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COUNCIL FOR PENOLOGICAL CO-OPERATION

PC-CP

**REVIEW OF
THE COMMITTEE OF MINISTERS RECOMMENDATION (89)12
ON EDUCATION IN PRISON**

Draft for the committee's consideration March 2024 (Strasbourg)

Draft document prepared for consultation with PC-CP Committee by:

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BACKGROUND & CONTEXT:

In 2017, Europris initiated a review of prison education policy across Europe. In particular, the review sought to re-examine the Council of Europe (COE) Recommendation (89)12 on education in prison and to ascertain its relevance for contemporary custodial educational policy and practices. The initial meeting to form a committee that would carry out this task took place in Cyprus in 2017. The following 10 countries/jurisdictions were present:

James King, (Chairperson & Report Author), Head of Education, Scottish Prison Service;

Kieran Moylan, Irish Prison Service;

Petra Prijatelj, Prison Administration Slovenia;

Martin Zschel, Ministry of Justice: Rhineland Palatinate, DE;

Tanja Klee, Ministry of Justice: Mecklenburgh-West, Pomerania, DE;

Ioana Morar, National Administration of Penitentiaries, Romania;

Kathleen Van De Vijver, Belgian Prison Service;

Peter Kriska, General Directorate, Corps of Prison & Coast Guard, (SK);

Tamar Lisiaki, Department of Penitentiary, Ministry of Corrections of Georgia.

Stylianou Iakovos, Department of Prisons, Ministry of Justice, Cyprus.

Dr Anne Costelloe, Head Teacher, Mountjoy Prison, Dublin, Ireland; made significant contributions to the final report.

The 1989 COE Recommendation had for several years formed the basis of comprehensive advice and guidance for the provision of educational opportunities for those held in custody across all European jurisdictions and beyond. However, given the significant developments in technology, educational research, and changing prison populations since the recommendations were adopted. Accordingly, it was generally accepted that a review was both necessary and overdue.

Underpinning the work of the committee and the review was the recognition of the COE's Convention for the Protection of Human Rights and Fundamental Freedoms (1950), which in Article 2 of its First Protocol states that "no person shall be denied the right to education".

Cognisance was also taken of the Commission's Charter of Fundamental Rights recognising in its Article 14 that "everyone has the right to education and to have access to vocational and continuing training."

It also states that "this right includes the possibility to receive free compulsory education." (Document C2012/326/02).

Furthermore, the committee accepted the tenets of the United Nations 'Basic Principles for the Treatment of Prisoners' which proclaimed that "All prisoners shall have the right to take part in cultural activities and education aimed at the full development of the human personality" (United Nations, 1990, Resolution 45/111: No 6).

These rights were reiterated by 'The European Prison Rules' which state that " Every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations." (CM Recommendation Rec(2006)2-rev, Rule 28.1).

In parallel to conducting a review of the COE Recommendations it was suggested that the group consider the nature of prison education across Europe in respect of its compliance and consistency with the spirit of the recommendations that seek to provide education that addresses the needs of the whole person. However, as this could potentially involve a significant piece of research, it was decided to formulate a questionnaire to gather information concerning prison education in European prisons in relation to the COE Recommendations. Responses were received from 22 countries and findings analysed and presented in a [separate report](https://www.sccjr.ac.uk/) by the Scottish Centre for Crime and Justice Research. <https://www.sccjr.ac.uk/>

In addition to compiling the voluntary responses, the review sought to ensure that technological and educational developments were being incorporated into European prison educational policy. Moreover, the review sought to identify best practices in educational services that stimulate engagement by individuals who are often disaffected and excluded from mainstream and community learning opportunities. Following the initial meeting to establish the terms of reference, the Chairperson attended several meetings across Europe to inform attendees at Europris seminars about the intentions of the report. This included presentations to workshops in Rome (2017), Stockholm (May 2018), Ljubljana (October 2019) and to Director Generals participating at the EuroPris Annual General Meetings in Cyprus and Estonia (2019). Furthermore, initial findings were presented to the Penological Cooperation of the Council of Europe (PC-CP, February 2019), the European Prison Education Association (EPEA) conference in Dublin, Ireland (June 2019), and to the full PC-CP committee in Strasbourg (November 2019).

