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# PRISON EDUCATION

## Are legal frameworks a help or hindrance?

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## ABSTRACT

*This report presents an overview of the legal landscape in Europe as it relates to prison education, researched and written as part of the Erasmus + transnational SkillHUBS project, and drawing on examples from several countries. On one hand, there are European and International ‘rules’, conventions and recommendations which refer to or focus entirely on prison education and prisoners’ rights to education. In most if not all cases, these are not expressly legally binding although they may be referenced in individual national laws. On the other, there are national laws, policy frameworks and strategies which in reality determine the prison education agenda within individual nations’ borders. Collectively, these have a profound effect and impact on what and how education is delivered, practiced and experienced in the prison context, which in turn has significant impact on education outcomes for prisoner learners and probabilities for recidivism on release. Arguably, the entire rationale for prison education rests on global evidence supporting the proposition that educating prisoners positively mediates against re-offending on release. The present investigation finds a universal reference to mitigating against recidivism as the primary aim of prison education. A surprising finding, and again, one shared in studies from different countries, is that ‘qualifications’ earned through prison education are not the significant influencing factor in reducing re-offending: it is the taking part in the educational experience. Employment and well-being are connected – correlated – to reductions in recidivism with, in turn, benefits for society and the treasury. The stakes, consequently, for legal frameworks to set the right agenda and determinants for prison education are high. The question – are legal frameworks a help or hindrance – is addressed with the answer that they do help provided they enable the delivery of a fit-for-purpose, contemporary education, and with rules that are mandatory.*

## ABOUT SKILLHUBS

SkillHUBS is an Erasmus+ funded transnational project which has the aim of transforming adult prison education through the introduction of a distinctive teaching and learning methodology known as ‘the Engine’. The Engine methodology went into pilot at 3 prison institutions in 3 different countries – Slovenia, Malta and Romania – starting in the summer of 2019, and completing and reporting at the end of January 2020.

The Engine is theoretically grounded in transformative and co-creative learning theories, based on an underlying theory of change which embraces whole organisation change at the cultural and operational level. It is specifically designed for adult learning within a prison context. With a focus on short, informal, vocationally-embedded ‘edusperiences’, its most distinctive feature lies in co-creating educative experiences emphasising basic and transversal skills, but contextualised within larger learning themes such as business entrepreneurial skills. In this way, the Engine challenges head-on the systemic reported ‘obsession’ with instructor-led literacy and numeracy courses, mostly drawing on a schools’ curriculum and traditional teaching methods which research shows to be both inappropriate for adult learning and in particular for the type of learner profile seen in prison populations. Through transforming learning, the aim of the SkillHUBS model is to equip offenders with the ‘right stuff’ – not just skills, but also attitudes and beliefs – to be able to re-integrate meaningfully and positively with family, society and the world of work through the gate.

## INTRODUCTION

The general background against which this report is set is two-fold. First, data from OECD and PIACC suggest that one in 5 of working age European Union (EU) citizens has low literacy and numeracy levels, and which is shown to be even higher amongst the unemployed. 1 in 4 adults lack the basic digital skills to make effective use of everyday ICT. In England, for instance, even amongst university students, 1 in 10 are shown to have basic skills levels less than Level 2<sup>1</sup>.

Secondly, the connection between skills and employment is not only common sense but is supported in policy: the EU's Education and Training 2020, published in 2010, for instance emphasises the connection between education, employment and poverty. Prison offenders are generally characterised as having very low levels of skills compared to the national average<sup>2</sup>. Building on these perspectives, and specific to systems of justice and punishment, the connection is also made between education and reductions in recidivism.

The argument is simple: education can make a positive difference between re-offending and not re-offending, with the legal frameworks determining the constituents of that education provision and experience.

This report considers the legislative landscape in Europe as it relates to and impacts on prison education. The Council of Europe is the body largely responsible for those European-level legal instruments applicable to prison conditions in general, the individual rights of prison offenders and prison education in particular. Each member state of the European Union has its own legal frameworks which may or may not specify prison education, and which may or may not draw upon the Council of Europe's instruments, or indeed any other convention relevant to human rights, at European or international level.

This is a highly complex landscape in which the simple task of discovering the most up to date prison population statistic for Europe is problematic. Arguably, variation in the types and definitions of categories of offenders across Europe – e.g., sentenced inmates, prisoners on remand, prisoners on probation, and so on – combined with the differences in how data are collected between individual institutions and between nations, make the attempt to reify the sector to a set of universally applicable formulae and categories somewhat risky.

