

Strasbourg, 10 April 2025

PC-CP (2025) 1 Rev

COUNCIL FOR PENOLOGICAL CO-OPERATION

PC-CP

**Draft Explanatory Memorandum
to Committee of Ministers Recommendation (XX)XX
on Education in Prison**

Draft prepared by:

Dr Anne COSTELLOE
Former Head Teacher, Education Centre, Mountjoy Prison
(Ireland)

James KING
Former Head of Education, Arts and Libraries, Scottish Prison Service
(United Kingdom)

and

Harvey SLADE
Consultant Drafting Expert
(United Kingdom)

Introduction

In 1990, the Council of Europe adopted Recommendation No.R(89)12 of the Committee of Ministers to member States on education in prison. This forward looking and educationally grounded Recommendation coupled with its Explanatory Memorandum set the benchmark for the development and provision of quality education in European prisons. Since then, growing prison populations and shifting policy priorities, together with advances in digital learning and educational research, have necessitated a fundamental review of the original Recommendation. The Council for Penological Co-operation (PC-CP) in accordance with its mandate for 2024-2027 was entrusted by the Committee of Ministers (CM) with the review. The work started during the second half of 2023 and the Recommendation was adopted by the Committee of Ministers on XX 2026. Europris and the Confederation of European Probation (CEP), as well as representatives of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) Secretariat and of the Registry of the European Court of Human Rights, also took part in the work. The scientific experts tasked with guiding the PC-CP were Dr Anne Costelloe, Head Teacher, Mountjoy Prison, (Ireland); James King, Former Head of Education, Arts and Libraries, Scottish Prison Service, (United Kingdom) and Harvey Slade, Consultant Drafting Expert, (United Kingdom). The PC-CP working group members were Laura Negredo López; Maria Lindström; Jorge Monteiro; Dominik Lehner; Danijela Mrhar Prelić; Carla Ciavarella; Kim Thornden-Edwards; Paulina Tallroth; and Frédéric Hankus. (..... others to be added)

While it was deemed necessary to update the original recommendation, it must be acknowledged that the underlying standards and values inherent to the original remain relevant and valid, in particular its principles of inclusion, diversity, and equality. Building on these values the revised recommendation is embedded in the principles of respect for human rights, the transformative power of education, and a commitment to the rehabilitative aspects of imprisonment. In revising the Recommendation, several factors currently influencing the provision of education in prisons were taken into consideration. Some of the more notable factors include increasingly lengthy or restrictive prison sentences; the continuous evolution of digital learning and artificial intelligence; a growing population of foreign prisoners needing language support; and increasing numbers of prisoners who are neurodiverse or have experienced trauma, adverse childhood experiences (ACEs), or mental health challenges.

In light of these considerations, this recommendation and its accompanying Explanatory Memorandum provides a thorough and measured framework of standards and guidelines which member States can adopt to ensure the quality and efficacy of the education provided in their prisons. The recommendation is grounded in international human rights standards, pertinent case law from the European Court of Human Rights, and findings from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; and pays special attention to the importance of adult education practices and principles in delivering a meaningful and up to date prison education service. While the primary objective is to safeguard universal rights, it aims also to ensure that prisoners have access to educational opportunities that foster their development as responsible citizens. Such educational opportunities will enhance the capacity of prisoners to meet their needs and those of their family's whilst recognising and valuing the needs of others. This will in turn contribute to the creation of a safer society in which all can thrive.

The explanatory memorandum is laid out in a manner consistent with the Recommendation, with each section elaborating on the implementation and rationale behind the associated rule. It is important to recognise that although Rules 1 to 7 are referred to as basic principles and establish a foundation for the subsequent rules, they should not be interpreted as superseding other rules. Instead, they play a crucial role in guiding the interpretation and implementation of the rules in their entirety. Nonetheless, certain principles and values underpin the Recommendation as a whole. These underscore the emphasis that all prisoners should have access to education; that education should be valued equally with other prison activities; and that a broad and varied curriculum is required. The focus on the practices and principles of adult education serves to motivate reluctant prisoners and allows them to recognise how reengagement with education can transform their lives by widening their life chances and their life choices. Furthermore, it emphasises that the objective of education to enhance the employability of prisoners must always be linked with the broader purposes of education, such as personal growth and transformation as well as the pursuit of academic and technical qualifications. Additionally, the basic principles establish a framework that underscores the responsibility of public authorities to promote and ensure quality provision, regardless of the authority or entity delivering the provision.

