶. Moreover, in terms of identifying conditions perceived as learning difficulties such as dyslexia, there are multiple definitions of this condition ranging from those based on neuro-developmental functioning, to optical considerations and concerns around short-term memory abilities. It is often difficult to initially detect whether an individual has a definite reading disorder or whether they did not undertake sufficient schooling to gain the requisite skills involved in decoding text.

While there has been much focus previously on issues of dyslexia and dyscalculia it has now been demonstrated that such conditions invariably co-occur with other conditions and that they should be considered in terms of a continuum or complexity of co-occurring conditions rather than presented in isolation or as “neat boxes separate and discrete from each other”⁵⁷. It is not unusual for multiple learning difficulties to be present with an individual⁵⁸ and it may not be possible to capture these in a single assessment, owing to the complexity and range of difficulties experienced by each individual⁵⁹.

Accordingly, a person-centred and holistic approach should be taken with each individual to determine their specific needs and abilities⁶⁰. To help address these complex areas of educational intervention, prison authorities should ensure that learners should have an opportunity to undertake initial screening or assessment processes. This will help establish a baseline of educational ability to inform individual plans detailing appropriate schedules for learning and highlighting both short-term and long-term goals.

Where such conditions are suspected or identified, intervention, referrals and collaboration with appropriate professionals e.g., health services or NGOs to develop care pathways should be put in place. The planning of educational programmes and interventions should take account of each learners’ previous history including experiences of adverse childhood experiences (ACEs), trauma, head injury and mental health issues. Whenever appropriate, prison authorities and education services should collaborate with other relevant agencies and health services to promote therapeutic interventions to assist those with additional support needs or mental health issues.

⁵⁴ Previously, terminology included Learning Difficulties and Disabilities and prompted a number of reports within the criminal justice system across the UK e.g., (Loucks, & Talbot, 2007); (Talbot, 2008); (Bradley, 2009); (Coates, 2016) and (Kirby & Gibbon, 2018).

⁵⁵ (Loucks, 2007)

⁵⁶ (Kirby, 2018)

⁵⁷ (Kirby, et al, 2018)

⁵⁸ See Kirby et al, 2018

⁵⁹ See Bradley Report, 2009

⁶⁰ (Kirby et al, 2018)

24. The specific needs of foreign prisoners should be addressed.

This Rule makes clear the need to ensure appropriate educational opportunities for all those held in custody including foreign national prisoners. Given the increase in the number of foreign national prisoners in many jurisdictions, this has often proved to be problematic and a significant resource commitment.

Language and cultural barriers can present a challenge to providing effective education to foreign prisoners. To help overcome this, Rule 29.1 of the Committee of Ministers' Recommendation concerning foreign prisoners recommends that foreign prisoners should be given the opportunity to learn a language that allows them to communicate, and to study local culture and traditions, with a view to supporting foreign prisoners' engagement with other prisoners and staff⁶¹. Rule 29.2 of the Recommendation concerning foreign prisoners also recommends that prison authorities take account of foreign prisoners' individual needs and aspirations, which is also important to ensure that education is effective⁶².

Increased international cooperation and the utilisation of modern technology can also help overcome cultural and language barriers by providing appropriate programmes for all prisoners regardless of language, ethnicity and background. Peer mentors are an important and impactful resource in prison education; and given the correct training and support they can be especially useful in this context. As indicated in Rule 26 below, local partnerships with libraries and cultural organisations can often provide assistance in meeting the educational and information needs of foreign language prisoners.

Member States should also ensure appropriate training for education staff to meet the distinctive needs of foreign national prisoners, in line with Rules 7.2 and 7.3 of the Council of Europe's Guidelines Regarding Recruitment, Selection, Education, Training and Professional Development of Prison and Probation Staff.⁶³

PARTNERSHIPS AND COLLABORATION

25. Education in prison should be delivered by qualified professionals adopting adult education methodologies and practices.

As outlined throughout this Recommendation, the provision of education in prisons should be grounded in the principles and practices of adult education. It follows therefore, that member States should ensure that prison teachers have appropriate qualifications and training in adult or further education principles and methodologies. Additionally, this Rule underlines the critical role of teaching staff as a key determinant of quality. Quality of delivery is essentially generated and maintained by the quality of teaching and learning, and in particular in the teaching of adult literacies. Evidence points to a greater impact on achievement from adult literacies tuition by qualified literacy/basic skills specialists and the qualification levels of such have an impact on the learning outcomes of adult learners⁶⁴.