The same challenges created through heterogeneity are found with statistics of recidivism in which the definition of recidivism can subtly differ between nations, as does the nature of the data gathered and its associated research methodology<sup>3</sup>. As Sanders highlights in her global survey of the impact of education on re-offending rates, it is not possible to apply a universal formula to draw meaningful direct comparisons between different nations.

Predictably, the national legislative frameworks applicable to prison education are as varied in their contents, and objectives, as the data and practices which they impact.

For these reasons, the present report makes no attempt to draw between nation comparisons, nor draw general principles beyond those which are clearly evidenced.

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<sup>1</sup> Level 2 in England equates to a CSE / GCSE qualification mainly done by students in secondary education.

<sup>2</sup> SkillHubs: transnational prison up-skilling guidance and training model, 2019

<sup>3</sup> Sanders, A. (2016). *Reducing Reoffending – can we assess the contribution of prison education?* London: Education and Training Foundation.

The report starts with a brief account of why prison education is focus of attention, followed by a review of the relevant and current European level legislation. Next, drawing on a small number of examples, the report explores the legal frameworks as applied in European Member states, with a speculation as to the extent these are consistent with European legislation. This is followed by an overview of prison education practice, again drawing on specific exemplars from the literature in an attempt to identify what works in practice. In the subsequent discussion, inferences are drawn about the ways in which national prison legal frameworks may or may not impede or support good prison education practice, and with what effect on the ultimate goal of education in prison – a reduction in recidivism. The paper concludes with some remarks and recommendations drawing on the evidence and arguments presented here.

#### WHY IS PRISON EDUCATION A FOCUS OF ATTENTION?

As of September 2016, around 860,000 individuals were being held in prisons across Europe (excluding Russia), a rise of 2.2% on the previous year according to a recent news item.<sup>4</sup> However, in the report on which this news item is based, there is no reference to this population total: in fact, in the report's 115 pages, there is no mention of a total European population figure. As the authors note in their annual penal statistics report on behalf of the Council for Penological Cooperation of the Council of Europe care should be taken with prison statistics as they do not include all European nations' information, nor is there any meaningful consistency in what and how data is collected (Aebi and Tiago, 2018). None-the-less, Aebi *et al.* indicate 2016 showing a general increase in prison population in contrast to a trend since 2012 for population decrease. Taking that prison population at face value, one can conclude that there are around 1 million individuals incarcerated in prison and, according to various sources of evidence, that population will contain a significant percentage of low-skilled individuals<sup>5</sup>.

The provision of education in prisons is increasingly acknowledged by governments, not just in Europe but across the world, as a factor in reducing recidivism, as well as in improving personal well-being and social capital<sup>6</sup>. The rationale is that ex-offenders who are able to gain suitable and meaningful employment are less likely to re-offend, with positive consequences for communities, society and the public purse. Logically, the ability to gain meaningful employment rests to a large extent on individual competencies and qualifications. Somewhat counter-intuitively though, the research evidence suggests that formal educational qualifications are not significantly correlated with reductions in recidivism or securing formal employment. Rather, it is the engagement in education – any education – which matters<sup>7</sup>.

Of course, the picture is more complex than this and includes, for instance, factors such as the employer's disposition to overlook any prejudice against employing an ex-offender. Not every individual who leaves prison with more skills and / or qualifications than they had when they entered will desist from re-offending. There is no firm guarantee that educated ex-offenders, in employment or otherwise, will not subsequently re-offend.

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<sup>4</sup> <https://www.theparliamentmagazine.eu/articles/news/council-europe-releases-new-prison-statistics> [Online]. Accessed 11.11.19

<sup>5</sup> GHK Consulting (2013). Prison Education and Training in Europe: current state-of-play and challenges. Brussels: European Commission

<sup>6</sup> Baranger, J., Rousseau, D., Mastroilli, M and Matesanz, J. (2018). Doing Time Wisely: the social and personal benefits of higher education in prisons. *The Prison Journal*, 1: 24

<sup>7</sup> E.g., Evaluation of prisoner learning: initial impacts and delivery, (2018). London: HM Prison & Probation Service.