A note on terminology

- This Recommendation uses the grammatical form “should”, rather than “shall”, which is used in the European Prison Rules and some other key rules and recommendations on criminal sanctions and

measures adopted by the Committee of Ministers of the Council of Europe in previous years. This approach follows the New Guidelines for Drafting Committee of Ministers' Recommendations, elaborated by the Council of Europe Legal Advice and Litigation Department (DLAPIL) in October 2023. The use of "should" in this Recommendation must not be understood as indicating that its provisions are of a lesser status than those that used "shall" in previous years. All the provisions of this Recommendation must be treated in the same way as the rules and recommendations that use "shall". Rule 1, however, retains use of the word 'shall' as it is unchanged from the first part of Rule 1 in the 1989 version of this Recommendation.¹

- The term "prisoner" is used throughout the recommendation as it refers specific to those held in prison and is consistent with the European Prison Rules. However, it is acknowledged that labelling individuals as prisoners or ex-prisoners limits their identity to their past history, ignores their full humanity, and may contribute to stigmatisation and marginalisation instead of facilitating their reintegration into society. Additionally, it can conflict with their identity as an adult learner while enrolled in education.
- In updating the Recommendation, efforts were made to the greatest possible extent to ensure it was accessible to prisoners in terms of the language used.
- Efforts were made to ensure the rules are not overly conditional and generalised. Accordingly, phrases such as 'where possible, 'in so far as is practical' or "subject to the maintenance of good order and safe and secure custody" have been used sparingly and only where exceptions may be reasonable.

III. 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).² 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 justified³. The European Social Charter 4 also establishes that all persons have a right to appropriate facilities for vocational training, and that member States should encourage "full utilisation" of these facilities.⁴

The ECtHR has repeatedly recognized 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"⁵. 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"⁶. Similarly, the Council of Europe's Committee for the Prevention of Torture (CPT) has also recognised the value of education as not only preserving prisoners' "dignity" but also ensuring a regime of meaningful activities while facilitating a dynamic security approach⁷ and preparing them for release.⁸ 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

¹ Recommendation No.R(89)12 of the Committee of Ministers to member States on education in prison.

² 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).

³ Velyo Velev v. Bulgaria, No.16032/07, 27 May 2024, paragraph 30.

⁴ European Social Charter (Revised, 1996) (Council of Europe, CETS 163), Article 10.

⁵ Velyo Velev 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.

⁶ Velyo Velev 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.

⁷ "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>

⁸ European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), 25th General Report CPT/Inf(2016)10, page 35.

restrictions”⁹. 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 time¹⁰. 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”¹¹ is reinforced by a number of international instruments that specifically address the right to education in prison¹². 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 right¹³. 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. Moreover, providing such facilities is a vital component of ensuring human dignity in places of detention.

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”.¹⁴ Thus, education in prison should mirror adult education in the community and address the diverse needs of adult prison learners. Access to a broad and balanced curriculum should not be dependent on the prison in which a prisoner is detained; it should be available in all prisons. For sentenced prisoners, this Rule should be read in combination with Rule 106.3 of the European Prison Rules, meaning that a broad and balanced curriculum should be tailored to the projected length of their stay in prison.¹⁵

To establish a comprehensive prison curriculum, efforts should be made to benchmark it against the Recommendations on Key Competences for Lifelong Learning (European Union, 2006)¹⁶. This Recommendation 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 grounded in the principles of adult education and should be as close as possible to all aspects of adult education provision in the community.*

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. To guarantee that prisoners receive equivalent learning opportunities as those available to the general adult

⁹ Velyo Velevev v. Bulgaria, No.16032/07, 27 May 2024, paragraph 34.

¹⁰ Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraph 51; Velyo Velevev v. Bulgaria, No.16032/07, 27 May 2024, paragraph 31.

¹¹ 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).

¹² Standard Minimum Rules for the Treatment of Prisoners (United Nations, 2015), European Prison Rules (Council of Europe, 2020).

¹³ 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.

¹⁴ European Prison Rules (Council of Europe, 2020), Rule 28.

¹⁵ European Prison Rules (Council of Europe, 2020), Rule 106.

¹⁶ 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

population, it is crucial that provision does not replicate a traditional school-based curriculum, and that teaching methods and materials are tailored to the needs of adult learners. 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 some prison environments, the adoption of Universal Design for Learning¹⁷ approaches will help to provide wide-ranging activities, methodologies and assessment practices that enhance engagement and facilitate more effective learning experiences for a diverse range of prisoners.

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 enable a smooth transition into further learning or employment on release, as specified in Basic Principle 6. Equally, up to date and practical educational and career guidance should be provided throughout the learner journey to allow the prisoner to 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 accessing 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, caution should be observed to ensure 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

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 legislation 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. This applies equally to both sentenced prisoners and those remanded in custody. Prison authorities should also 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.

¹⁷ 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.

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)¹⁸, 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 European countries it may be of particular relevance to those imprisoned outside their own country.

Nonetheless, education, which extends beyond the narrow focus of accreditation or employment, can provide substantial personal growth and therapeutic advantages. These benefits can support effective rehabilitation and empower prisoners with the essential skills to pursue meaningful and fulfilling lives. Therefore, it is essential to promote and support educational opportunities for prisoners who are keen to expand their knowledge beyond traditional and formal learning frameworks. Reluctant prisoners are thus more likely to value and reengage with such educational opportunities.

7. Education should 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 28.4¹⁹ of the European Prison Rules, which sets out the same principle. It also complements Rule 25.1²⁰ of the European Prison Rules, which calls for prison regimes to “offer a balanced programme of activities”²¹. 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”²².

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. As all prisoners should be provided access to education, it follows that insufficient resources should not serve as a rationale to permit prison conditions to deteriorate to a level where access to education is unattainable.

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.²³ There is no exhaustive list of legitimate aims, but these may include preventing disorder and crime, and ensuring safety, security and

¹⁸ 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>

¹⁹ 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.

