

Original article

UDC 343.85:378

doi 10.46741/2686-9764.2023.63.3.012



Higher Education for Convicts Provided in Foreign Correctional Institutions with the Help of Distance Learning Technologies

OL'GA YU. EL'CHANINOVA

Research Institute of the Federal Penal Service of Russia, Moscow, Russia,
olga220169_69@mail.ru, <https://orcid.org/0000-0002-7667-9609>

Abstract

Introduction: the problem of the low level of education of persons serving sentences in correctional institutions is worldwide. In addition, offenders with a low level of general and digital literacy, being isolated from society, find themselves unprepared for the conditions of a rapidly changing world. All this creates conditions for increasing social marginalization of prisoners and, as a result, spreading recidivism. Therefore, obtaining education by convicts and increasing their educational level is one of the effective methods of resocialization and reducing recidivism rates; besides, it creates opportunities to increase their competitiveness in the labor market after release. Multi-level convict training programs are implemented in penitentiary institutions of most countries. It is most difficult to realize convicts' right to higher education in institutions of the penal system that execute punishments related to the isolation of convicts from society, therefore, the emphasis is placed on this category. *Purpose:* to study the possibility for prisoners to receive higher education with the help of distance technologies in foreign correctional institutions. *Research objectives:* to systematize empirical data on penitentiary systems of foreign countries, models and forms of distance learning of convicts undertaking higher education programs; to identify sources of funding and incentives for convicts to receive higher education in places of deprivation of liberty; to analyze problems of implementing higher education programs in penitentiary institutions of foreign countries. *Methods:* dialectical method, used to consider interrelated and interdependent concepts "education" and "correction", principles, and requirements of distance learning of persons held in penitentiary institutions of foreign countries; formal legal and hermeneutic methods, applied to analyze legislative and other regulatory documents on the topic; logical semantic method, used to determine the essence and significance of forms and methods of distance learning that have an effect on convicts; structural and comparative legal methods, applied to identify stages and features of the development of distance learning in higher education programs in penitentiary systems of foreign countries. *Results:* the study makes it possible to evaluate models of vocational education in a number of foreign countries aimed at widening convicts' abilities and knowledge in order to guarantee their employment after release. *Conclusion:* the author comes to the conclusion that most countries recognize the value of prison education as a way of reintegration of convicts. Education is part of a wider range of proposed activities that are aimed at achieving a comprehensive goal of correcting them and reducing recidivism rates. Improving the educational level of convicts contributes to their competitiveness

after release. Educational programs are implemented in various forms: from face-to-face non-credit workshops conducted by volunteers to drawing up a business plan with a degree. The learning process, as a rule, is carried out in a mixed format. Teachers and university students come to correctional institutions to conduct face-to-face classes. Educational programs are adjusted depending on the profile of convicts in a particular country. The most effective programs are those that take into account the local situation and individual needs of convicts. In many foreign countries, conditions are created for the implementation of educational programs of higher education for people in isolation with the use of distance education technologies. The issue of providing educational services to convicts is resolved based on the capabilities of the educational organization and the correctional institution itself. However, due to the low availability of this level of education, the percentage of convicts receiving academic degrees in a correctional institution remains low in foreign countries.

Key words: academic degrees; higher education; distance educational technologies; correctional institution; modular educational programs; convicts; resocialization.

5.8.1. General pedagogy, history of pedagogy and education.

For citation: El'chaninova O.Yu. Higher education for convicts provided in foreign correctional institutions with the help of distance learning technologies. *Penitentiary Science*, 2023, vol. 17, no. 3 (63), pp. 337–344. doi 10.46741/2686-9764.2023.63.3.012.

Introduction

Researchers and practitioners discuss the question of how convicts realize the right to education and what level of education they can claim. There is no uniformity among scientists. Most researchers recognize that receiving education from general to higher education in isolation contributes to the correction of convicts, expands their horizons, forms new moral foundations, and reduces recidivism. However, there are also those who believe that obtaining higher education is a privilege that should not be granted in isolation.