The evidence is clear and compelling from multiple countries that education – particularly post-secondary education – is an important factor in *reducing* re-offending rates. In her wide-ranging investigation of measures, policies and practices in various countries in order to determine the impact of education on re-offending rates, Sanders (2016) notes that post-release support as well as changes in attitudes and behaviours around personal responsibility are also key impacting factors.

Given the validity of this evidence, how do legal frameworks influence the delivery and practice of prison education of a suitability quality, relevance and consistency with mainstream education?

#### WHAT DOES THE EUROPEAN LEVEL LEGISLATION SAY?

The Council of Europe Committee of Ministers Recommendations No R (89) 12 of the Committee of Ministers to Member States on Education in Prison makes 17 recommendations. These are not legally binding on member states of the Council of Europe (which includes all member states of the European Union): they are recommendations, and they have not been meaningfully updated since their publication in 1989. The other major piece of legal framework produced by the Council of Europe that is relevant to the topic under discussion are the 2006 Prison Rules, which contain a small section on education. Similar to the 1989 Recommendations, these are not legal requirements but are endorsed politically<sup>8</sup>. At the time of writing it is understood that this legal framework is currently being independently reviewed, but reportedly the section on education is not.

In essence these documents set out a number of key themes and standards, including the following:

- An offender's right to education is fundamental.
- Recognition that many offenders have little and /or poor experience of education and that their education needs are high. Consequently, prison authorities should pay particular attention to those with special education needs with priority given to those with literacy and numeracy needs<sup>9</sup>.
- The importance of integrating prison education provision into the mainstream educational provision and community.
- The importance on tailoring education provision according to individual needs, preferences and aspirations.
- Prison education is both an important humanising practice and an important way of returning released prisoners to their communities.
- Importantly, and specific to the Prison Rules (2006), 'Education should have no less a status than work....and prisoners shall not be disadvantaged financially or otherwise by taking part in education.'

In 2013, two studies conducted by the European Prison Observatory both note that many of the recommendations made by the (European) Prison Rules (2006) are not 'widely respected' (see "Prison Conditions in Member States") in the member states 'examined'. An unpublished report commissioned by Europris, which makes proposals for updating the 1989 Prison Education Recommendations, notes that these are also not widely adhered to, or delivered on<sup>10</sup>.

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<sup>8</sup> Prison conditions in the Member States: selected European standards and best practices (2017). A briefing paper. Brussels: European Parliament

<sup>9</sup> This is an obvious point in need of updating to take into account the increasing importance of digital skills as essential to everyday living and working.

<sup>10</sup> Report on the Review of European Prison Education Policy and update of the Council of Europe Recommendations on Prison Education (1989), 2019. The Hague: Europris

The 2019 Europris report, in proposing an update to the 1989 Prison Education Rules, speculates that part of the challenge is a heterogeneity over definition of what is meant by education. This is linked to a perceived lack of clarity over the main purpose of education. Further, the report critically notes the ‘obsessive emphasis’ of most prison education on the basic skills, and that education is widely seen as a ‘privilege’ rather than a right. These findings are drawn from self-reporting surveys submitted by representatives of prisons in Europe. This, of course, immediately raises a counterpoint with one of the primary thrusts of the Prison Rules (2006) and original 1989 Recommendations: that of paying particular attention to basic skills.

The report can now turn to look briefly at what some European nations cast as their national legal frameworks relevant to prison education.

### WHAT DO EUROPEAN NATIONS SAY?

Based on publicly available legal frameworks, discovered during the research stage of this project<sup>11</sup>, the following presents a brief summary account from the documents of various countries, presented here for no other reason than that their frameworks were in fact discoverable!

#### Austria

**Correctional Services in Austria 2016** (English translation) places emphasis on education that aims to ‘improve inmates’ ways’, to help them to understand their guilt and wrong-doing. In some cases, inmates are given temporary leave of absence for vocational training and further education. There are various options for training and further education, depending on the availability of facilities. Short, specialised courses are also offered (e.g., cooking, languages), with learners receiving a certificate of attendance. There is some provision for distance learning: this is afforded through a programme called “Tele-learning for Prison Inmates” where inmates are able to use computer workstations to access various courses such as general education, maths, languages, accountancy and so on.

This document is not so much a legal framework, but more of a descriptive account of what Austria is practising in terms of prison services, including education and training.