²⁰ European Prison Rules (Council of Europe, 2020) Rule 25.1: The regime provided for all prisoners shall offer a balanced programme of activities.

²¹ European Prison Rules (Council of Europe, 2020) Rule 25.1: The regime provided for all prisoners shall offer a balanced programme of activities.

²² 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.

²³ Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraph 56; Velyo Velez v. Bulgaria, No.16032/07, 27 May 2024, paragraph 32.

good order.²⁴ When considering whether restrictions are proportionate, member States should bear in mind the wide array of benefits that education can provide to prisoners, as explained throughout this Explanatory Memorandum. In particular, as outlined under Rule 1, the CPT has recognised the value of education in preserving prisoners' dignity,²⁵ while the ECtHR has recognised that education not only benefits those taking part but also has wider benefits to society. In its reports, the CPT has also 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.²⁶

8. *Access to education should be provided to all prisoners regardless of 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. While the rule should be applied impartially, without discrimination on any ground, it does not mean that it must be applied uniformly and without due regard to particular cohorts' specific educational needs e.g. women or members of minority or indigenous groups. Applying the rule in this way emphasises that the above 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 being held. 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. The removal or reduction of access to education should not be used as a punishment or disciplinary sanction. 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.

As acknowledged by the CPT, providing a regime of activities, including education, in remand prisons, where there is likely to be a high turnover of prisoners, poses specific challenges. However, the CPT has underlined that it is not acceptable to detain remand prisoners in their cells for up to 23 hours per day and "to leave them to their own devices for months or even years on end".²⁷ Consequently, 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 become "more varied" in nature as the duration of imprisonment increases.²⁸ 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.²⁹

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"³⁰. The CPT has also emphasised the value of maintaining access to education for individuals in high security units; stating that education can have an important role in countering the "deleterious effects" of high security units.³¹ While

²⁴ 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.

²⁵ "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>

²⁶ CPT, 31st General Report, CPT/Inf(2021)5, page 5.

²⁷ CPT, 26th General Report, CPT/Inf(2017)5, page 34.

²⁸ CPT, 26th General Report, CPT/Inf(2017)5, page 34.

²⁹ Velyo Veleve v. Bulgaria, No.16032/07, 27 May 2024, paragraph 39.

³⁰ CPT, 25th General Report, CPT/Inf(2016)10, page 40.

³¹ CPT, 11th General Report, CPT/Inf(2001)16, page 17.

facilitating access to education to those in high security units may come with additional challenges, these do not alter the overarching duty for administrations to ensure that all prisoners have access to education, as outlined in Rule 1. This is also consistent with Rule 53A of the European Prison Rules, which requires that prisoners who are separated from others as a special high security or safety measure “shall be offered at least two hours of meaningful human contact a day”.³² The Commentary to the European Prison Rules emphasises that maintaining such meaningful human contact requires face-to-face interaction.³³ Access to education can continue to form part of this meaningful human contact for prisoners in high security regimes or who are separated from other prisoners. As far as possible, this should be in association with other prisoners. Thus, prison administrations should allocate sufficient resources and staff to ensure that access to education for all prisoners, including those under restricted regimes³⁴, is not compromised due to understaffing, security concerns or regime restrictions. And as far as possible this should be in association with other prisoners. Thus, there is an onus to provide sufficient resources and staff to ensure that access to education for all prisoners, including those under restricted regimes³⁵, is not compromised due to understaffing, security concerns or regime restrictions.

Digital technology and AI offer a significant opportunity to increase participation in education, particularly for prisoners under restricted regimes. However, it is essential to recognise that these advancements should complement, rather than replace, face-to-face teaching and physical classrooms as education is built on human relationships. As outlined in the Commentary to the European Prison Rules, adopting the position outlined in the Essex Paper and also supported by the CPT, meaningful human contact “requires the human contact to be face-to-face and direct (without physical barriers) and more than fleeting or incidental, enabling empathetic interpersonal communication”.³⁶

Although there exists a strong history of distance learning within prisons, and some countries have implemented strategies to provide secure online learning, it must be acknowledged that remote and virtual interactions cannot replace human interactions in education. Using technology can improve some types of learning in some contexts. However, evidence indicates that these benefits disappear if technology is used excessively or in the absence of a qualified teacher³⁷. Thus, merely distributing laptops to prisoners, for instance, without the direct involvement of teachers in the educational process, is unlikely to enhance learning or cognitive capabilities. Technology may impart knowledge; but it is through human connection that we learn to use that knowledge. Teachers are necessary for imparting soft skills through direct, face-to-face instruction and mentorship. Developing competencies such as self-regulation, behavioural management, and social and communication skills need consistent practice and constructive feedback from a trained educator and ideally in a group context.

Thus, while acknowledging the difficult challenge for any prison service in balancing prisoner and staff safety with providing prisoners with a reasonable and humane regime, it must be reiterated that high security prisoners and those on restricted regimes should be provided with access to meaningful training and education. Where technology is used to supplement the delivery of education to this cohort, it should be provided in a targeted way, ideally in the classroom, using appropriate software with teachers sufficiently trained in digital skills.