It was the unanimous view of the committee that the draft recommendations provided a solid and comprehensive foundation for establishing contemporary good practice in custodial based educational services. There was also recognition that many of the initial COE Recommendations of 1989 and associated guidance remain relevant and valid in terms of their established principled basis and their inherent inclusivity. Although this work was relatively comprehensive and concluded fairly recently (2019), the ever-advancing developments in technology, artificial intelligence and insights within educational and penological research of the debilitating impact of trauma and/or adverse childhood experiences (ACE’s); neuro-diversity (learning difficulties/disabilities) and mental health issues. Furthermore, the global impact of COVID and its legacy provides reason to undertake a further review.

Accordingly, we are delighted to work closely with the PC-CP Committee to reassess the existing recommendations and to discuss the need for any additional aspects of work or areas for particular consideration for inclusion. We understand that additional areas for exploration may include issues such as developing seamless post-liberation links to community education provision or training as well as more detailed consideration for vulnerable groups e.g. young people/women/protection prisoners/foreign prisoners/probationers in the community.

The draft recommendations below from 2019, provide a summary and comparison with the original 1989 recommendations. The proposed new recommendations are highlighted in red ink and if the recommendation remains relevant for inclusion, it is simply listed as ‘No Change’.

N.B. The following recommendations will use the term “prisoners” as the accepted legal term for imprisoned people although we recognise the benefits of utilising the terms ‘student’ and ‘learner’ in policy documentation and while engaging in service delivery.

NB: Please also note that ‘Committee Considerations’ in red ink at each recommendation are not exhaustive and that there are many more considerations involved. However, this is simply a prompt to promote discussion. We look forward to hearing the committee’s contributions.

RECOMMENDATION 1, (ORIGINAL, 1989)
<i>All prisoners shall have access to education, which is envisaged as consisting of classroom subjects, vocational education, creative and cultural activities, physical education and sports, social education and library facilities.</i>
RECOMMENDATION 1, PROPOSED
<i>All prisoners shall have access to education, which is envisaged as consisting of classroom subjects, information technology, vocational education, creative and cultural activities, physical education and sports, life-skills and library facilities that enable them to reach their full potential.</i>

COMMITTEE CONSIDERATIONS (REC 1), MAY INCLUDE:

- The philosophical basis for establishing custodial education in accordance with key UN and COE directives e.g. United Nations Resolution: <https://undocs.org/A/RES/70/175> pertaining to the acceptance of the Mandela Rules <http://undocs.org/A/RES/70/175>:
- How we define 'education' within a custodial context and ensuring access for all.
- What is meant by 'all' prisoners – should specifics apply to certain cohorts, when are there exceptions, etc?

Mandela Rule 4:

1. *The purposes of a sentence of imprisonment or similar measures deprivative of a person's liberty are primarily to protect society against crime and to reduce recidivism. Those purposes can be achieved only if the period of imprisonment is used to ensure, so far as possible, the reintegration of such persons into society upon release so that they can lead a law-abiding and self-supporting life.*

2. *To this end, prison administrations and other competent authorities should offer education, vocational training and work, as well as other forms of assistance that are appropriate and available, including those to address learning deficits and to promote moral, spiritual, social, health and well-being programmes. All such activities and services should be delivered in line with the individual treatment needs of prisoners.*

RECOMMENDATION 2, (ORIGINAL, 1989)
<i>Education for prisoners should be like the education provided for similar age-groups in the outside world, and the range of learning opportunities for prisoners should be as wide as possible.</i>
RECOMMENDATION 2, PROPOSED
<i>Education for prisoners should be comparable to the education provided for similar groups and communities of learning in the outside world.</i>

COMMITTEE CONSIDERATIONS (REC 2), MAY INCLUDE:

- Consideration of the range of learning opportunities for prisoners in custody.
- Recognition of the role of equality, diversity, and inclusion for participation.