#### Malta

**Prisons Regulations, 1995, Education section amended 2016** (English translation), Article 46: “Education, Social welfare and contacts with the outside world” is the main article referencing education. With the prison director responsible for maintaining education and training facilities, special attention is to be given to the ‘illiterate’ (although note that no definition is given for this term), and the young. Education is positioned as an ‘activity of the prison regime’, with education given equal status to that of work. In this way, education must take place during normal working hours as part of an authorised individual training programme. In addition to this formal provision, informal education in the form of ‘spare-time’ activities are also to be arranged with inmates afforded all reasonable access to facilities to pursue their interests. Article 16 declares that inmates may given access to external facilities / institutions in order to further their education and training. On first admission to the institution, reports are to be prepared for each inmate, including their educational background. However, there is no mention of any kind of formal skills assessment.

#### Romania

**Law No 254 of 19 July, updated 7 February 2014** (English translation) states that “The purpose of enforcement of custodial sentence and educational measures involving deprivation of liberty is to

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<sup>11</sup> Identifying and gaining access to contemporary, accessible legal frameworks proved extremely challenging.

prevent the commission of new offences”, thus connecting custody with education, and education with desistance. This is a lengthy and detailed legal framework which deals in detail with all aspects of imprisonment, conditions, and rules. Specific to education:

- Chapter 3 accords inmates with the ability to engage in education, school education and vocational training activities in spaces which are specially designated for such activities.
- In determining the enforcement regime for each individual, the assessed needs and abilities of the individual are to be taken into account.
- Unless the sentencing judge prohibits it, inmates have the right to education.
- Chapter 7 states that the purpose of education is social re-integration, and that all persons should have their educational needs and abilities assessed and given an individualised plan of assessment and educational intervention.
- Chapter 7 goes on to specifically state that vocational training should be given in accordance with the individual’s skills and options, using specialised professionals and appropriately designated spaces.
- Interestingly, rewards for showing good conduct with work or educational activities may take the form of increased access to digital resources as well as visits and permission to engage in external visits.

**National Strategy for the Social Reintegration of Persons Deprived of Liberty (2015-2019)**, which is not a legal framework, but more a set of research based recommendations, defines education, psychological support and social assistance (noting that in both of these documents those three functions nearly always go together) being “the structured approach, consisting of all activities using methods and techniques in each area of intervention, oriented to compensate needs or identified risks, in the context of facilitating social re-integration.” This document references all relevant international and European regulations on human rights, including the Council of Europe’s 1989 Recommendations.

#### England

**Prison Education and Library Services for Adult prisons in England Policy Framework 2019** sets out the minimum mandatory requirements to deliver education and library services in adult prisons in England. This specifically references the Human Rights Act of 1999 as well as the European Convention on Human Rights, GDPR, and the 2006 Prison Rules. Governors have the duty and are accountable for ensuring compliance with the contents of this Framework. The key requirements and themes include:

- Learning provision should be appropriate to the needs and aspirations of offenders, and responsive to the employment markets into which the offender will be released at the end of their sentence. This is the first time that we see any direct reference to the needs of relevant employment markets within the context of prison education frameworks.
- The purpose of education is to enhance the offender’s ability to secure and maintain employment on release. In addition to this, the aim of education is to build social capital, improve the individual’s life skills and wellbeing, and support a reduction in re-offending.
- What is apparently missing from this framework is an explicit reference to education being considered on an equivalent level with prison working, or that offenders should not lose out financially through engaging in education.
- A significant part of the framework details how and what education loans offenders may be able to apply for. It should however be noted that the notion of inmates being able to apply for loans to engage in Higher Education has been part of the framework since at least 2012<sup>12</sup>.

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<sup>12</sup> Evaluation of prisoner learning: initial impacts and delivery, 2018. London: HM Prison & Probation Service

- The framework sets out the required core common curriculum to be delivered – maths, English, ICT and ESOL, with individual assessment carried out on entry, on transfer between prisons and on release.
- All data concerning inmates' assessments, learning plans and achievements is to be recorded to a single centralised computing system, accessible across the estate with implications for data and its management.
- A significant development brought introduced this framework is that as far as the seven key education subject areas are concerned, the nominated awarding body must be used thus enabling an offender to move from one prison to another and yet be able to continue with his or her studies with the same awarding body.