An analysis of the penitentiary practice of foreign countries shows that education is one of the main priorities in the system of execution of sentences and is the right of the convicted person. In addition, education is crucial for reducing recidivism and crime rates [1]. S.I. Kuzmin and A.A. Sivova describe the study conducted in the United States, revealing that convicts who have received education while serving their sentences, upon leaving the correctional institution, do not commit crimes in the future, and the recidivism rate in this category amounts to 16%. At the same time, the recidivism rate is 70% among convicts who have not received an education. In addition, it is found that the costs

for keeping a recidivist amount to 25 thousand dollars per year [2, p. 51]. Thus, the economic feasibility of the educational process of convicts does not require additional evidence, as well as the fact that the higher the level of education of the convict, the higher his/her opportunities to be employed after release and financially well-off [3, p. 194].

The majority of foreign countries follow international standards and achievements in implementing convicts' right to education. International standards for the protection of human rights, including the rights of convicted persons, not only enshrine the rights and obligations of individuals to education, but also provide a system of legal guarantees for detention, underscoring the importance of this activity from the standpoint of achieving the goal of correction. Most international instruments have been developed within the framework of the United Nations. Universal legal instruments that enshrine the right of everyone to education include the 1948 Universal Declaration of Human Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1960 Convention against Discrimination in Education, the 1989 Convention on the Rights of the Child, and the 1995 Convention of the Com-

monwealth of Independent States on the Rights and Fundamental Freedoms of the Person [4].

Distance learning in places of deprivation of liberty becomes an integral part of state programs for the correction of prisoners, is important for penitentiary systems and provides the most constructive solution to a number of problems of rehabilitation and social adaptation of convicted persons [5]. In terms of the realization of the convict's right to higher education, the most difficult legal and regulatory aspects are those of the penal system, which carries out punishments connected with the isolation of convicted persons from society. Therefore, the current study focuses on this category of convicted persons.

We will consider models of higher education programs for convicts held in foreign correctional institutions.

In Great Britain, the prison education system formed earlier than in other countries. There exists an important network of partner universities working to improve access routes and opportunities for convicted persons to higher education; support new and existing partnerships between prisons and universities through the exchange and promotion of best practices; and influence academic and prison policy.

The Prisoners Education Trust (PET) has a 30-year history of work with prisons. It offers more than 125 different distance learning courses in prisons in England, Wales, the Channel Islands and the Isle of Man: from social assistance to transport and logistics, A-levels, and open university access modules [7].

In England and Wales, about 1,000 convicts receive higher education (Leeds Beckett University, University of Birmingham, Open University (OU), etc.). Most prison education projects are carried out in partnership with the St Giles Trust.

The Open University is the largest university in the United Kingdom, and many of its programs focus on prison-based learning. It has been supporting convicted students since the 1970s by offering courses ranging from short-term modules to full-fledged bachelor and graduate programs. Since 2017, the Open Justice Center at the Open University Law School carries out legal education projects in eleven prisons in England and Wales: HMP Altcourse, HMP Cardiff, HMP Dovegate, HMP Kwood,

HMP Sudbury, HMP Leiter HMP Foston Hall, HMP Send, HMP High Down, HMP Wandsworth and HMP Wormwood Scrubs.

At university, most convicts undergo bachelor's degree programs. To do this, they should have B2 level English. Before reaching that level, they take courses to be prepared for bachelor's degree programs. It can be carried out within the framework of the project "Open Book", implemented in partnership with Goldsmith, University of London [7]. A special feature of this project is that some lectures are given by former convicts who have considerable personal experience in the prison environment and have graduated from university.

Since 2016, the University of Newman has been implementing a higher education program at the HM Prison Birmingham called "Admission directly to the university". This partnership, created as part of the "Learning Together" program and inspired by "the Prison-to-College Pipeline" in the John Jay College, is aimed at providing convicts with loans that will be a significant springboard for higher education after their release.

Those who have received a bachelor's degree may apply for a Master's degree (MA or MSc), which is the next level of higher education [7].