RESPONSIBILITY FOR EDUCATION

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

³² European Prison Rules (Council of Europe, Rec(2006)2-rev), Rule 53A.

³³ Commentary to the European Prison Rules (Council of Europe, CM(2020)17-add2), Rule 53.

³⁴ Restricted regime “means the imposition of additional limitations to a detainee’s freedom beyond those experienced generally within a prison system by the detained population”. For a more detailed explanation of this definition see page 5 - <https://www.icrc.org/en/publication/4499-restrictive-regimes-places-detention>.

³⁵ Restricted regime “means the imposition of additional limitations to a detainee’s freedom beyond those experienced generally within a prison system by the detained population”. For a more detailed explanation of this definition see page 5 - <https://www.icrc.org/en/publication/4499-restrictive-regimes-places-detention>.

³⁶ Commentary to the European Prison Rules (Council of Europe, CM(2020)17-add2), Rule 53; Essex paper 3: Initial guidance on the interpretation and implementation of the Nelson Mandela Rules, Penal Reform International and the Essex Human Rights Centre at the University of Essex, 2017, pp.88-89; Report to the Government of the United Kingdom on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 25 October 2018 [CPT/Inf (2019) 29], paragraph 74 (footnote 55); Report to the Norwegian Government on the visit to Norway carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28 May to 5 June 2018 [CPT/Inf (2019) 1], paragraph 82 (footnote 2).

³⁷ <https://www.unesco.org/en/articles/unesco-issues-urgent-call-appropriate-use-technology-education>

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).

Further, any plans for the construction of new prisons or the refurbishment of the existing establishments should take into account the need for adequate premises to provide education, vocational training and out-of-cell activities, including classrooms, activity rooms, workshops and libraries.

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".

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. Sentence planning should address each individual's educational needs and strengths 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. For sentenced prisoners, ILPs should be tailored to the prisoner's projected length of stay in prison, in line with Rule 106.3 of the European Prison Rules.³⁸

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

³⁸ Rule 103, European Prison Rules (Council of Europe, 2020).

while taking into account their aspirations”.³⁹ 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.⁴⁰

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

This Rule complements Rule 106.2 of the European Prison Rules, which states that “all sentenced prisoners shall be encouraged to take part in educational and training programmes”.⁴¹ However, Rule 13 goes further and applies to remand prisoners, too. 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 categories⁴²: firstly, institutional barriers, which may include restricted access to classes or the Internet; secondly, informational barriers, 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 experiences⁴³.

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)⁴⁴ 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.

Member States should bear in mind that encouraging wider uptake in education will lead to wider benefits for prisons and prison administrations as a whole. Studies have shown that prisoners being engaged in education can impact positively on the overall culture within a prison and play a significant role in fostering effective dynamic security⁴⁵. This can come about through refined decision-making capabilities,

³⁹ Rule 28, European Prison Rules (Council of Europe, 2020).

⁴⁰ Rule 103, European Prison Rules (Council of Europe, 2020).

⁴¹ European Prison Rules (Council of Europe, Rec(2006)2-rev), Rule 106.2.

⁴² 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.

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

⁴³ Cormac Behan, ‘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).

⁴⁴ Individual learning plans, sometimes known as personal learning plan or negotiated learning plan, are a tailored or individualised educational roadmap 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.

⁴⁵ Insert references

advancements in cognitive processing, emotional growth, empathy, and self-regulation⁴⁶. Attributes which have in turn been associated with desistance from crime⁴⁷. Essentially, when prisoners participate in meaningful educational opportunities, they tend to develop into “more responsible, mature individuals who have a calming influence on other prisoners”⁴⁸ but also towards prison officers, potentially leading to safer prisons for all.

It is important to recognise that prisoners themselves are a significant and potentially impactful resource for motivating their peers. Cultivating ‘education ambassadors’ from within the student body, who are respected and trusted figures in their prison community, is a powerful means of encouraging and supporting reluctant learners. Undoubtedly, such role models exemplify a positive representation of the value of education for prisoners and staff alike. In addition to being a crucial component of adult education, fostering and empowering prisoners to become agents of change, such as peer mentors and student representatives, will also round out a whole-prison approach to education. Importantly, research has shown that when prisoners become positive role models and agents of change, they develop a deeper understanding of their own circumstances and choices, make sense of their lives and plan for their future as valued and trustworthy citizens.⁴⁹ Nurturing paradigm shifts such as this, which enable prisoners to transform their perspectives and beliefs, will empower them to move beyond a criminal lifestyle.

Citizenship education and social leadership programmes are useful in building mentorship and leadership values and skills and can enable prisoners develop the skills and competences necessary for democratic and active citizenship. It is essential that these courses go beyond simply imparting ‘the knowledge’ necessary for effective and responsible citizenship, but, more crucially, cultivate the ‘know how’ by ensuring prisoners can practise and master those skills. In short, prisoners will learn active citizenship through the practice of active citizenship.⁵⁰ By framing civic principles and know how within the context of participation in student councils for example, prisoners can build their civic dispositions, increase their social capital, and hone their leadership skills. Peer mentoring, volunteerism, advocacy and so on, builds confidence, encourages civic responsibility, and enables prisoners to empower themselves to create positive change and work towards the common good.