More recently, the Government has announced the establishment of a new Prison Education Service which will be responsible for all education and skills training.

### Wales

A recent review of offender learning in Wales<sup>13</sup>, an independent review carried out across the Welsh prison estate comprising 6 prisons, makes 22 recommendations, which are currently being considered by the Welsh authorities. These are wide-ranging, including accountability structures, stakeholders, and with an emphasis on employment. To that end, the report recommends that labour market information is continually monitored and shared with relevant authorities. Most of the key recommendations are explicitly concerned with employment and career development, and with no mention of a common or core curriculum.

This, however, is not a legal framework, and so an exhaustive account is not made here.

### Scotland

**Learning and Skills Strategy 2016 – 2021** has five main themes: engaging learners, strengthening partnerships, ensuring high quality learning opportunities, improving the capacity to respond and evidencing success. Strategic priorities include taking a person-centric approach, developing a holistic approach through developing relations with existing partners, developing a range of high quality, creative and flexible learning opportunities to meet the prison population's changing needs, managing resources to maximise learning environments and taking an evidence-based approach. Interestingly, there is a complete absence of any emphasis on employment skills, links to employers, or labour market data as seen in the policy framework for England, and recommendations for Wales.

Again, this is a strategy, rather than a legal framework.

### Northern Ireland

**NIPS Learning and Skills Policy** which has no date, and therefore a question must be raised over its currency, states a commitment to developing, embedding in partnership a learning and skills service, and to encourage prison offenders to make best use of education and vocational training services with opportunities linked to the employment market. The way that education and skills services are managed is changing to a service which places the inmate at the centre of the system, and with the focus on meeting the individual's needs as far as possible. The focus and driver are on ex-offenders

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<sup>13</sup> Reforming Outcomes: A review of Offender Education in Wales, Hanson, D. (2019)



gaining employment. Education programmes have a focus on basic skills – literacy, numeracy, ICT, employability skills and general personal development skills.

Vocational training delivers 12 courses, with instructors all qualified to NVQ level. Education is dealt with separately in this policy document, with its key components including initial screening, personal learning plans, and a mandatory core curriculum of essential skills (as noted earlier) including citizenship skills.

Another document, the **Northern Ireland Prison Services ‘Prisons 2020 – Delivery Plan (Year 1)’**, is also not a legal framework. This sets out an extremely detailed vision for a strategic implementation plan for the whole prison estate in Northern Ireland. There is no mention of recidivism, and only one reference to education in the context of Community Education programmes.

### WHAT HAPPENS IN PRACTICE?

Norway, a member of the European Economic Area, is the standout nation amongst its European neighbours in terms of prison education. Distinctively, Norway’s penal law has the central position that the restriction of liberty through incarceration is sufficient punishment, with no other rights being removed. In this way, convicted offenders are entitled to the same rights as any other citizen, including the right to education. According to Sanders’ (2016) report, in 2015, the Norwegian delegation to the European Prison Education Association conference presented their ‘Another Spring’ initiative which synthesises three strategies for prison education. First is a focus on knowledge sharing where stakeholder organisations including the correctional services and educators come together in joint conferences to share information, experience and practice. The second strategy focuses on research and evaluation which has the aim of establishing a sound knowledge base. For instance, one research project identified three motive categories for offenders who seek to engage in education: (1) future planning, (2) social reasons and escapism, and (3) competence building. The third strategy focuses on experimental and design work: for instance, one project trials developing co-operation between prison schools and prison workshops. Between 2006 and 2009, Norway recorded a reduction in recidivism rates.

Elsewhere it is reported that all newly recruited prison officers in Norway take a two-year education course in the dedicated Staff Academy, with topics including psychology, criminology, human rights and ethics<sup>14</sup>. This practice is likely to be unique amongst European nations.

Between 2002 and 2010, the Netherlands reduced its re-offending rates, and has one of the lowest prison populations in Europe, according to Sanders. Each prisoner has the same basic programme of work, education, personal visits etc., and can earn additional privileges through good behaviour, including additional education opportunities. Education is seen on a par with work, as an essential part of the prison system, based on the central thesis that education reduces recidivism.

In Northern Ireland the focus is on the connection between employment and reductions in re-offending. The objective of education is to learn the skills relevant to securing employment, and through employment, to reduce the probability of re-offending. Known as ‘JobTrack’, the project ran for two decades and led to a reduction in re-offending of up to 24% in 2015. The legacy of this project can be seen in the Learning and Skills Policy reported earlier which puts emphasis on employment through education.

