

## EDUCATION AT PENITENTIARY INSTITUTIONS IN SOME POST-SOVIET COUNTRIES

### Abstract

*This article aims to discuss the organization of education for persons held in penitentiary institutions in 4 post-Soviet countries (Armenia, Belarus, Moldova, Ukraine). This discussion focuses on the relevant governing legislation, and approaches related to different education levels in target countries are being reviewed and mapped. The article is based on a review of social-pedagogical literature pertaining to the goals of education in penitentiaries and a study, summary, and analysis of the processes and documents related to the educational programs implemented in the penitentiaries of the mentioned countries.*

**Keywords:** *prison education, post-Soviet countries, re-socialization, andragogy, right to education, access to and accessibility of education.*

### Introduction

The main purpose of social-pedagogical work in penitentiaries, including education, has been a separate topic of discussion since the 1800s. Some believe that they should be a useful tool for the offender while serving a sentence, while others claim that the main purpose of organizing educational work in penitentiaries is to rehabilitate a person in order to prevent recidivism. Thus, in fundamental social-pedagogical literature, the following approaches to social pedagogical work in penitentiaries are distinguished:

According to V. A. Nikitina, the state's task is not only to punish a person convicted of a crime but, first of all, the rehabilitation and return of a convicted person to society as a socially healthy person/citizen. V. A. Nikitina promotes different forms of pedagogical interaction with persons held in penitentiaries, based on its object (individual, group, mass), the subject (pedagogue, group of teachers, group of convicts, collective of convicts), and the place of the educational process (classroom, club, gym, etc.) as well as according to the use of the dominant method in the educational process (lectures, conversations, exercises, debates, etc.) (Nikitina, V. A., 2000, 154-176). According to Yu. V. Vasilkova, the educational process in penitentiaries should take place in four directions: legal, moral, labour, physical and sanitary. An important part of this process is the education in the form of general education or vocational education, which should be

to acquire a specialization by the offender that can be necessary after serving a sentence. The involvement of convicts in the social activities of the correctional facility is also key to rehabilitation. Adoption of particular approaches to rehabilitation of girls and women is emphasized as they have a faster degradation process due to their psychophysiological characteristics (Vasilkova, Yu. V., 2001, 149-151). *M. A. Galaguzova* believes that the essence of the rehabilitation of persons sentenced to imprisonment is a change in a person's social and moral orientations, the assimilation of values established by society, which ultimately contributes to his/her more successful socialization. *M. A. Galaguzova* emphasizes that the formation and development of pedagogical activities in such institutions is conditioned, first of all, by public needs, and consequently, the state should set a goal for development of law-abiding behavior in every citizen, without which it is impossible to ensure public security and the state system in general (*Galaguzova M. A., Mardakhayev L. V., 2002, 149-151*). According to *L. V. Mardakhayev* the "activation" of self-education and self-development of convicts has a significant role. It should become a leading process in the whole system of educational activities of convicts. Its primary purpose is to involve a convict in self-education / self-development activities, helping the person to realize the need to overcome his or her own negative traits. "It should be aimed at transforming the object of upbringing to the subject of rehabilitation", this is the whole essence of the educational activity in the correctional institutions. *Mardakhayev* also considers civic education as one of the main goals of the work carried out in penitentiaries. He singles out three directions of educational work in correctional institutions; correctional-educational, labour-educational, punitive-educational (presupposes correction and re-education according to the criminal code of a given country) (*Mardakhayev L. V., 2005, 188-206*). *N. F. Basov*, based on the Criminal Procedure Code of the Russian Federation, states that educational work with persons sentenced to imprisonment should aim at correcting them, as well as developing respect for human beings, society, work, norms, rules, traditions, raising their educational and cultural level (*Basov N. F., Basova V.M., Kravchenko A.N., 2006, 96-98*). *O. V. Botayeva* views a significant part of the educational work in penitentiaries the provision of helpful employment for those serving sentences in the form of work. This approach becomes more relevant considering the fact that the main task of the administrative staff of penitentiaries should be to set up joint ventures in line with market-type structures and to attract third-party investments to create additional jobs (*Botayeva O. V., 2011, 158-160*).

In the Western system, there are many definitions and approaches to the purpose of education in penitentiaries, which have evolved over time due to various historical events.