In a number of prison institutions, a pilot project of co-education of graduate law students and convicts is implemented. In order to consolidate the knowledge gained in practice, both categories of students identify areas requiring legal assistance in prison. Convicted persons are engaged in the development of educational materials aimed at resolving problems of deportation, family and labor law, etc., then these papers are reviewed by law students. After approval, they may give legal advice to other convicted persons [8]. Legal knowledge is disseminated through prison radio. The United Kingdom's prisons actively use the Virtual Campus platform (VC). It offers a number of educational applications (examinations and courses) and employment (job search, job application, rewriting and secure messaging); provides convicted persons with secure access to the information on the VC and a limited number of sites from the so-called white list.

Requests for posting content on the platform are reviewed and approved by the Virtual Cam-

pus Management Board to check whether all the content is suitable for use in prison. Currently, Internet service providers give priority to accrued software, but non-accredited content (for instance, BBC Writers) is also available. Prisoners use the platform under the supervision of a teacher or prison officer. The service is available in 105 prisons of England and Wales [7].

Moodle virtual learning environment is also actively involved in the learning process. Convicted persons plan and organize their own learning process by choosing modular training programs. After selecting a specific module, they submit an application to the Open University for reservation. Further, with the support of PET counsellors, convicted students complete a distance learning questionnaire and a registration agreement form. Once all organizational matters are agreed between the prison institution and the university, the PET staff order the course material at the university one week before it begins and act as mentors to the convicted persons [7].

The experience of the Federal Republic of Germany in the organization of the educational process for convicts is of particular interest. German legislation reflects that the main purpose of serving a sentence is to correct convicts and implement programs for rehabilitation and reintegration into society.

In some German prisons, convicts with completed secondary education have the opportunity to distance learning to get higher education. Since not all penitentiary facilities provide such a possibility, convicts who meet university requirements and want to get higher education can be transferred from other prisons.

The University of Hagen is the leader institution for convicted students; it offers various forms of training, ranging from advanced training to academic degrees. Due to the application of the concept of mixed education, convicted persons are provided with educational content in various forms. In addition to the training materials in hard copy, digital media are used. Lessons are conducted in video conference mode on the ZOOM platform. With studyPORT, the University of Hagen provides a user-friendly portal environment. Digital services, important for distance learning, can be managed from studyPORT (e.g., Moodle, virtual learning site, examination portal, university library catalogue,

etc.). Each distance learning course has a portal that provides comprehensive information on the content and process of distance learning.

Convicts take oral exams at their place of detention, using video conference or written communication, sending the completed tasks by e-mail. Registration for the exam is done through the examination portal. Participation in face-to-face activities and examinations shall be governed by individual prison conditions [9]. For example, the Hagen University provides 16 distance learning places for convicts held the correctional facility in W rzburg [10, p. 223].

At the Allensbach University of Applied Sciences convicts can obtain a bachelor's degree by distance using the modern learning environment. These include online lectures and workshops, learning applications, Internet courses and seminars.

There is no free access to the Internet for convicted prisoners in German prisons, but at the request of the prison safe and restricted access can be established, through which one can connect to the e-learning systems of the educational institution daily from 8.00 to 15.00 for doing tasks or ordering specialized literature. It is allowed to send and receive e-mails but only under supervision of correctional officers. A copy of each incoming and outgoing electronic document is sent to the institution employee responsible for the said category of convicted persons [10, p. 223].

Detention conditions for convicted students differ. In most institutions, it is prohibited to have a stationary computer in the cell, so special rooms with access to computers and teaching materials are provided so that students can prepare and print qualifying papers. At the same time, the training takes place under constant control of the staff, who check what convicts are doing [10, pp. 224].

A big incentive for convicts in Germany is the fact that they can get higher education free of charge. It is believed that education can change convicted persons' attitudes and make them law-abiding citizens able to integrate into the labor market after release, accept social support and prevent further relapse. Today, however, this approach is increasingly criticized by the most conservative part of German society, which advocates the provision of such services only on a reimbursable basis.