For the prison teacher, there are specific prison-related competencies that should be developed alongside the more generic adult educator competencies of being capable of assessing the specific needs of a learner and designing a suitable learning process. Thus, targeted training should equip teachers for the specific challenges – social, psychological and pedagogical – of working in this field. Prison specific competencies should be embedded within induction and continuous professional development (CPD) training. Induction and CPD should enable teachers to develop the competence and commitment to teach as part of a wider prison team when education is embedded in VET workshops or as part of wider health care programmes. Likewise, priority should be given to developing strategies for overcoming prison-specific issues that impact negatively on learning and teaching. These

⁶¹ Recommendation CM Rec(2012)12 of the Committee of Ministers to member States concerning foreign prisoners (Council of Europe, 2012), Rule 29.1.

⁶² Recommendation CM Rec(2012)12 of the Committee of Ministers to member States concerning foreign prisoners (Council of Europe, 2012), Rule 29.2..

⁶³ CM(2019)111-add, Guidelines regarding recruitment, selection, education, training and professional development of prison and probation staff (Council of Europe, 2019).

⁶⁴ <http://www.basicskills.eu/wp-content/uploads/martina-ni-cheallaigh-28062011.pdf>.
https://www.academia.edu/236719/Key_Competences_for_Adult_Learning_Professionals_Contribution_to_the_development_of_a_reference_framework_of_key_competences_for_adult_learning_professionals

include, restricted access to ICT and digital technologies, restrictions on the use of other teaching resources, and the impact of the unplanned transfer of learners to other prisons.

Moreover, CPD should be seen as both a right and an obligation for prison teachers. A variety of CPD should be available to include prison-specific training as well as developments in educational research, relevant discipline studies, progressive pedagogical studies and so on. CPD should take place during working hours to facilitate the participation of all teachers and should be organised in co-operation with universities or other appropriate institutions. Efforts should be made to support and co-ordinate in-service training at an international level, so that teachers can make study visits to other countries to learn from their 'prison peers' and to share their experiences and expertise. (See Rule 29)

Where contractual arrangements are in place for the delivery of prison education, a broad-base of subject specialists and training for adult education methodologies should be including in contractual outcomes and performance measures.

26. *Prisoners should have regular access to a well-stocked library which should include digitally stocked reading, audio, and video materials. Access should be provided to community-based libraries where possible.*

This Rule complements Rule 28.5 of the European Prison Rules, which requires that all institutions "have a library for the use of all prisoners" which is "adequately stocked with a wide range of both recreational and educational resources, books and other media".⁶⁵ Every prisoner, regardless of location or risk category should have access to browsing time for a minimum period of 30 minutes per fortnight. Establishing library standards will ensure that prison libraries are providing services commensurate with those available in the community that meet the informational, cultural, educational, statutory and recreational needs of prisoners. This would include access to digital services and online libraries where appropriate.

Rule 28.6 of the European Prison Rules further calls for, where possible prison libraries to be organised in co-operation with community library services.⁶⁶ Such collaboration can significantly enhance access to a wide range of information and resources for prisoners. Moreover, it can enable proactive collaboration on resources, guest lecturers, book clubs, creative writing groups, national and local writing competitions, and other initiatives involving community libraries and prisons.

Library access is important for emphasising the importance and promotion of reading for both leisure and educational purposes, and libraries have a significant role to play in augmenting and complementing educational provision. They can be particularly helpful for prisoners with specific needs. For example, they can provide large print format for those with visual impairment or assistive software and hardware for those with literacy needs. Libraries can also assist in the provision of foreign language books and resources for ethnic minorities. Hence, Rule 26 should be read alongside Rule 29.3 of the foreign offenders Recommendation, which calls for prison libraries to "be stocked as far as possible with reading materials and other resources that reflect the linguistic needs and cultural preferences of the foreign prisoners in that prison and are easily accessible."⁶⁷ Thus, prison libraries should work in partnership with education services and other relevant agencies within the prison and should be located in close proximity to the Education Centre where possible.

27. *Prisoners should be allowed to participate in education outside prison wherever possible.*

Prisoner participation in education in the community is consistent with 28.7a of the European Prison Rules, which calls for prisoners' education to be integrated with the wider educational and vocational training system in that country, "so that after their release they may continue their education and vocational training without difficulty".⁶⁸ Rule 28.7b of the European Prison Rules further states that, as far as practicable, the education of prisoners shall "take place under the auspices of external

⁶⁵ Rule 28, European Prison Rules (Council of Europe 2020).

⁶⁶ Rule 28, European Prison Rules (Council of Europe 2020).

⁶⁷ Recommendation CM Rec(2012)12 of the Committee of Ministers to member States concerning foreign prisoners.