Thus, creating educational opportunities for prisoners to observe, emulate, and ultimately engage in the practice and application of citizenship is an essential element of the education process. Providing forums and environments that feed into the notion that prisoners can discuss to learn and learn to discuss will equalise power dynamics and allow for democratic discussion. This not only transforms the learning process but can also transform the prisoner and relationships across the prison community. However, in order to be successful and truly transformative, substantial efforts must be undertaken to guarantee appropriate and successful recruitment, training, and continuous support for the prisoners involved. Moreover, the criticality of support and buy-in from management and non-education staff cannot be overestimated.

PROVISION OF EDUCATION

As a core aspects of the education programme

14. *Prisoners should have access to secondary education in order to attain the relevant national certificate.*

In many member states, the attainment of a national educational certificate or qualification is essential for accessing specific employment opportunities or for pursuing further education. Consequently, facilitating prisoners in achieving such certification holds significant importance in preparing them for release. It is important to recognise that traditional classroom-based teaching and learning approaches 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.

⁴⁶

⁴⁷

⁴⁸

⁴⁹

⁵⁰ According to Kymlicka (2002, p.293), ‘citizenship education is not just a matter of learning the basic facts about the institutions and procedures of political life; it also involves acquiring a range of dispositions, virtues and loyalties that are immediately bound up with the practice of democratic citizenship’.

Adopting an adult and learner-centred approach to support second chance education⁵¹ 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.⁵² This approach has been justified based on the importance of these levels of education both for the individuals concerned and for "society at large".⁵³

15. *Prisoners should have access to vocational education and training in employability skills in order to enhance their employment prospects after release.*

The importance of Vocational Education and Training (VET) is emphasised throughout Rules 25 and 28 of the European Prison Rules,⁵⁴ 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 desistance from crime. 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.

16. *Prisoners should have access to higher education where appropriate in order to meet their educational needs and future aspirations.*

⁵¹ Second chance education (sometimes referred to as 'bridging programmes' or 're-integration to education programmes') is "education specifically targeted at individuals who, for a variety of reasons, never attended school or left school either before completion of the level of education in which they were enrolled or completed the level but wish to enter an education programme or occupation for which they are not yet qualified". <https://www.unescwa.org/sd-glossary/second-chance-education>

⁵² Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraphs 32, 64.

⁵³ Ponomaryovi v. Bulgaria, No. 5335/05, 28 November 2011, paragraph 56; Uzun v. Turkey, No. 37866/18, 10 November 2020, paragraph 35.

⁵⁴ See Rules 26.5, 26.6, 28.2 and 28.7 of the European Prison Rules (Council of Europe, 2020).

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”⁵⁵ and can counteract “the deleterious effects of their long-term imprisonment”⁵⁶. 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. Nonetheless, research has shown that prisoners who have undertaken higher studies courses are less likely to reoffend and reoffend less frequently than those who did not.⁵⁷ Active measures should thus be implemented to guarantee that access to higher education is a feasible option, especially for long-term prisoners.

17. Prisoners should have access to creative arts and other cultural activities in order to develop transferrable skills and enhance their cultural capital.

This Rule aims to establish creative arts and cultural activities⁵⁸ as a core component of education provision and reiterates Rule 105 of the UN Standard Minimum Rules for the Treatment of Prisoners⁵⁹ which states that “recreational and cultural activities shall be provided in all prisons for the benefit of the mental and physical health of prisoners.” Furthermore, participation in the creative arts and other cultural activities⁶⁰ is a credible and effective means to reduce recidivism and increase employability while fostering personal development and critical reflection. Research indicates that engagement in cultural activities as part of lifelong learning and education “contributes strongly to the development of a variety of important competences such as social, civic and cultural awareness, and learning to learn”⁶¹. Not only does cultural engagement allow prisoners to express themselves artistically but it exposes them to new viewpoints and offers opportunities to engage with people with different backgrounds, beliefs or values. In so doing, they may develop “greater tolerance for differences and more respect for and trust in others and that you would acquire the capacity to engage more actively in democratic life”⁶². Additionally, the arts are effective in cultivating dynamic security 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.

⁵⁵ CPT, 25th General Report, CPT/Inf(2016)10, page 40.

⁵⁶ Ibid., page 33.

⁵⁷ Pike, A., & Hopkins, S. (2019). Transformative learning: Positive identity through prison-based higher education in England and Wales. *International Journal of Bias Identity and Diversities in Education (IJBIDE)*, 4(1), 48–65. Add others as well.

⁵⁸ Cultural activities represent the diverse expressions, traditions, and practices that embody the collective values, beliefs, and historical narratives of a community or society. Participation typically encompasses a variety of customs or heritage events, including sports, folk music, traditional dance, film festivals, theatre performances, and similar activities.

⁵⁹ United Nations Standard Minimum Rules for the Treatment of Prisoners, 2015, Rule 105.

⁶⁰ Cultural activities generally consist of customs or heritage events (sports, games, music, dance, traditions) that promote shared values and contribute to or enhance aesthetic, artistic and historic shared beliefs and practices.