Portugal belongs to the Iberian type of prison system, which does not have private prisons. One of its special features is the existence of so-called family prisons, that is, the staff, regime, cells, organization of work and training of convicts in such a penitentiary institution are adapted to the specifics of keeping spouses. Another feature is the prison authorities of the Directorate-General of Reintegration and Prison Services (DGRSP) are subordinate to the Ministry of Justice and the Ministry of Internal Administration. The Portuguese penitentiary system consists of 51 correctional facilities of several types: 15 central prisons (high, medium and low security) for convicts sentenced to imprisonment of more than 6 months; 31 regional prisons for convicted prisoners sentenced to prison terms of less than 6 months and 5 special prisons for female prisoners, juveniles (12 to 16 years old, in some cases minors may be kept in these institutions until the age of 21), former policemen, persons suffering from diseases requiring permanent medical care [9].

The Portuguese Association of Prison Education (APEnP) plays an important role in popularizing educational programs of higher education among convicts. It has its offices at the University of Tr s-os-Montes and Alto Douro (UTAD), at the School of Human and Social Sciences (ECHS). In 2017, the first meeting of the General Assembly of the Portuguese Association of Prison Education (APEnP) was held at the University of Tr s-os-Montes and Alto Douro (UTAD) in Vila Real. The APEnP program was adopted, which includes the following areas:

- stimulating and improving the education system in Portugal prisons in accordance with the Recommendations of the Council of Europe;
- solving the problem of low qualifications of convicts by motivating them to participate in educational programs, courses and modules of higher education;
- coordination of training programs for teachers operating in the prison context;
- conducting research at the national level in order to communicate with specialists who teach in prisons.

Two projects on e-learning in prisons have been implemented in Portugal: “EPRIS” (2015) and “Educação a Distância e e-Learning em Estabelecimentos Prisionais em Portugal. Desen-

volvimento e Avaliação de um Modelo Pedagógico Inclusivo” (2016) [9].

In 2016, an agreement was signed between the Directorate-General of Reintegration and Prison Services (DGRSP) and the Open University on the creation and development of a Virtual Campus with secure access and content for convicts to get higher education using distance and e-learning [6].

Finland’s experience in organizing educational space for convicts is also worth considering. Education is organized by educational institutions operating outside the prison. Expenses are covered by the Ministry of Education and Culture, and premises and materials are provided by prisons.

In 2015, amendments regarding electronic communications and a number of specializations were added to the Imprisonment Act, thus expanding the rights of convicts to receive all levels of education, including higher.

Since 2012, all open prisons have been equipped with virtual desktop infrastructure provided by Oracle (VDI devices). Convicts use the so-called dumb terminal (screen, keyboard, mouse, smart card reader) [11].

A convicted person may be granted permission to use the Internet to solve educational and legal issues or for other important reasons, for example, for e-learning and contacts with the authorities. In a closed-type prison, convict’s access to non-authorized websites is blocked. Permission may be granted if the use of the Internet does not threaten the security of the prison. A convict may be allowed to send and receive emails to maintain contact with teachers, resolve legal issues, or for other important reason. E-mails sent and received must pass through a server controlled by prison staff. Outgoing emails are forwarded only after the prison officer evaluates them. Permission may be granted if their detention does not threaten the order in the prison or the safety of a prisoner or another person, if the sender and recipient of the communication are properly checked.

Convicts log into the electronic system using a prison smart card (not a personal one), software and administration on an external server (Fujitsu) [11]. In closed-type prisons, the use of the Internet has been tested in educational projects. iPads have been tested to communicate with the teacher via Adobe Connect. Since

2015, a pilot project with the use of VDI devices has been implemented in closed-type prisons; convicts can only access the closed Moodle learning environment. Internet links can be replaced by other educational materials (texts, illustrations). All the material is posted on the Moodle educational platform; convicts and teachers can send messages to each other. Final and intermediate certification is also carried out on this platform.

