

THE ROLE OF EDUCATION IN PRISONS AND PRE- TRIAL DETENTION CENTERS, IN REDUCING RECIDIVISM

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Abstract

This study has been focused on the management of education in the penitentiary institutions, which aims to bring some arguments about the role and importance of the education of persons serving sentences in prisons. Among other constructive processes, main focus takes the treatment of persons deprived of their liberty, without leaving aside their education, as being envisaged an integral part of the communication process within an expanded framework of social justice for all. Through the research study methods, this paper has been provided an analysis of the educational situation in the penitentiary institutions, didactical challenges in these institutions, and the role of education in reducing the number of recidivism. Combining three elements that of theoretical, analytical and comparative, as well as using data from interviews with persons deprived of their liberty and social workers who maintain direct contacts with them the significance of education within the prison system, as well as the treatment of persons deprived of their liberty has been revealed. Apart from being considered as a rehabilitation tool, it has been found that education takes a significant importance as a process of communication, especially in maintaining links with the outside world, but not only. As an element of communication, education plays a key role, particularly in the personal and social life of a person who is in conflict with the law.

The way people in conflict with the law are treated, disciplined and rehabilitated is basically a reflection of a society's culture of each country and its system of values. To this end, attention has been given to the continuous positive measures that involve the full mobilization of all available resources, including the family, volunteers and other community groups.

By describing and analyzing all the aforementioned elements, this study has aimed to disclose a new dimension in unfolding the significance of the education of persons with limited freedom as a communication process, along with the innovations adopted as a result of their education in the context of respect of human rights, emphasizing the successful integration to the society.

Keywords: *Education, Recidivism, Persons deprived of their liberty, Rehabilitation, Integration*

Introduction

Data related to the level of crime in Albania and in other countries of the world show an increase number of the persons involved in crimes as perpetrators or as victims of crime. The imprisoned population compares with the free one at a rate of 161 prisoners for 100.000 inhabitants. Compared with previous years, there is a slight increase in the prison population.¹ This reality has prompted the central institutions to develop policies for the prevention of

Country	Czech Republic	Bulgaria	Turkey	Romania	Serbia	Poland	Greece	Montenegro	Albania
Prison Population pre-trial detainees and convicted offenders)	23,435	9,071	127,831	30,662	12,000	81,382	11,364	1,438	4,659
Prison population rate (per 100,000 of national population)	222	120	171	143	164	213	101	227	161

crime, protection of society against crime and enhancing the educational programs within prisons and pre-trial detention centers.

Fig. 1 Comparative data with countries in the region²

¹ Manual Informues, Drejtoria e Përgjithshme e Burgjeve, prill 2011

² International Centre of Prisons Studies, mars 2013, www.prisonstudies.org

<i>National Population</i>	10.56 million 2011	7.58 million 2009	74.79 million 2011	21.37 million 2011	7.30 million 2010	38.23 million 2011	11.305 million 2010	633,700 2010	3.2 million 2010
<i>Official capacity of Prisons</i>	20,669 (27.1.2012)	5,828 (1.9.2009)	104,650 (31.12.2009)	36,210 (27.12.2011)	6,500 (1.9.2009)	86,058 (31.12.2011)	9,103 (1.9.2008)	1,130 (1.10.2010)	4,417 (30.12.2011)