⁶¹

⁶²

The arts in prisons have been well documented in terms of their benefits in developing literacies skills⁶³, nurturing positive social identities, and improving employability prospects for ex-prisoners⁶⁴. Research evidence has demonstrated how participating in the arts can promote desistance from crime through fostering empathy, promoting family relationships and assisting restorative justice⁶⁵. Moreover, enhancing self-perception and esteem can nurture positive change, helping establish a sense of place in the world and promote desistance from offending⁶⁶. 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 learning⁶⁷. Accordingly, the proven role of the arts as gateway subjects to more formal learning and accreditation cannot be overemphasised.

18. *Prisoners should have access to physical education and sports in order to 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 prisoners⁶⁸. 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 personal responsibility, 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, which should also incorporate basic first aid and CPR training, 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”⁶⁹. The CPT has repeatedly called for the development of a wide range of out-of-cell activities for prisoners including education and sport.⁷⁰

19. *Prisoners should have access to digital literacy learning within a secure technical infrastructure in order to reduce the digital divide experienced by prisoners.*

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

⁶³ (Tett et al, 2012).

⁶⁴ (Koestler, 2014).

⁶⁵ <https://artsincriminaljustice.org.uk/evidence-library/>

⁶⁶ (Giordano, 2002).

⁶⁷ (Scottish Prison Service Arts Review, 2015).

⁶⁸ <https://unesdoc.unesco.org/ark:/48223/pf0000378059>

⁶⁹ CPT, 30th General Report, CPT/Information(2021)5, page 36, 39.

⁷⁰ See: CPT, 32nd General Report, CPT/Inf(2023)7, page 15; CPT, 21st General Report, CPT/Inf(2011)28, page 32.

by providing up-to-date and secure technologies will enhance prisoners' digital literacy⁷¹ 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 Learning⁷² 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 eLearning⁷³, 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 while bearing in mind the limitations and disadvantages as outlined previously under Rule 9.

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".⁷⁴ 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.⁷⁵

20. *Prisoners should have access to courses in practical life-skills in order to better manage life in prison and after release.*

Rule 20 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",⁷⁶ as well as Rule 106.2 of the European Prison Rules which calls for "a systematic programme of education, including skills training" for sentenced prisoners "with the objective of improving prisoners' overall level of education as well as their prospects of leading a responsible and crime-free life".⁷⁷ Rule 20 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 understanding⁷⁸. 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. Either way, 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 they 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.

⁷¹ Digital literacy refers to an individual's understanding and ability to confidently use digital skills required for work and everyday living.

⁷² Blended Learning, also known as hybrid learning, combines traditional face-to-face instruction with online learning components.

⁷³ 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.

⁷⁴ Mehmet Reşit Arslan and Orhan Bingöl v. Turkey, nos. 47121/06, 13988/07 and 34750/07, 18 June 2019, paragraph 59.

⁷⁵ Jankovskis v. Lithuania, No. 21575/08, 17 April 2017.

⁷⁶ Rule 6, European Prison Rules (Council of Europe, 2020).

⁷⁷ Rule 20, European Prison Rules (Council of Europe, Rec(2006)2-rev)

⁷⁸ <https://esco.ec.europa.eu/en,https://eur-lex.europa.eu/EN/legal-content/summary/eu-cooperation-in-education-and-training-et-2020.html>

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 with all education opportunities, life skill programmes should be tailored to the individual's needs and aspirations as well as their personal circumstances post-release

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.

21. *Prisoners should have access to health and wellbeing education in order to better manage life in prison and maintain a healthy lifestyle.*

The World Health Organization (WHO) has deemed prisons as in need of significant health improvement, given the potential to improve the wellbeing of a vulnerable population and tackle the substantial health disparities between prisoners and the general population⁷⁹. Undoubtedly a whole prison approach is most effective in meeting this challenge and such an approach considers health service delivery in terms of different layers from the individual prisoner to the overarching prison culture. The potential of education to support this layered objective cannot be overstated, particularly in terms of its role in health promotion and health resilience.

While there is a clear role for education in the provision of health information and resources in a way that is accessible to prisoners, the potential to help change unhealthy behaviour through capacity building and understanding is also significant. A cross-curricular approach involving all subject areas, particularly PE, life skills and basic skills courses, may be more efficacious than offering standalone courses in achieving this and peer-to-peer learning and mentorship can be a powerful and positive factor in this domain.

Regardless of whether health and wellbeing education is provided through separate courses or woven into the broader curriculum, and whether it is delivered in collaboration with other prison services or on its own, it is important to allocate space for it within the prison curriculum. Additionally, it should be designed and delivered with a view to augmenting and complementing the efforts of the health care team. For instance, teaching wellbeing and resilience strategies in a safe and supportive environment where prisoners feel comfortable discussing their mental health and learn how to ask for and accept help from others will set a solid foundation, through increased motivation and readiness for more in-depth or clinical work with specialist services such as psychologists or drug counsellors.

By collaborating in this way with health services and canvassing prisoners, the curriculum can then be weighted towards specific health care concerns that are relevant to that prison. For example, drug overdose prevention may be prioritised in one prison or specific area within a prison, whereas suicide prevention may take precedence in another. Courses on infection control measures may be crucial in a prison with a high turnover of prisoners, while courses on noncontagious chronic diseases may be more pertinent in a prison with a large number of older prisoners. Adopting a collaborative, flexible and target approach such as this will enhance not only the healthcare awareness and personal well-being of individual prisoners but can significantly contribute to the overall health, safety, and welfare of all prisoners and staff.