Thus, in most foreign prisons, convicts have the opportunity to realize the right to education. However, the range of what is offered and how it is organized and presented differs significantly in different institutions. Professional orientation and counseling allow convicts to expand their participation in educational programs and help them adapt to society. Thus, in Greece, all convicts participating in educational programs have access to information about educational opportunities inside and outside the prison, as well as about possibilities of subsequent employment. In the UK, Germany, and Ireland, vocational guidance specialists work with convicts, including in search of further training opportunities, both during the process of serving a sentence and after release [9].

In most countries, the certificates received by convicts do not differ from those issued by educational institutions in general, they do not contain information that education is received in a correctional institution. This is one of the significant incentives for the motivation of convicts to get an education. In the USA, it is practiced to grant early release to convicts for successful educational activities (participation in research, project development, etc.) [12].

Another incentive for obtaining higher education is the practice of allowing certain categories of convicts to participate in educational programs outside the penitentiary. A pilot project was implemented in Lithuania, Malta and Romania, in which convicts attended educational courses outside the prison. For example, in Malta, this is already an established practice. It concerns convicts who have served six months of punishment (as minimum), if they are convicted for a term of 18 months or more. The educational process takes place at the Malta College of Arts, Sciences and Technology (MCAST), the Institute of Tourism Studies and the University of Malta. The reasons for the

emergence of such a practice are the following: the opportunity to receive other ("prestigious") diplomas than those issued by penitentiary institutions; limited capacity of penitentiary institutions; more successful reintegration into society; promotion of a responsible attitude to classes in order to meet requirements of educational institutions of this level.

At the same time, the percentage of convicts receiving certificates of higher education in foreign prisons remains low, and there are several reasons for this: convicts' low level of education; insignificant number of prisons with conditions for providing convicts with the opportunity to obtain higher education; limited skills of convicts in the field of information educational technologies; low language proficiency; health restrictions (presence of a disability); and limited access of convicts to the Internet for educational purposes with regard to security requirements of correctional institutions. Reasons of an institutional nature are the following: interrupted training caused by transfer to another institution; personnel shortage; and insufficient places for convicts to study. Psychological reasons are also important: unsuccessful previous experience, low self-esteem, problems with drug addiction, learning difficulties, etc. Material reasons include high tuition fees for higher education programs and origin from a socially disadvantaged environment.

Conclusions

1. Most countries recognize the value of prison education as a way to re-socialize convicts and a useful period of detention. Improving the educational level of convicts contributes to their competitiveness after release.

2. In many foreign countries, conditions are created for the implementation of educational programs of higher education of persons in correctional institutions using distance education technologies.

3. Educational programs are adjusted depending on the profile of convicts in a particular country. The unique situation has an impact on the needs of convicts and educational decisions and programs. The most effective programs are those that take into account the local situation and convicts' individual needs.

4. For admission, convicts, like other potential students, should have at least secondary education or a certificate of passing a qualifying

exam, fill out an application and provide necessary documents to be enrolled in the university education program. Most forms are filled out on paper if access to a computer is not provided.

5. The learning process is usually carried out in a mixed format. Teachers and university students come to correctional institutions to conduct face-to-face classes.

6. In most correctional institutions, educational path consultants assist convicts in developing an individual training plan and advise on issues related to programs available in a particular correctional institution. Lessons are often conducted in the same way as in a traditional educational institution, but with restrictions, including the specifics of the regime of detention of convicts, technical and technological limitations.

Summing it up, we can state that most countries have a system of higher education programs for those serving sentences in places of deprivation of liberty. However, there is no unified model of higher education in foreign prisons. In each specific case, the issue of educating convicts at the university is decided based

on possibilities of the parties. As many regions and countries, there are so many different approaches to the organization of higher education for those sentenced to imprisonment.