RECOMMENDATION 3, (ORIGINAL, 1989)
<i>Education in prison shall aim to develop the whole person bearing in mind his or her social, economic and cultural context.</i>
RECOMMENDATION 3, PROPOSED
<i>Education in prison should aim to develop the whole person.</i>

COMMITTEE CONSIDERATIONS (REC 3), MAY INCLUDE:

- What do we mean by 'education' and what is the principal purpose of custodial education?
- What types of education should be available?
- What about the educational needs of specific priority groups, women, young people, those on probation?

RECOMMENDATION 4, (ORIGINAL, 1989)
<i>All those involved in the administration of the prison system and the management of prisons should facilitate and support education as much as possible.</i>
RECOMMENDATION 4, PROPOSED
<i>Prison authorities, justice agencies and external partners should facilitate and support the promotion, development and delivery of education in prison.</i>

COMMITTEE CONSIDERATIONS (REC. 4), MAY INCLUDE:

- Necessity for ensuring a clear educational policy that includes and complements existing rehabilitative interventions.
- Consider education as a human right regardless of location / how prison education policy/strategies sits alongside mainstream adult, community, or FE education policy/strategies.

RECOMMENDATION 5, (ORIGINAL, 1989)
<i>Education should have no less a status than work within the prison regime and prisoners should not lose out financially or otherwise by taking part in education.</i>
RECOMMENDATION 5, PROPOSED: NO CHANGE

COMMITTEE CONSIDERATIONS (REC 5), MAY INCLUDE:

- That participation in education is given equal prominence to engagement in other work.
- Ensure equality of payment with other paid activities.

RECOMMENDATION 6, (ORIGINAL, 1989)
<i>Every effort should be made to encourage the prisoner to participate actively in all aspects of education.</i>
RECOMMENDATION 6, PROPOSED
<i>Every effort should be made to encourage the prisoner to participate actively in all aspects of education including access to Information Technology (6a) and higher-level learning (6b).</i>

COMMITTEE CONSIDERATIONS (REC 6), MAY INCLUDE:

- **6.A.** Necessity to invest in modern digital technology to ensure prisoners are better prepared to manage their lives.
- Where appropriate, access to modern technology should include secure or supervised access to the Internet.
- **6.B.** The curriculum should be as wide-ranging as possible providing an appropriate balance between basic educational skills and provision for all abilities including higher level.

RECOMMENDATION 7, (ORIGINAL, 1989)
<i>Development programmes should be provided to ensure that prison educators adopt appropriate adult education methods.</i>
RECOMMENDATION 7, PROPOSED
<i>Education in prison should be delivered by suitably qualified educators adopting adult education methodologies and practices.</i>

COMMITTEE CONSIDERATIONS (REC 7), MAY INCLUDE:

- Access to training programmes and continuous professional development by prison-based teaching staff that incorporates best practices in adult education methods including person-centred approaches.

RECOMMENDATION 8, (ORIGINAL, 1989)
<i>Special attention should be given to those prisoners with particular difficulties and especially those with reading or writing problems.</i>
RECOMMENDATION 8, PROPOSED: NO CHANGE

COMMITTEE CONSIDERATIONS (REC 8), MAY INCLUDE:

- Recognition of recent and ongoing research e.g. The term neurodivergent has become associated with the characteristics associated in some people with Dyslexia, Dyscalculia, Attention Deficit Hyperactivity Disorder (ADHD), autism spectrum disorder/condition (ASD/C), Developmental Coordination Disorder/Dyspraxia, and Developmental Language Disorder as well as other conditions.
- Need to consider initial screening or assessment processes to establish a baseline of educational ability and to inform individual learning.

RECOMMENDATION 9, (ORIGINAL, 1989)
<i>Vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labour-market.</i>
RECOMMENDATION 9, PROPOSED: NO CHANGE

COMMITTEE CONSIDERATIONS (REC 9), MAY INCLUDE:

- Vocational education should aim at the wider development of the individual, as well as being sensitive to individual aspirations and trends in the labour-market.