Thus, *B. I. Wolford* stated in 1989 that the purpose of education in penitentiaries could be classified into six main areas:

- to provide basic academic and professional skills to detainees,
- to enable prisoners to change their personal behaviour and values,
- to reduce recidivism,
- to ensure passive control over the behaviour of detainees,
- to support the operational needs of the correctional facility,
- to provide institutional work tasks (Wolford, B. I, 1989, 356-368)

*D. Werner (1990)* believed that the purpose of educating prisoners was to empower an individual, based on the idea that the individual has the potential to be more than he or she is now (while in prison). *M. Umbert and Smith (1991)* considered the goal of education in penitentiaries to be the restoration of the society (Jonathan E. Messemer, Ed.D.,2011) *P. Freyer (1996)* considered that providing education in prisons was a second opportunity for the state to integrate the individual into the logic of the current social system, *S. Taylor (2014)* stated that education can enrich, change and develop a person throughout life, and the goal of education for prisoners is to increase their self-esteem, which will allow them to choose a more constructive way of life (H.L. Poole, 2015). *T. Gehring and C. Egleston (2007)*, historians of prison education state that “the conversion of prisons into schools is a historic event in the prison reform process” that began more than two hundred years ago as the “humanistic dream of Western civilization”. They conclude that penitentiary education and prison reform share the same goals: to reform prisons and prisoners. According to *R. Coley and P. Barton (2006)*, society, of course, suffers from crime, but it will only get worse if these people return to society without work skills; therefore, the aim should be to teach the skills required in the labour market, *R. Hunt (2010)* believes that education is a tool for creating future opportunities for people in penitentiaries (G. Vandala, 2010). *R. Wright (2008)* thinks that the goal of education in many prison systems is to be one of the key elements in the process of change. He emphasizes that prison education is much broader than traditional classroom activities. Although a classroom can provide space for formal education, learning there can occur at different times and in different places, as in the case of other educational processes (C. Behan,2014,20-31).

While the role of education in the process of rehabilitation of prisoners and its efficiency is still a matter of debate among scholars, a large number of studies and theories support the idea that the effective return of a prisoner to society can be achieved by access to a variety of educational programs and initiatives and their effective

organization. By agreeing with the above-mentioned fundamental approaches, we believe that the right to education of those serving sentences is an inalienable right of a person to acquire knowledge, skills and abilities, to develop a positive position/attitude, to normal integration in the society and effective re-socialization on the one hand, and self-realization, self-expression, self-discovery and personal growth on the other hand, regardless of the social status, location and other factors related to the person.

### **Materials and Methods**

The article is based on a review of social-pedagogical literature related to the goals of education in penitentiaries and a study, summary, and analysis of the processes and documents related to the educational programs implemented in the penitentiaries of the mentioned countries.

### **Results and Discussion**

#### **Education at penitentiary institutions in 4 post-soviet countries**

Below we will review the prison education practices in some post-Soviet countries. The selection of countries (Armenia, Belarus, Moldova, Ukraine) is conditioned by the fact that those countries are members of the International Network of Penitentiary Education in the Eastern Partnership and Central Asia (2017), which allows having agreed approaches and frameworks to prison education structures. At the same time, the Republic of Armenia, through the Ministry of Justice and partner organizations, in collaboration with the three countries mentioned above, and with the financial support of the German Ministry of Foreign Affairs, has been implementing the project "Active for Education in Prison" since 2018 targeting prison education advocacy, diversity of educational programs in penitentiaries, capacity building, and several other areas related to prison education. In order to carry out a comparative analysis, we will consider the national/domestic regulations for the organization of education in penitentiaries and the educational programs being implemented (International Network of Penitentiary Education in the Eastern Partnership and Central Asia, 2017).

Thus, the educational process carried out in the penitentiaries of the *Republic of Belarus*, its legislative-practical regulations can be described as progressive, as it has a number of approaches, which are in line with the international standards and approaches in the field. In particular, if we review the policy level, we can see that the right to education is enshrined in the Constitution (Constitution of the Republic of Belarus, 1994, Article 49), and the Law on Education establishes guarantees for the citizen to exercise the right to education (Education Code of the Republic of Belarus, 2011, Article 2). Another progressive aspect is that in Belarusian penitentiaries, convicts have access to computer