⁶⁸ Rule 28, European Prison Rules (Council of Europe, 2020).

educational institutions”.⁶⁹ Taken together and alongside this Rule, these Rules underscore the basic principles in Rule 5 and 7 of the European Prison Rules, that prisons shall “approximate as closely as possible the positive aspects of life in the community” and that co-operation with both outside social services and civil society “shall be encouraged”.⁷⁰

Additionally, Rule 14 of this Recommendation states that education in prison, in all its aspects, should mirror best provision in the community, therefore, it follows that prisoners should attend education in the community where possible. Furthermore, it bolsters that notion as outlined in the United Nations Nelson Mandela Rules that “the treatment of prisoners should emphasise not their exclusion from the community but their continuing part in it”⁷¹. Again, like so much of this Recommendation, it feeds into the principle of minimum restrictions. While educational engagement in the community is clear cut for those in open or semi-open prisons, it pertains also to those in closed prisons and can be achieved through structured forms of temporary or pre-release.

Community access is a key aspect of preparation for release allowing prisoners to identify their resettlement needs and to acclimatise to societal changes. Thus, regular and sustained access to local communities or participation in activities outside of the prison directly contributes to resettlement. Such access is key to enabling continuity of study for those engaged in educational programmes.

28. Where education takes place within the prison, the outside community should be involved as fully as possible.

Prisons are often important institutions within communities providing a wide range of services to their residents as well as maintaining and participating in community forums. Some forums are concerned with community development, community justice or community education, although each of these categories are not mutually exclusive. As important institutions within communities, prisons provide employment and stimulate local economic activity. Prisons can also be influential in helping to initiate, design and maintain collaborations with local groups and forums.

Such collaborations can extend to enabling prisoners to volunteer their time and skills working with disaffected young people or those with additional support needs. While examples of the former can include sharing experiences to promote desistance from crime, the latter can nurture of citizenship and compassion and help develop future employment skills. While this will also be an issue for each country or jurisdiction to manage in respect of their own policies, priorities and security procedures, external engagement with institutions of learning can significantly enhance the curriculum with wider programmes of learning and help prisoners interact with a wider range of people.

In particular, links with university partnerships can often be mutually beneficial providing teaching experience for postgraduate students while helping supplement the number of teaching staff available to support learners. Universities can also assist in introducing wider programmes of learning including preparation for higher education study in the post release period. These programmes should effectively complement existing education provision and not be undertaken in isolation to ensure all educational development can be better coordinated and integrated to maximise educational benefits.

29. Regular review and inspection of provision and quality of education should be undertaken using the same review criteria as adult and further education provision in the community

In some jurisdictions it is commonplace for school inspectors to evaluate prison education using the same methodology as applied to schools. However, such practices often do not take account of the specific needs of adult learners and the principles underpinning the effective delivery of adult education – see Rule 24 above.

Accordingly, inspections of adult education should consider the overall effectiveness and teaching methodologies employed within education centres through:

⁶⁹ Rule 28, European Prison Rules (Council of Europe, 2020).

⁷⁰ Rules 5, 7, European Prison Rules (Council of Europe, 2020).

⁷¹ Rule 88(1) of United Nations Mandela Rules.

- direct observation of teachers in their teaching role;
- examine curricula and the relevance to specific prisoner groups e.g. women, long-term prisoners; short-term prisoners; young prisoners; foreign prisoners; protection prisoners etc;
- have access to lesson plans/preparation and timetables;
- interview teachers, managers, prison staff and learners;
- have access to a wide-range of prisoners work e.g. artworks, poetry, written work and submissions to competitions;
- examine documents relevant to a learner's progress e.g. initial assessment; special needs; learning plans and evidence of achievement;
- examine registers relating to attendance, lock-downs and equity of access for distinct groups of prisoners;
- examine data on qualifications achieved and measures detailing learner progress including audio-visual evidence where available;
- examine records of internal and external verification processes;
- examine data detailing overall trends for learning hours, qualifications gained and learner progress;
- consider the range of subjects available as well as specific projects, exhibitions and publications of prisoners' work;
- consider the qualifications and subject specialism of education staff.

30. *Research should be sufficiently funded and undertaken regularly to update the curriculum, infrastructure, and methodology in line with contemporary educational research and international developments in this area.*

Educational research is essential to maximise the experience of learners and teachers through expanding the existing body of knowledge and providing new insights and solutions to educational problems. Such ongoing investigations can stimulate both teachers and learners to adopt new teaching and learning practices.

In particular, new developments in information and digital technology can enhance the learners' experience by providing safe and secure solutions for access to Internet sites.

Continuous research within the fields of mental health and neurodiversity has provided new understanding and insights to assist prisoners with such conditions. Education providers and practitioners can assist such work through the application of new screening tools and methodologies.

By being aware of research within the wider penological field education providers will be better placed to adapt to new penal policies or changes to prison populations that potentially may impact on access to and delivery of educational services. For example, increases in prison populations may place strain on services or require adaptation at short notice for different types of prison populations i.e. women, young people, long-term, short-term etc.