

Educational programmes for foreign prisoners in European countries

The European agreements are not complied with

By Frans Lemmers¹

1. Background

Data from the International Centre for Prison Studies of the University of Essex suggests that in 28 EU countries nearly 629,000 are in detention and that over 18% on average have the status of foreigner. In several East-European countries, this percentage is far below this average, for instance in Poland and Rumania (each 0.6%). In some other countries, the percentage of foreign prisoners is much higher than the average, for instance in Luxemburg (72.2%), Greece (63.2%), Cyprus (53.8%), Austria (48.6%) and Belgium (44.2%) (Prisonstudies.org/world-prison-brief, 2014). Spain and Italy each have almost 21,000 foreign prisoners; in the United Kingdom the number stands at more than 11,000.

Prisoners have a lower level of education in comparison with the average for non-prisoners. This may be an obstacle for obtaining work and for successful (re)integration into society. Detention causes unintended adverse effects for the prisoner; the longer the detention the more considerable the damage caused by detention. Foreign prisoners are often accommodated in an environment with a language that is foreign to them, a culture that is foreign to them, and rules that are unknown to them, often far away from their home and their family and friends. This form of isolation increases the chance of psychological and relational damage, especially in the event of long-term detention. The language problem is also a source of conflict with other prisoners and with staff.

The prison system of every country should be set up in such a way that the treatment of prisoners is primarily focused on maintaining their health, self-respect and sense of responsibility, and their attitudes and skills required for their re-integration into society following the termination of their imprisonment.

Many believe that education during the detention period contributes to improving basic skills, the sense of self-respect, and the chances of finding work upon release. Due to participation in prison education, there is less chance of recidivism, and the chances of successful re-entry into society in general, and especially with respect to employment, are improved.

The United Nations and the Council of Europe say that foreign detainees should have facilities that are similar to those for detainees in their home country;² they are not to be considered less important. Based on the European Convention on Human Rights the minimum rights for prisoners in general and for foreign prisoners and prison education in particular have been expressed in three recommendations of the Council of Europe (Council of Europe, 2006; 2012 and 1989). In summary, these recommendations imply that:

- all prisoners, including foreign prisoners, are entitled to education that is suited to their background, possibilities and wishes for the future and that is adjusted to the labour market;
- the educational programmes should at least include basic education, modern foreign languages, vocationally oriented education, computer education and especially for foreign prisoners also education in the language spoken in the country of detention;
- the prison authorities are primarily responsible for the means necessary to realise this education;
- education should systematically be part of the treatment of the prisoners and that a detention plan should be drawn up for every prisoner, in which attention is paid to education as well;
- it should be possible that the courses are taken and completed after transfer or release from detention and that any qualifications obtained should be recognised in free society;
- the prison administration has to take additional measures, if necessary, to prevent foreign detainees from having less access to education.

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² Hereinafter referred to as 'domestic prisoners'.

Europe-wide, hardly any empirical data is known about the implementation of recommendations of the Council of Europe on education for prisoners. The aim of the exploratory study underlying the current article was to find out if the afore-mentioned recommendations on education for prisoners in general and for foreign prisoners in particular are implemented.³

To allow a good assessment of this issue, special attention has been paid to detention planning, educational programmes, continuity of education, examination and certification, and initiatives to prevent prisoners from being excluded from education.

2. Method and population

In the second half of 2012, the author sent semi-structured questionnaires in English to 24 contacts of the European Prison Education Association (EPEA). In the event of the 19 European countries without EPEA contacts, the questionnaires were sent to the Ministries of Justice.

A total of 17 of the 27 EU countries and five of the 16 non-EU countries (63% and 31% respectively) cooperated; 22 of the 43 countries involved in the study were members of the Council of Europe (51%). There was found to be much difference in the preparedness to cooperate between the EPEA contacts on the one hand and the contacts of the Ministries of Justice on the other hand: 75% of the EPEA contacts cooperated in the study, whereas for the Ministries of Justice invited to do so, almost all of them in eastern Europe, this was only 21%.

3. Results and conclusions

3.1. In practice, foreign prisoners are usually deprived of education

Almost everywhere, domestic prisoners can participate in educational programmes in the fields of basic education, world languages, vocationally oriented education and computer skills. Formally, this also applies to 85% of foreign prisoners. Due to the fact that almost everywhere educational programmes are conducted in the language of the country of detention and that the prisoners are first tested for whether they have the required language skill level (mostly basic education exit level), the number of foreign prisoners who meet this requirement is probably very small. The educational level of most prisoners is often limited to (uncompleted) basic education in the language of their own country, and they often do not speak any other language than their own. Consequently, foreign prisoners will often be excluded from participation in educational programmes. Educational programmes in the language of the country of detention are not suitable for their (language) background and possibilities either. As a result, foreign detainees are deprived of education, which causes the chances of reduction of the harmful effects of detention and successful reintegration into society and re-entry into the labour market to be smaller for them.

Foreign prisoners are often given an opportunity to apply for participating in an educational programme that is focused on learning the language of the country of detention. In almost all cases, however, there are waiting lists, so it will take some time before participation is actually possible. It is expected that being in an environment with a foreign culture and with foreign habits and rules causes most strain in the period in which the prisoners have just been detained, hardly know their fellow detainees and the staff, and in which there is still much uncertainty about the criminal proceedings and the consequences thereof. Particularly in this initial stage of detention, participation in a course to learn some of the language is crucial. Being on the waiting list for several months to a year is most undesirable and is not in line with the (spirit of the) recommendations of the Council of Europe.