RECOMMENDATION 10, (ORIGINAL, 1989)
<i>Prisoners should have direct access to a well-stocked library at least once a week.</i>
RECOMMENDATION 10 PROPOSED: NO CHANGE

COMMITTEE CONSIDERATIONS (REC. 10), MAY INCLUDE:

- Access to library services that meet the informational, cultural, educational, statutory and recreational needs of the prison population.
- That every prisoner, regardless of location or risk category should have access to browsing time within the prison library for a minimum period of 30 minutes per fortnight.

RECOMMENDATION 11, (ORIGINAL, 1989)
<i>Physical education and sports for prisoners should be emphasised and encouraged.</i>
RECOMMENDATION 11, PROPOSED: NO CHANGE

COMMITTEE CONSIDERATIONS (REC, 11), MAY INCLUDE:

- In addition to the teaching of practical skills, physical education should seek to include all aspects of well-being including mental health, mindfulness, yoga etc.

RECOMMENDATION 12, (ORIGINAL, 1989)
<i>Creative and cultural activities should be given a significant role because these activities have particular potential to enable prisoners to develop and express themselves.</i>
RECOMMENDATION 12, PROPOSED
<i>Creative arts and cultural activities should form a core aspect of the curriculum as such activities are particularly effective in enhancing communication skills, promoting confidence and nurturing esteem.</i>

COMMITTEE CONSIDERATIONS (Rec. 12), MAY INCLUDE:

- Creative arts including drama, music and where appropriate dance, should be utilised to promote informal routes to personal development and participation in educational activities.

RECOMMENDATION 13, (ORIGINAL, 1989)

Social education should include practical elements that enable the prisoner to manage daily life within the prison, with a view to facilitating his return to society.

RECOMMENDATION 13, PROPOSED

Education should include practical life-skills to enable the prisoner to better manage daily life both within the prison and in preparation for liberation to the community.

COMMITTEE CONSIDERATIONS Rec.13 MAY INCLUDE:

- Development of Practical life-skills, social skills, citizenship and ‘soft skills’ to enhance communication and teach appropriate social norms i.e. punctuality, respectful communication skills.
- Development of basic health care such as exercise and provision of a healthy diet. Collaboration with local health services and NGO’s.

RECOMMENDATION 14, (ORIGINAL, 1989)

Wherever possible, prisoners should be allowed to participate in education outside prison.

RECOMMENDATION 14, PROPOSED: NO CHANGE**COMMITTEE CONSIDERATIONS (REC 14), MAY INCLUDE:**

- Subject to status, learners should be able to access community-based courses and services. Particular benefit to those approaching liberation and located at ‘open’ or ‘semi-open’ facilities.
- Utilising online facilities, external courses and blended learning could be developed with external partners and providers.

RECOMMENDATION 15 (ORIGINAL, 1989)

Where education has to take place within the prison, the outside community should be involved as fully as possible.

RECOMMENDATION 15, PROPOSED: NO CHANGE**COMMITTEE CONSIDERATIONS (REC 15), MAY INCLUDE:**

- Particular benefit for prisoners approaching liberation to help community integration.

RECOMMENDATION 16, (ORIGINAL, 1989)

Measures should be taken to enable prisoners to continue their education after release.

RECOMMENDATION 16, PROPOSED: NO CHANGE**COMMITTEE CONSIDERATIONS (REC 16), MAY INCLUDE:**

- identify appropriate opportunities to enable learners to continue their learning on release.

RECOMMENDATION 17, (ORIGINAL 1989)

The funds, equipment and teaching staff needed to enable prisoners to receive appropriate education should be made available.

RECOMMENDATION 17, PROPOSED

The funds, equipment and teaching staff needed to enable prisoners to receive appropriate education should be made available as a priority intervention.

COMMITTEE CONSIDERATIONS (REC 17), MAY INCLUDE:

- Access to educational opportunities receiving parity with other types of custodial interventions.

Teaching staff qualifications/terms of employment including parity with community colleagues

Recommendation 18 (NEW)

Prison authorities and Education services should seek to proactively work with international agencies and organisations seeking to improve and expand access to education and training opportunities for prisoners.

COMMITTEE CONSIDERATIONS (REC 18), MAY INCLUDE:

- Building on experiences, research and areas of best practice through collaboration with appropriate organisational forums e.g. NGO's