It is significant to note that the United Nations Bangkok Rules recognise the importance that education can play for women prisoners in particular, requiring that they “receive education and information about preventive health-care measures, including on HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions” as well as encouraging peer-based education and requiring further education on women's health care.⁸⁰ However, as with more general health education, access to sexual health and relationships education that is comprehensive, inclusive and culturally relevant should be available to all prisoners regardless of gender.

⁷⁹ <https://iris.who.int/bitstream/handle/10665/128603/9789289050593-eng.pdf?sequence=3&isAllowed=y>

⁸⁰ United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (A/RES/65/229), Rules 14, 17 and 38.

ADDITIONAL EDUCATIONAL SUPPORT FOR SPECIFIC GROUPS

22. *Particular attention should be directed to addressing the specific needs of prisoners requiring support for their learning, including:*

- a) Prisoners requiring support in adult literacies, to enable them to better manage life in prison, to enhance their employability, and to prepare for release.

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.⁸¹

Traditionally, literacy skills are often defined by the learner's ability to demonstrate the 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 comprehension⁸². Moreover, it should be noted that most literacy learners will require some numeracy support alongside any literacy programme.

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, CPD 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., a ILP 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, digital resources, etc).
- b) Prisoners identified as being neurodiverse or as experiencing mental health issues, to enable them to better manage life in prison, to enhance their employability, and to prepare for release.

Recent research has made significant advances in the identification of conditions that fall within the spectrum of neuro-diversity.⁸³

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 imprisonment⁸⁴. One of the principal challenges in this area of intervention is the disparity of the various terms and definitions used to describe such conditions⁸⁵. 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

⁸¹ Rule 28, European Prison Rules (Council of Europe, 2020).

⁸² See also Scottish Government 2011, Barton et al 2000.

⁸³ 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).

⁸⁴ (Loucks, 2007).

⁸⁵ (Kirby, 2018).

or as “neat boxes separate and discrete from each other”⁸⁶. It is not unusual for multiple learning difficulties to be present with an individual and it may not be possible to capture these in a single assessment, owing to the complexity and range of difficulties experienced by each individual.

Accordingly, a person-centred and holistic approach should be taken with each individual to determine their specific needs and abilities. 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.

- c) Foreign prisoners, to enable them improve their communication and comprehension skills, to enable them to better manage life in prison, and to prepare for release.

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 member states it is acknowledged that this involves a significant resource commitment to be met.

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 prisoners⁸⁷ 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 staff. 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 effective. 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.⁸⁸

⁸⁹ Accordingly, education staff should be trained to respect cultural diversity and to understand the particular educational problems faced by foreign, migrant and ethnic minority prisoners.

Similar to the situation of foreign prisoners, individuals from minority ethnic backgrounds, such as Irish Travellers and Roma, encounter a range of unique challenges that set them apart from the broader prison population. Minority ethnic groups or indigenous require targeted and culturally sensitive educational support, given their historically negative educational experiences. This negativity is evidenced by their significantly lower participation, retention, and completion rates in all levels of mainstream education. In light of this, efforts should be directed to ensuring equity of access, opportunity and outcomes, while also promoting meaningful participation in education, that acknowledges and values their cultures and ethnic identities.

CO-OPERATION AND COLLABORATION WITH THE COMMUNITY

⁸⁶ (Kirby, et al, 2018)

⁸⁷ Recommendation CM Rec(2012)12 of the Committee of Ministers to member States concerning foreign prisoners (Council of Europe, 2012).

⁸⁸ CM(2019)111-add, Guidelines regarding recruitment, selection, education, training and professional development of prison and probation staff (Council of Europe, 2019).

⁸⁹ See also: Committee of Ministers Recommendation Rec(2006)2-rev of 1 July 2020 to member states on the European Prison Rules, rule 81.3; Committee of Ministers Recommendation CM/Rec(2012)12 of 10 October 2012 to member states concerning foreign prisoners, rule 39.2. Committee of Ministers Recommendation CM/Rec(2012)12 of 10 October 2012 to member states concerning foreign prisoners, rule 12.

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

As outlined earlier, 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 learners⁹⁰.

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 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.

Building on the principle of normalisation and the perspective that prison education centres can create “pockets of normality”⁹¹ within the otherwise stringent and highly regulated prison environment, it is essential that prison educators remain uninvolved in the punishment of prisoners. In a similar vein, it is essential for prison educators to maintain a focus on education, viewing “the prisoner primarily as an adult in need of education and only secondarily as a criminal in need of reform”⁹². In this way, the education centre becomes a supportive environment or “emotional zone”⁹³ where the prisoner can embrace their identity as a learner, providing them with the necessary space and time to distance themselves from the more difficult and often detrimental aspects of prison life.

24. *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

⁹⁰ <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

⁹¹ Nyvoll, P. (2025). Patient or prisoner? Perceptions of prison healthcare services in Norway and the conflict between care and control. *Incarceration*, 6.

⁹² Warner 2017.