3.2. Education is often not part of a detention plan for foreign prisoners

Systematically drawing up a detention plan in which attention is paid to education allows for a detention programme focused on reintegration and adjusted to the prisoner's background and wishes for the future. Virtually all respondents indicated that such plan *is* drawn up for domestic prisoners,

³ The exploratory study is part of a doctoral research in which educational programmes for Dutch prisoners in prisons elsewhere in Europe are evaluated.

but only two thirds say that this is done for foreign prisoners as well. In almost all cases, education is paid attention to for domestic prisoners, whereas for foreign prisoners this is 10% less.

3.3. Foreign prisoners who do participate in educational programmes often cannot continue or complete these programmes after their release; diplomas are not valid in their home country

Prisoners should have the possibility to continue or complete the educational programmes they have started to participate in during detention, after they have been transferred to another prison or returned to free society. The same applies to foreign prisoners, of course.

The chance of obtaining paid work will be improved if the prisoner has successfully received and completed (vocational) education. Many respondents indicate that it is impossible to obtain a diploma in (vocational) education. Only few respondents say that continuing and completing educational programmes that were started elsewhere *is* possible. For officials responsible for the policy and/or implementation of prison education it is downright strange that they offer education that cannot be completed or of which they do not know if it can be completed. From this perspective, the education offered and its implementation do not comply with the recommendations of the Council of Europe.

It is essential that prisoners can sit exams upon completing educational programmes and that any diplomas obtained are recognised in free society. For foreign prisoners this means that a diploma should be recognised in their home country.

According to almost half of the respondents, a diploma is not recognised in the foreign prisoner's home country, or they do not know if it is. If a detention plan is drawn up for a foreign prisoner with attention paid to education and before the prisoner is allowed to participate in education, it will be vital for the prisoner to know in advance if his or her participation efforts can yield any substantial results for the future and if it will enhance any prospects for a job in particular. It is unsatisfactory that officials responsible for education make prisoners participate in education of which the diploma has no value or that they do not know if the diploma has any value 'out there'.

3.4. The prison authorities are dissatisfied with the current situation but do not think they can do anything about it

Three quarters of the respondents who are responsible for the policy and the implementation of prison education are dissatisfied with the education offered to foreign prisoners, especially because no educational programmes are available in the language of the respective foreign prisoners. According to these respondents, manpower, budget and attention are insufficient to change this situation. From interviews with respondents from Belgium, Germany and the Netherlands it becomes clear that the prisoners in these respondents' prisons have 50 nationalities between them; these prisons are a melting pot of languages (various Germanic, Romanesque, Slavonic, Semitic and other languages). Given the large numbers of foreign prisoners, we may assume that the picture is more or less the same elsewhere. This means that a large variety of education languages is required to meet the basic principle that suitable education, including the language spoken by the prisoner, should be made available to every prisoner. The afore-mentioned respondents have serious doubts if this can ever be achieved.

The large majority of officials responsible for the policy and/or implementation of education for (foreign) prisoners is dissatisfied with the education offered to foreign prisoners. However, did they use or look for possibilities to counter the unfavourable situation for foreign prisoners in the period from 2008 until 2012?

One of these possibilities is giving foreign prisoners access to study materials for distance learning or self-education in their language. Three quarters of the respondents say that this is permitted. So, have measures been taken to ensure that such materials are made available in practice, and if so, which measures have been taken?

Three quarters of the respondents say that such possibilities have not been looked for or that they do not know about this. It has been discussed to a limited extent, but only in one or two cases this has resulted in further action of cooperation with diplomatic representatives or NGOs of other European countries.

According to almost half of the respondents, the possibility of offering educational programmes for foreign prisoners by means of computer-controlled or computer-aided education was discussed 'at some point'. However, this has not led to any further action or policy. In this field, therefore, the recommendations of the Council of Europe are not implemented either.

4. The recommendations of the Council of Europe are not implemented

Foreign prisoners are hardly enabled to participate in educational programmes that are best appropriate for their background and possibilities, because there are simply no programmes in the foreign prisoner's own language in the country of detention. In most cases, there are waiting lists for courses in the language of the country of detention. If foreign prisoners are allowed to take a course, it cannot be continued or completed in another prison or in their own country, or it is unknown whether this is possible. If a diploma is obtained, this diploma is often not recognised in the prisoner's country of origin, or the authorities do not know if it is. On the one hand, the respondents are dissatisfied with the educational programmes for foreign prisoners, but on the other hand it has not been investigated or no measures have been taken to prevent or limit the unfavourable situation of the affected group. In other words, the recommendations of the Council of Europe are not implemented.

For the prisons, organising suitable educational programmes for all categories of foreign detainees seems to be impossible, for the diversity is too high. Compliance with recommendation is not enforceable.

Consequently, another approach seems to be required. It would seem appropriate to create a partnership, for the time being at an EU level, to ensure that prisoners abroad get access to educational programmes provided by their country of origin and preferably in their own language: there should be an organisation with a support centre in every EU country that matches the demand from foreign prisoners and the offer from their home country.

The European Prison Education Association should play a leading role in this.