Prisons and pre-trial detention centers³ are places where a person is being deprived of liberty and the communication with the outside world is limited. The communication is limited, due to the lack of the organization of daily activities before entering into prison, as well as to the fact of a person's behavior limitation while being in prison. Decisions about the Albanian penitentiary system are not easy, as investments and strategies in this system are always seen in two ways: 1. flexibility in handling prisoners and preserving the human dignity; 2. creating a safe system for the entire society. As a result, the education of persons deprived of their liberty is seen as a very important element in several aspects. First, it facilitates the re-integration into society and helps the person to gain social behavior. Another factor is the role played by education and rehabilitative aspect of treatment in a humane and decent way. Third, it helps in maintaining effective communication links with the society and the community which the prisoner belongs to. Persons sentenced to imprisonment constitute a group that has faced before and during the sentence various difficulties, which in the future may be converted into high risk factors for re-involvement in crime. These difficulties mainly related to economic and social factors should be identified and analyzed in order that the penitentiary institutions may address them purposefully. Various scientific studies in other countries related to prison educational regime, provide theoretical approaches, models and best practices, which if implemented correctly may be useful both for prisoners and the society itself. Referring to the history of the Albanian prison system, there have been several attempts to install an educational system during the monarchy period, but also during the communist regime, although with different orientations. By the adoption of the new Criminal Code (1 June 1995) the prison policy in Albania changed completely. Initially the death penalty was abolished and other measures mainly of educational background for persons with limited freedom were put into place.⁴

The detailed empirical analysis is based on interviews with the sample study group. As a result, a group of 1300 people with limited freedom aged 14-35 years who are in penitentiary institutions and 20 people from the social-educational staff, of whom 12 women and 8 men were selected. The list of questions was compiled in accordance with the object of this study and specifically with the major thesis: Educational programs serve as a form of communication and influence in the reduction of the number of recidivists.

The right for education within the prison system

³ There are approximately 4750 convicted and detainees in one year in Albania. There are 22 prisons and detention centers, of which:

5 Institution of High Security
5 Institution of normal security
9 Detention institutions

Special institutions

1 Hospital Prison Center

1 Institute for Juveniles

1 Special Institute for treatment of persons with mental problems and the elderly

⁴ Analizë e Drejtësisë Penale në Shqipëri- Prezenca e OSBE në Shqipëri, 2006

According to international acts every prisoner shall retain the rights and fundamental freedoms prescribed in the Universal Declaration of Human Rights and the International Convention on Civil and Political Rights. As they will return to society, prisoners are considered as part of society, so they should be reintegrated as normal citizens.⁵ The socio-educational treatment of detainees is held through individual actions and creative measures that are performed at the penal institution premises. The Havana Rules⁶ specify that the methodology of educational programs shall prepare the persons deprived of their liberty to be reintegrated into society. Gerald G. Gaes, professor and researcher at Monash University, through his study of the impact of the application of educational programs in prisons, provides some interesting findings, in understanding the importance of receiving education in prisons to successfully return the inmates to society, and moreover as a key factor in reducing the number of recidivists. The study was conducted with a group of 3740 inmates and detainees in U.S. prisons. The main finding was that 56% of prisoners, who had been active in educational programs taking place in prisons, were not returned to the penitentiary institutions.⁷ Nevertheless, in the reduction of the number of recidivists other factors have to be predicted such as social circumstances, involvement in the community of persons who have committed crimes, as well as the alternative communication measures. This fact was strongly supported by the Executive Director of Management of Prison Service Administration in UK, Martin Narey, who in his annual report in front of the Law Commission, declared that: "I strongly believe that we are able to reduce the level of crime and change the lives of many people. The best way for doing this is through the education of prisoners; and if we have succeeded in their education we will be able to reduce the number of recidivists."⁸

However, the purpose of education in prisons should not only be focusing on reducing the number of recidivists. Education and the learning process itself have an irreplaceable significance which should be recognized. The importance shown in reducing the number of recidivists without considering the right of prisoners for education is not enough. Professor Andrew Coyle, former Director of the International Centre of Prison Studies at Kings College in London, enforces the statement by declaring that "providing education in prisons is the right thing to do. This is a very important issue, not only in the framework of the education, but above all to understand what happens in prisons."⁹ According to the governor of the mental health prison in Massachusetts "the most successful indicator of all rehabilitation programs and the only one that had been effective for the prevention of recidivism, was the program that allowed inmates to benefit a college diploma." Several hundred prisoners in Massachusetts had completed at least a bachelor's degree and according to statistics over a period of 25 years none of them was re-involved in crime.¹⁰