⁹³ Crewe B, Warr J, Bennett P, et al. (2014) The emotional geography of prison life. *Theoretical Criminology* 18(1): 56-74. Wilson A (2004) ‘Four days and a breakfast - time, space and literacy/ies in the prison community’ in Leander K and Sheehy M (eds.) *Space Matters: Assertions of Space in Literacy Practice and Research*. New York: Peter Lang.

educational resources, books and other media”.⁹⁴ Every prisoner, (regardless of location or risk category) should have access to adequate browsing time, ideally daily, including evenings and weekends.⁹⁵ Establishing library standards (see bullet points below) will help guarantee prison libraries offer services that align with those found in the community, addressing the informational, cultural, educational, statutory, and recreational needs of inmates. This would encompass access to digital services and online libraries where suitable.

It is advisable that prison libraries be structured in accordance with the public library model. The significance of public libraries in fostering lifelong learning, promoting independent decision-making, and supporting the cultural development of individuals⁹⁶ is particularly relevant in the education of prisoners. Moreover, 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.⁹⁷ Such collaboration can significantly widen access to a broader range of information and resources for prisoners. Not only does it enable collaboration on resources but it also allows for engagement with guest lecturers, book clubs, creative writing groups, national and local writing competitions, and other community initiatives.

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. Libraries 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.”⁹⁸ In essence, 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.

The following checklist of good practice may be useful when drafting library standards and assuring quality of service:

- Is the library service commensurate with services in the community?
- Does the library service meet the informational, cultural, educational, statutory and recreational needs of the prison population? Does it include relevant legal texts?
- Does prison management exercise discretion in excluding or limiting specific publications if deemed inappropriate for reasons of security?
- Do all prisoners (including those on restricted regimes) have access to adequate browsing time in the library?
- Do prisoners have access to information in safe and secure electronic or digital formats?
- Is the library service managed by professional library staff, supported by prison staff and volunteers from within the prison population, and operated in partnership with community library services?
- Is the library promoted and supported as a valuable resource and location for developing adult literacies and addressing other educational needs?
- Does the library service work in partnership with educational services and other relevant agencies within the prison to support prisoner health and wellbeing, information access, self-development, and social engagement?

⁹⁴ Rule 28, European Prison Rules (Council of Europe 2020).

⁹⁵ See: IFLA Guidelines for Library Services to Prisoners (4th ed), International Federation of Library Associations and Institutions, Garner J. And Krolak L. (Eds), February 2023: <https://repository.ifla.org/server/api/core/bitstreams/683cb004-4748-4899-83a4-ab73acbce9ff/content> which recommends on p9 that “Library services should be available for use based on the facility and prisoner schedules - ideally daily, including evenings and weekends.”

⁹⁶ <https://www.ifla.org/wp-content/uploads/2019/05/assets/public-libraries/publications/PL-manifesto/pl-manifesto-en.pdf>

⁹⁷ Rule 28, European Prison Rules (Council of Europe 2020).

⁹⁸ Recommendation CM Rec(2012)12 of the Committee of Ministers to member States concerning foreign prisoners.

- Is the library recognised as a valuable resource and location for developing employability skills? Are prisoner volunteers trained accordingly?
- Does the library provide support in preparing prisoners for release and life in the community?
- Is the library accommodation and furniture fit for purpose?
- Is there an agreed stock budget per prisoner per annum that is based on operating capacity?
- Are statistics on usage and access recorded to inform continuous improvement and manage all aspects of library services?
- Is the library service reviewed on a regular basis to ensure alignment with strategic goals, effective service delivery, and support for the needs of the prison population?

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

Both this Rule and Rule 26 are within the spirit of Rule 88 of the Nelson Mandela Rules, which states that “The treatment of prisoners should emphasize not their exclusion from the community but their continuing part in it”.⁹⁹ 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”.¹⁰⁰ 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 educational institutions”.¹⁰¹ Taken together and alongside Rule 27 of the present Recommendation, all 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”.¹⁰²

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 that “the treatment of prisoners should emphasise not their exclusion from the community but their continuing part in it”¹⁰³. As is the case with much of this Recommendation, it is rooted in 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 acclimatize 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.

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

This Rule is consistent with Rule 88 of the Nelson Mandela Rules, which states that “Community agencies should...be enlisted wherever possible to assist the prison staff”¹⁰⁴ in rehabilitative activities, of which education is a core component. 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 initiative, 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

⁹⁹ UN Minimum Standard Rules for Prisoners 2015 (The Nelson Mandela Rules), Rule 88.

¹⁰⁰ Rule 28, European Prison Rules (Council of Europe, 2020).

¹⁰¹ Rule 28, European Prison Rules (Council of Europe, 2020).

¹⁰² Rules 5, 7, European Prison Rules (Council of Europe, 2020).

¹⁰³ Rule 88(1) of United Nations Mandela Rules.

¹⁰⁴ UN Minimum Standard Rules for Prisoners 2015 (The Nelson Mandela Rules), Rule 88.

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.

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

In some member States 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 prison education should consider the overall effectiveness and teaching methodologies employed within an adult education framework. Such inspections should involve:

- 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.

28. Research should be sufficiently funded and undertaken regularly to update the curriculum, methodology, and infrastructure 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.