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<sup>14</sup> Coyle, A., and Fair, H. (2018). *A Human Rights Approach to Prison Management*, 3rd edition. London: Institute for Criminal Policy Research

By contrast, Sanders reports that the Scottish Government does not explicitly acknowledge a connection between education and reductions in re-offending as of 2016. This appears to remain the case with the current Scottish Prison Service strategy making no mention of recidivism or re-offending.

An unpublished report by the University of Glasgow<sup>15</sup> reports a survey of prison education practice across Europe. Caution is recommended in considering the reported findings in that this is a self-reporting survey, and there is no clarity on which member of the responding prison institution staff actually makes the response. It is also unquestioningly biased in favour of an Arts curriculum rather than a vocational or basic skills curriculum. That aside, an interesting finding is that while opinions are nearly universal that institutional 'vision statements' are consistent with the 1989 Council of Europe recommendations, which implies both awareness and knowledge of these which is in itself a useful point, barely half of respondents expressed confidence in policy actually achieving these aims (the vision). It is also useful to note how, once again, there is a consistency in the expressed emphasis on the role of education being to reduce recidivism. The report also notes frequent reference to an education approach which is 'person-centric': however, what the report does not explicitly note is the considerable variation in what 'person-centric' education means.

Most respondents reported their education focusing on a core number of general subjects and vocational skills, with more than half of respondents indicating literacy and numeracy skills as the top priority. Nearly half have some kind of restricted access to education: for instance, in relation to violent offenders and foreign nationals with limited foreign language skills. In some cases, offenders are unable to engage in education because they are not able to produce documentary proof of prior educational qualifications earned.

Another interesting finding is that more than half report offenders having some access to the internet, and basic training in computer software applications being available. An absence from the core curriculum is the Arts which many agree is an important aspect of education, but which few offer as part of their education curriculum.

Two reports commissioned by the UK Government (referenced earlier, Evaluation of Prisoner Learning (2018), and Exploring the Outcomes of prisoner Learners (2017)), drawing on empirical research, both make the case for the connection between education and reductions in re-offending, and post-release employment. The former offers an interesting perspective on what are seen as the barriers to 'impact' – that is, the potential for education to have an impact on re-offending rates: constrained services, limited information sharing, lack of clarity about partner roles, and funding roles and processes. This recalls the 'Another Spring' initiative by Norway reported earlier which contains a central strategy design to bring stakeholders together, and to share knowledge and information. The barriers reported here are all resolvable.

Throughout the literature, there are reports of 'pockets of good practice' and innovative projects and pilots. For instance, the Education and Training Foundation in the UK reports of a project to bring teams together to promote and support rehabilitative learning in prisons centring on the piloting of an Interactive Thinking Tool<sup>16</sup>. In effect this is a strategy with a resource tool which is aimed at prison governors, heads of education and senior prison staff to help them plan and implement effective

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<sup>15</sup> Armstrong, S. and Reilly, J. (2019). Analysis of EuroPris Working Group Questionnaire on Prison Education in Europe. Glasgow: University of Glasgow

<sup>16</sup> Carroll, T. and Collins, C. (unpublished). Bringing teams together to promote and support rehabilitative learning in the secure estate: An Interactive Thinking Tool. London: Education and Training Foundation

learning and skills activities as part of an overall strategy of building a rehabilitative prison culture. The SkillHUBS Model<sup>17</sup> includes an extensive review of the literature in terms of examples of good practice, including the Learning and Work Institute's Citizen's Curriculum, Family Learning in Prisons and Personal Social Development, plus the Maths Mentors initiatives, all of which have been piloted, tested and proven to deliver positive results.