The Article 37 of the Albanian Prison Regulation has been prescribed the importance of education in closed environments, encouraging prisoners to education and vocational training programs, and establishing school facilities within these institutions under the memorandum of cooperation with the Ministry of Education and Science. "Education, cultural and professional development is done through the school establishment and vocational trainings, which as to the laws in power shall be mandatory for the juveniles. The correspondence

⁵ Deklarata Universale e të Drejtave të Njeriut

⁶ Rregullat e Kombeve të Bashkuara për Mbrojtjen e Fëmijëve të Privuar nga liria (Rregullat e Havanës), 1990

⁷ Gaes G. Gerald "The Impact of Prison Education Programs on Post-Release Outcomes", February, 2008

⁸ Education and Skills, www.parliament.uk

⁹ See ibid 8

¹⁰ National Institute of Correction "A shared framework, for Reducing Recidivism and Promoting Recovery", October 2012, V. 3

system of attending the school must be promoted and stimulated, especially for prisoners under 25 years old. The access to library must be unlimited and the use of other systems of communication within the institution should be encouraged.¹¹ Recommendation no. 89 of the Council of Europe, describes the importance of providing educational services within prisons, in particular the opening of schools.¹² Also, the Constitution of the Republic of Albania “guarantees the pre-university education to all its citizens and ensures the attendance of undergraduate educational institutions without discrimination because of race, color, sex, language, religion, nationality, ethnic origin, social status, property, health, etc. All children and adults have equal rights to pursue pre-university educational institutions.”¹³

Article 57 of Law no. 7952 dated 21.06.1995 “On the pre-university education system”, as amended, defines the categories of students with special needs who are unable to effectively participate in the school life. The term “special needs student” refers to those who have physical, mental, psychological, and behavioral problems. Persons deprived of their liberty, are as well included in this status, because of their stay in a closed institution, such as prisons. Standing in prison, affects attendance and taking part efficiently in the public schools. However, this does not mean, forbidding attending school, but providing the learning process, already in other conditions, such as within prison premises. Opening schools with prisons, has been stimulated but at the same time envisaged in a number of domestic and international laws. Based on this, in the National Strategy of Prison 2003-2007 and in the Stabilization and Association Agreement, since 2004, was foreseen the establishment of schools within the prison facilities.

Amendments of December 2008 in the General Regulation of Prisons, paved the way for the signing of the Memorandum of Cooperation between the Ministry of Justice and Ministry of Education and Science for the education of detainees and prisoners within the penal institutions, as to the curricula approved by Ministry of Education. Under the agreement the teaching process will be provided in full time or part time within the penitentiary institutions.¹⁴ With the signing of the memorandum of cooperation between two ministries, the first nine year school was opened in Peqin Prison. From school year 2009-2010 to school year 2011-2012, and 2012-2013 the compulsory education was held in 9 penal institutions, respectively in Vaqarr, Kavaja, Peqin, Fushe-Kruja, Korça, Rrogozhina, Lezha, Vlora and Jordan Misja in Tirana.¹⁵

Education as a factor in reducing recidivism

According to the data collected by the study sample group, divided by criminal offenses, 31% of the interviewees have committed murder, foreseen in the articles 76, 77, 78 of the Criminal Code of the Republic of Albania. Injury offenses (21%) and drug trafficking (19%), constitute two other type of crimes that dominate the classification of offenses committed by persons deprived of their liberty. Data on the age of the prison population indicate that the three main age groups who are prone to commit crimes involve 30-40 years old (25%), 25-30 years old (23%) and 21-25 years old (20%). Based on the dominant offenses committed and the age of the persons deprived of their liberty, which belong to a relatively young group age,