equipment with limited usage time because distance learning is considered an effective means of organizing the education of convicts. In this sense, to provide secondary professional, higher and continuing education, special centres are established in penitentiaries connected to the global Internet (with limited access only to the information resources of the official website of the educational institution). Another important aspect is that, depending on the type of the penitentiary, convicts are allowed to have an out-of-penitentiary visit to take entrance exams or current exams, to attend interviews, and intermediate learning, penitentiary-type convicts are also allowed to be transferred from one penitentiary to another with the purpose of obtaining or continuing education (Criminal Executive Code of the Republic of Belarus, 2000, Article 72, part 2). At the same time, there is a certain restriction as the Penitentiary Code does not regulate the education for life prisoners. Still, the penitentiary administration creates conditions for their self-education (Criminal Executive Code of the Republic of Belarus, 2000, Article 173, part 5-1). As for the organization of education itself, general secondary education in Belarus is available to minors and is provided in schools located in the penitentiary: if there are none, secondary or basic education can only be obtained through an externship. Secondary vocational education is provided in vocational schools located within the area of the penitentiary, and if such schools are not available, there is an opportunity to acquire vocational skills /specialization in industrial organizations located in the territory of the penitentiary. The main directions are hairdressing, woodworking, tiling, machine building, stove making, etc. Higher education is provided through special distance learning centres operating in penitentiaries on a paid basis (at the expense of a convicted person). The main directions are psychology, information management, accounting/auditing, economics, etc. Additional and continuing education is mainly implemented in collective educational activities, including educational and enlightenment activities (lectures, thematic discussions, quizzes, etc.). There are also "Re-socialization Schools" in penitentiaries that prepare the convict for release a few months early. The work is carried out both by the penitentiary staff and by other public sectors NGOs (Katcova T.M., Pastushenya A.N., Kasyanenko, 2020).

The educational process in the penitentiaries of the *Republic of Moldova* can be described as individualized. As in the previous case, the right to education is enshrined in the Constitution (Constitution of Moldova, 1994, Article 35). An interesting difference is the fact that the Penitentiary Code envisages personalization and planning of serving a sentence, which implies the application of individual approaches to the person serving a sentence. In this case, educational work, professional training and general education are

considered as a means of correction (Executive Code of the Republic of Moldova, 2004, Article 167). In Moldova, the goal of education in penitentiaries is “. . . to acquaint them with the universal values, to obey the law, to develop useful social skills, as well as to raise the level of consciousness and culture” (Executive Code of the Republic of Moldova, 2004, Article 242). In 2009, the Penitentiary Service of Moldova approved the "Individual Plan for the Execution of Criminal Sentences for Prisoners", based on which, in 2018, a methodology for individual re-socialization plans for juvenile offenders was developed. Individual rehabilitation work for convicts is evidenced by the fact that the following programs are approved and implemented at the policy level: for example, Literacy program, Program for organizing physical education and sports events for convicts, General and vocational training program, Sex Aggressive Behavior Change Program, Active citizenship education program. "How can I live differently?" action plan to reduce juvenile delinquency, Psychosocial program for elderly convicts with disabilities, etc. From the organization of education, general secondary education for minors is organized following a joint decision of the Ministries of Education, Justice and Finance. The current legislation provides measures for adult prisoners if they wish to receive secondary education. At the request of a convicted person, the penitentiary, in collaboration with the local self-government bodies, provides the necessary secondary professional (vocational) conditions and higher education. At the same time, vocational training (Professional training) in penitentiaries is mandatory for getting a job while serving a sentence and preparing themselves for the job market before being released.

It should be noted that they are available for juveniles sentenced to life imprisonment but are not mandatory. These are carried out based on past or temporarily approved programs (accreditation). In the prison education system of Moldova, non-formal programs are implemented in such areas as literacy and social education. Upon entering the penitentiary, the prisoner's level of literacy is assessed, after which, if necessary or at the request of the prisoner, literacy measures are organized. This program includes those convicts who can read and write in other languages. Under social education, positive relations activities are organized, such as developing social skills and communication skills: cultural-aesthetic events (exhibitions, concerts, etc.) are also an important part. In the process of reforms in the penitentiary sphere in 2018, a new specialization was formed to develop spiritual education: teacher of spiritual and moral education. As a result of this change, the issues of moral education and rehabilitation of convicts have been significantly improved. In the case of all the above-mentioned initiatives and programs, some are mandatory. Some are voluntary, depending on the individual re-socialization

plan of the person serving a sentence (Representative Office DVV International in Moldova, 2020).