## CONCLUSIONS AND RECOMMENDATIONS

The general lack of ready availability of legal frameworks for all member states of the European Union, despite their being various online platforms purporting to provide a library or catalogue service such as the e-Justice Portal (see Appendix for a list of portals with links), makes the present enterprise necessarily limited. Based on the existing Council of Europe Rules and Recommendations, and the survey of legal frameworks (or documents which could be arguably derived from legal frameworks such as strategies), the perception is that most member states attend in part if not in whole to the Council of Europe's tenets. An exception appears to be the notion of offenders having access to education as a right. In some cases, such as Romania, this is the case. In the case of the England, access to education is more presented as a rule to be obeyed than a right to be enjoyed. There is a subtle difference. Equally, whether accorded as a right or a rule, access to education almost invariably comes with caveats such as the availability of equipment and resources. None-the-less, it is almost universally acknowledged in legal frameworks – albeit on a limited scale – and implied legal frameworks that education is a key enabler to employment and reductions in re-offending – with the exception of Scotland. Given that near universally accepted state of affairs, the argument in favour of a prison education service is made the easier. For instance, the British Government has recently announced plans for both tougher sentencing as well as the establishing of a dedicated Prison Education Service.

The most significant impact that legal frameworks have on prison education is on the availability and ability to teach and learn digital skills and to engage in learning through the use of digital resources. Given that digital skills are now widely considered on a par with literacy and numeracy skills, as being essential to normal everyday living and working, restrictions on these types of resources – internet access for instance – could potentially have a devastating impact on an individual's employment changes post-release. There is also the perspective that digital education resources can be used to solve particular issues such as language learning for foreign national offenders, but which current restrictions on digital and internet technologies may make impossible. Things are changing as technology is used to provide solutions to concerns over security and confidentiality, for instance.

Our major conclusion and recommendation are that prison education in general must be brought into the 21<sup>st</sup> Century such that full advantage and benefit may be gained from the introduction of contemporary digital education technologies and the innovations in pedagogy and andragogy that these have realised. It is recommended that the 1989 Recommendations and 2006 Prison Rules be consigned to the archive, to be replaced by a set of mandatory rules delivering a fit-for-purpose education for all prison offenders who qualify, on the principle of 'second chance'.

The answer to the question – are legal frameworks a help or a hindrance – is arguably 'a help' provided that they enable the delivery of a contemporary prison education service, and that the rules are enforceable, which may in fact become a requirement given the circumstances and operations of the European Arrest Warrant.

## APPENDIX

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<sup>17</sup> Crane, L., Planinsek, Z. and Mozina, E. (In Press). SkillHUBS Combined Skills Training Model.

<https://www.prison-insider.com/en/countryprofile/belgique-b-2019>

Prison Insider Country Profile

<http://wp.unil.ch/space>

Council of Europe SPACE and Council for Penological Co-Operation

<https://prisonstudies.org/>

World Prison Brief – information on prisons for all countries, some including legal documentation

<http://icpr.org.uk/>

Institute for Criminal Policy Research

<https://applicationspub.unil.ch/interpub/noauth/php/Un/UnPers.php?PerNum=10375&LanCode=8>

University of Lausanne, Prof Aebi – SPACE

[www.prison-insider.com](http://www.prison-insider.com).

Recommended as a source for prison legislation

[https://beta.e-justice.europa.eu/6/EN/national\\_legislation](https://beta.e-justice.europa.eu/6/EN/national_legislation)

European e-Justice portal (Beta) as a gateway to individual nations' law

[http://eur-lex.europa.eu/n-lex/index\\_en](http://eur-lex.europa.eu/n-lex/index_en)

N-LEX, a common gateway to national law

<https://icpa.org/library/>

ICPA Libraries portal

<https://www.theparliamentmagazine.eu/articles/news/council-europe-releases-new-prison-statistics>

Prison statistics – news item

<https://rm.coe.int/09000016808f0fb7>

Council of Europe Communications press release – prison statistics

<https://rm.coe.int/09000016808ef1e4>

Council of Europe report on prison statistics 2018 – based on data 2005 – 2015

[http://wp.unil.ch/space/files/2019/06/FinalReportSPACEI2018\\_190611-1.pdf](http://wp.unil.ch/space/files/2019/06/FinalReportSPACEI2018_190611-1.pdf)

Prison population statistics 2018, Council of Europe / SPACE

Aebi, M. F., & Tiago, M. M. (2018). *SPACE I - 2018 – Council of Europe Annual Penal Statistics: Prison populations*. Strasbourg: Council of Europe

[http://wp.unil.ch/space/files/2019/05/Key-Findings\\_SPACE-II\\_190520-1.pdf](http://wp.unil.ch/space/files/2019/05/Key-Findings_SPACE-II_190520-1.pdf)

Key findings of above report re: prison population and other statistics

For more information, see: <https://www.skillhubs.eu/>