¹¹ Rregullorja e Përgjithshme e Burgjeve, mars 2009

¹² Rekomandimi nr. 89 i Këshillit të Evropës “Edukimi në burgje”, miratuar nga komiteti i Ministrave më 13 tetor 1989, Strasburg

¹³ Kushtetuta e Republikës së Shqipërisë, neni 57

¹⁴ Marrëveshja e Bashkëpunimit midis Ministrisë së Drejtësisë dhe Ministrisë së Arsimit dhe Shkencës, për “Implementimin e ciklit të detyrueshëm parauniversitar në Sistemin e Burgjeve”, 05 dhjetor 2008

¹⁵ “Hapen Shkolla në burgje”, Kronikë, Top Channel, 21 shkurt 2009

developing educational programs, individual or in a group, despite being a necessity, requires consolidated skills of the prison staff. Drafting of the sentence plan, education and social reintegration programs for persons deprived of their liberty, is basically a responsibility of the social sector. In a story for a daily newspaper,¹⁶ a convicted woman, sentenced for killing her husband, stated that the phobia created, beyond the consequences of the crime, is the “world” that awaits outside when she will be released. The media scholar, Prof. Dr. Artan Fuga, explains that “the weight of the problem is huge, because on one hand the society physically isolates the guilty persons of various crimes as punishment, but also it’s in its benefit to accomplish their education, to preserve the rights of prisoners for information, to transmit the values of the society that circulate through the media, as well as to prepare their reintegration into society.”¹⁷

Application of the educational programs is seen as a practical assessment of rehabilitation measures for persons deprived of their liberty, as well as an effective type of communication in maintaining the links with the outside world.¹⁸ From the interviews with the prisoners has been found out that the majority of them have a low level of education. 53% have completed the 8 years of education, but have significant difficulties in reading and writing. 25% have completed the high school, 16% the primary school, 4% are illiterate and 2% have a higher education. The 2011 report of the Ombudsman emphasized to increasing the number of educational activities and all inclusive programs in the penitentiary institutions.¹⁹ Of course, all of the rehabilitation policy should be based on proper studies and specific practices. According to the Head of the Education Sector in the General Directorate of Prisons there are three main factors that influence the reduction of the number of recidivists: 1. Communication of prisoners with the outside world; 2. The application of educational and social programs; 3. Social networking, after release from the prison.²⁰ Communication of the prisoners with the outside world plays an important role in the context of their social rehabilitation.

¹⁶ Suela Myseni “E vrava tim shoq se donte të abortoja fëmijën”, Gazeta Shekulli, 29 gusht 2009

¹⁷ Artan Fuga, “Veçoritë e funksioneve të medias në institucionet e mbyllura. Përtej stereotipave jo kritike”, mbajtur në Konferencën Shkencore “Komunikimi në institucionet e mbyllura”, Departamenti i Gazetarisë dhe Komunikimit”, Edlora, Tiranë, 2011, fq. 171

¹⁸ Recommendation number R (89) 12 of the Council of Europe on “Education in Prison”, prescribes: 1. All prisoners shall have access to education, which is envisaged as consisting of classroom subjects, vocational education, creative and cultural activities, physical education and sports, social education and library facilities; 2. Education for prisoners should be like the education provided for similar age-groups in the outside world, and the range of learning opportunities for prisoners should be as wide as possible; 3. Education in prison shall aim to develop the whole person bearing in mind his or her social, economic and cultural context; 4. All those involved in the administration of the prison system and the management of prisons should facilitate and support education as much as possible; 5. Education should have no less a status than work within the prison regime and prisoners should not lose out financially or otherwise by taking part in education; 6. Every effort should be made to encourage the prisoner to participate actively in all aspects of education; 7. Development programs should be provided to ensure that prison educators adopt appropriate adult education methods; 8. Special attention should be given to those prisoners with particular difficulties and especially those with reading or writing problems; 9. Vocational education should aim at the wider development of the individual, as well as being sensitive to trends in the labor-market; 10. Prisoners should have direct access to a well-stocked library at least once a week; 11. Physical education and sports for prisoners should be emphasized and encouraged; 12. Creative and cultural activities should be given a significant role because these activities have particular potential to enable prisoners to develop and express themselves; 13. Social education should include practical elements that enable the prisoner to manage daily life within the prison, with a view to facilitating his return to society; 14. Wherever possible, prisoners should be allowed to participate in education outside prison; 15. Where education has to take place within the prison, the outside community should be involved as fully as possible; 16. Measures should be taken to enable prisoners to continue their education after release; 17. The funds, equipment and teaching staff needed to enable prisoners to receive appropriate education should be made available.