The Russian penal system also has positive experience in teaching convicts according to higher education programs. More than a dozen and a half Russian state and commercial universities provide them with such an opportunity. It is advisable to increase the number of educational organizations developing modular programs implemented in isolation. We believe that familiarity with foreign experience will make it possible to create a network of partner organizations to assist convicts, for example, by creating specialized funds for prison scholarships, prison education funds, etc. We consider it promising to expand incentives, limits and ways of informing convicts about options of training inside and outside the correctional institution and possibilities of subsequent employment. This issue is of particular importance for convicts who have interrupted their studies at the university due to a criminal record.

REFERENCES

- Lochner L.J., Moretti E. The Effect of Education on Crime: Evidence from Prison Inmates, Arrests, and Self-Reports. *American Economic Review*, 2004, vol. 94, no. 1, pp. 155–189.
- Kuz'min S.I., Sivova A.A. Organization of distance learning in a penitentiary institution: problems, methods and technologies. *Vedomosti ugolovno-ispolnitel'noi sistemy = Vedomosti of the Penal System*, 2021, no. 4 (227), pp. 50–55. (In Russ.).
- Sivova A.A. Realization of the right to education of persons in places of deprivation of liberty. *Voprosy pedagogiki = Questions of Pedagogy*, 2019, no. 4–2, pp. 193–196. (In Russ.).
- Konventsii i soglasheniya [Conventions and Agreements]*. Available at: https://www.un.org/ru/documents_conv/conventions/pactecon.shtml (accessed June 29, 2023).
- Zagulova D.V., Zhilyakov V.P. Modern information technologies and e-learning as one of the most important means of social adaptation and rehabilitation of convicts. *Sovremennye informatsionnye tekhnologii i IT-obrazovanie = Modern Information Technologies and IT Education*, 2011, no. 7, pp. 342–347. (In Russ.)
- Schmidt P. College programs for prisoners, long neglected, win new support. *The Chronicle of Higher Education*, 2002, vol. 48, no. 22, February, 8.
- Prisoners' Education Trust*. Available at: <https://www.prisonerseducation.org.uk/get-support/prison-staff/our-courses/> (accessed June 29, 2023).
- Salan F. *Distantcionnoe obuchenie v tyur'makh: pravo ili privilegiya? Situatsii studentov-osuzhdennykh [Distance learning in prisons: law or privilege? Situations of convicted students]*. Available at: https://dw-international.org.ua/fileadmin/files/eastern_neighbors/Belarus/Publications/survey_on_prison_education_and_training-ru.pdf (accessed June 29, 2023).
- Gallego M.J.C., Rojas A.V. *Diagnosis of state of higher education in penal institutions in Europe*. Available at: <https://dialnet.unirioja.es/servlet/libro?codigo=886307> (accessed June 29, 2023).
- Krasnyanskaya I.I., Leiba S.S. Education under custodial circumstances in Germany. *Zakon i pravo = Law and Legislation*, 2022, no. 2, pp. 222–225. (In Russ.).
- Langelid T., Svensson S., Raundrup K. *Nordic prison education – a lifelong perspective*. Available at: [2023, vol. 17, no. 3 \(63\)](https://www.epea.org/wp-content/uploads/EPEA10-K2-Torfinn-Langelid-Norway-

</div>
<div data-bbox=)

Svenolov-Svensson-Sweden-Kaj-Raundrup-Denmark-Nordic-Prison-Education-A-Lifelong-Perspective.pdf (accessed June 29, 2023).

12. *Prison College Programs/ Correspondence College Courses for prisoners*. Available at: <https://federalcriminaldefenseattorney.com/correspondence-programs/undergraduate-degree/> (accessed June 29, 2023).

СВЕДЕНИЯ ОБ АВТОРЕ / INFORMATION ABOUT THE AUTHOR

OL'GA YU. EL'CHANINOVA – Candidate of Sciences (History), Associate Professor, Master of Law, Leading Researcher at the Department for the Study of Domestic and Foreign Experience, History of the Penal System, Comparative Analysis of Penitentiary Legislation of the Research Institute of the Federal Penal Service of Russia, Moscow, Russia, olga220169_69@mail.ru, <https://orcid.org/0000-0002-7667-9609>

Received July 27, 2022