The right to education in the *Ukrainian People's Republic* is enshrined in the Constitution (Constitution of the Republic of Ukraine, 1996, Article 35). The Penitentiary Code defines certain forms of education that prisoners may have access to while serving their sentences. At the same time, their mechanisms and implementation procedures have not been clarified yet. From the point of view of the organization of education, general education is carried out by an educational institution located in the territory penitentiary, and professional education is carried out in two ways: in the form of training in vocational and technical centres and the workshop of the institution. Such centres are certified state vocational education institutions of the first or second level, which carry out preliminary professional training, preparation and retraining of persons sentenced to imprisonment. Convicts can also receive higher education through distance learning, but existing regulations provide little precondition for higher education access. An essential part of the formal education process is the evening (boarding) schools that take the form of evening school classrooms in some cases. As for non-formal and continuing education, the current penitentiary legislation does not provide separate norms directly related to it. Non-formal education among convicts is mainly aimed at social and educational activities, in the particular acquisition of independent life skills, including personal responsibility, drug addiction, family-personal relationships, economic viability, prevention of HIV / AIDS, other sexually transmitted infections, tuberculosis, etc. (Representative Office DVV International in Ukraine, 2020).

In the *Republic of Armenia*, as in the previously mentioned countries, the right to education is considered constitutional, according to which "Everyone has the right to education" (Constitution of the Republic of Armenia, 2015, Article 38). The RA Law on Education does not directly address the education for persons in penitentiaries, but among the principles of the state policy in the field of Education is the access to education, continuity, sequence, relevance to the level of development, requirements and level of readiness so as the state minimum is ensured (Law on Education of the Republic of Armenia, 1999, Article 5, part 2). According to the current Criminal Executive Code, the general and primary vocational education of a detainee or convict, except for juvenile detainees or convicts, may be carried out in the form of external education (Criminal Executive Code of the Republic of Armenia, 2005). Regulations in the penitentiary system provide ample opportunities for the organization of education for convicts, and education legislation, respectively, provides for such opportunities, but with certain limitations. All

education levels are available to all persons held in penitentiaries, regardless of their type of sentence.

In contrast to Belarus, lifers in Armenia participate in educational processes. From the point of view of the organization of education itself, secondary general education is organized in two main ways: general education for minors conducted by the "Legal Education and Rehabilitation Programs Implementation Center" SNCO of the Ministry of Justice of the Republic of Armenia and implemented mainly in the form of group education, and for adults in the "Artik" evening school. General education for adults must be available in only 1 of the 12 penitentiaries where the above-mentioned evening school is located. Secondary vocational and formal vocational education is generally not provided, and postgraduate education is organized on the individual initiative of the convicted person. From the point of view of distance learning, any type of telecommunication means is prohibited in RA penitentiaries. There are restrictions on the application of the mechanisms provided by the education legislation. The educational processes in the RA penitentiaries are mainly informal. The program "Aesthetic education of offenders" is the only stable, continuous, institutional tool in place for convicts (in the form of non-formal training). It has been implemented since 2004 and includes courses in applied arts, foreign languages, business literacy and computer skills training. In the case of all the mentioned initiatives and programs, only minors' general education is compulsory. The others are voluntary, depending on the desire of the person serving a sentence (Representative Office DVV International in Armenia, 2020).

## **Conclusion**

Summarizing the approaches to prison education in the mentioned post-Soviet countries (Armenia, Belarus, Moldova, Ukraine), we can emphasize that:

- In these post-Soviet countries, the right to education is enshrined as a constitutional right. Access to education is one of the fundamental principles of education policy reflected in respective laws on Education.
- Education for penitentiaries is organized at all levels (from general education to postgraduate). In some cases, clear restrictions are depending on the type of punishment; for example, educational programs for lifers are not implemented.
- The processes of organizing education in the penitentiaries of these post-Soviet countries have certain similarities at the level of general education. Still, at the secondary professional, higher and postgraduate levels, the educational processes are organized with different approaches.



- The organization of education and the participation in educational programs and initiatives are mainly carried out at the person's request serving a sentence and are rarely mandatory.
- The prison education system of Belarus is advanced in terms of distance learning. The prison education system of Moldova is more advanced in terms of individualization and approaches.

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