¹⁹ www.avokatipopullit.gov.al, aksesuar më 19/10/2012

²⁰ Intervistë personale, 13/03/2013

From the data collected, 89% of the prisoners had committed crimes for the first time, 11% were recidivist, of whom 6% repeaters of same crime and 5% had committed other crimes. The main reasons set out by the prisoner in being re-involved in the crime was unemployment and abandonment by family members as a result of the crime committed. Regarding the effectiveness of rehabilitation practices in reducing the number of recidivists in the system, 8% of the interviewees answered that they were somewhat effective, 42% of them answered adequately enough, 30% answered significant and 20% fairly important. Based on their responses, has been estimated that the rehabilitation programs in the prison system, must be modified, and in some cases re-drafted, particularly the pre-release programs. While drafting the programs the individual characteristics of offenders, but also expectations evaluated after release should be considered. Despite programs and practices that take place in penal institutions, other factors as well must be assessed for the integration of persons deprived of their liberty into society and to reducing the number of recidivists. According to social care workers, non-governmental organizations, particularly those operating within the prison system, should play a more active role in protecting the rights of persons deprived of their liberty, and creating collaborative networking opportunities for their integration into society. 40% of respondents depict as very important the role of NGOs, especially in social networking cooperation after release of prisoners.

Conclusions and Recommendations

Educational treatment of detainees has been developed through individual programs and creative activities, which are carried out by the prison staff trained specifically in the field of social sciences, in collaboration with other employees of the institution. Services and rehabilitation programs have a special significance in the reintegration of persons deprived of their liberty into society and in the reduction of the number of recidivists. In addition to professional courses offered in prisons and pre-trial detention centers, so to enable the prisoners to better respond to labor market requirements, the General Directorate of Prisons shall need to further develop practices of positive results. To increase the interest of prisoners and detainees to pursue education programs the adaption of programs in accordance with the age of the offenders must be deemed a priority. There is no sense that an adult of 21-25 years old should have the same methodology of the learning process and the same program, as the program of a 6 year old child, who is attending the nine year education system in the state public schools. Also, it is necessary to establish some motivational and incentive mechanisms to encourage offenders to participate in educational activities. The most important actors in this process remain the General Directorate of Prisons and the penitentiary institutions. Based on the analysis of this study, main areas for future interventions include:

1. Prison experts of other countries show that there is a relationship between educational programs in prisons and the reduction of number of recidivists. These experiences can serve as patterns on which the educational services in penitentiary institutions for the persons in conflict with the law may be drafted and planned;
2. Improving rehabilitation programs curricula, as the number of repeated offenders has further highlighted this demand by increasing substantially the need for a higher quality in the educational programs;
3. Initiation of collaborative practices among regional prisons and abroad, for the development of rehabilitation programs in penal institutions and the exchanging of positive experiences in the treatment of persons with limited freedom;

4. Support from central public institutions, such as the Ministry of Education and Science and the Ministry of Labor, Social Affairs and Equal Opportunities, is an important factor for the development of educational programs in prisons;
5. Increasing working awareness by the education staff in the Institutions of Execution of Penal Decisions, so all persons with limited freedom shall participate in activities and rehabilitation programs.

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