

**SOCIAL
JUSTICE NGO**



POLICY BRIEF

NEED FOR IMPROVEMENT OF CONVICTS' EDUCATION IN PRISONS



NGNGO
NEW GENERATION



OVERVIEW

Convicts in the criminal justice system are in a vulnerable position due to the fact that they are imprisoned, their freedom is restricted. And in these conditions, as well as based on the assumed international obligations, the state shall integrate and implement mechanisms to the fullest extent possible in order to enable the people kept in prisons to exercise their rights.

On May 25, 2022 Amendment to the Republic of Armenia (RA) law on Education was made and the former age restriction was removed thereof with the purpose of ensuring that general education is accessible to all convicts kept in Criminal Executive Institutions (CEIs) of Armenia. According to that amendment the education of a convict aged 19 and older is organized according to the latter's application, if more than one year is left before the expiration of the sentence at the time of submitting a written application.

The convicts aged 19 and older who have more than one year left before the expiration of their sentence at the time of submitting a written application for exercising their right to education, can fulfill this right of theirs (receive secondary education) at the expense of the state budget of the RA.

Proceeding from the above-mentioned, since September 1, 2022, "Legal Education and Rehabilitation Programs' Implementation Center" State Non-Commercial Organization (SNCO) has been conducting "Implementation of aesthetic education and educational programs for persons who have committed violations of the law, without age restrictions" for convicts aged 19 and older, who serve their sentence in penitentiary institutions" [program](#), the duration of which is 1.5 years.

Interviews were conducted with 18 convicts aged 19 and older, with representatives of Social, Psychological and Legal Activities Departments (SPLADs) and SNCO, other required information was also obtained through written inquiries in order to reveal the issues related to the education program and its process, as well as to comprehensively analyse and assess the situation. Written inquiries were submitted to the Ministry of Justice, ESCS Ministry of the Republic of Armenia, the SNCO. The related domestic legislation and international practices were also studied.

According to the statistics, 309 persons needed general education (91 ppl. applied for it) at the start of the program in 2022, and 269 persons needed general education (60 ppl. applied) in 2023. New Generation Humanitarian NGO (NGNGO) applied twice to the Ministry of Justice of RA requesting permission for an NGNGO expert to enter the CEIs where general education program is implemented, in order to conduct on-spot observation of the progress of the program implemented in the mentioned CEIs, however both requests were denied. Considering the impossibility of cooperation with the Ministry of Justice in this process, NGNGO addressed a request of cooperation to the group of public monitors implementing supervision over the criminal-executive institutions and bodies of the Ministry of Justice of the Republic of Armenia (Prison Monitoring Group), and conducted the interviews with their support.



ISSUES

identified as a result of the study and interviews are presented below:

Organizational issues

Awareness-raising about the Project

Upon admission to the CEI, the SPLA department collects information, among other things, about the education of convicts, as a result of which they already possess information about which convicts did not receive or left general education incomplete. And according to the SPLA departments awareness-raising activities were carried out among the convicts, taking into account also the legislative requirement which is more than one year left until the expiration of the sentence. The SPLA departments assist the SNCO during the entire implementation of the general education program in CEIs.

In 2022 and 2023, before the start of general education programs in the CEIs, the SNCO sent the information to them and the SPLA department informed the convicts thereon. At the same time, the SPLAD gathers information about the progress of implementation of the general education program and passes the information to the SNCO. Problems have been recorded in terms of awareness raising among people needing inclusive education.

Effective distribution in classes

According to external procedures, the convicts can receive a certificate of secondary education if they have a primary education certificate. Accordingly, classes shall be distributed into primary and secondary. In cases where it is not known up to which grade the person attended school before the imprisonment, according to SPLA Department, this information is obtained through inquiries to schools. However, it is noteworthy that according to the information received by the SNCO in response to NG NGO inquiry, one of the students did not participate in the external final exams due to the lack of a copy of the primary education certificate, and under these conditions it is unclear how the person was enrolled in the program in the first place, since the availability of a document certifying the completion of primary education is a mandatory requirement in order to receive secondary education. It was recorded in CEIs that there are also elderly people who are illiterate enrolled in classes, and as a result, the educational process becomes uninteresting for other students, because they have to wait until the given persons learn certain letters or how to write. There is also an issue with the education needs assessment tool: the convicts, who have submitted an application, pass an assessment test to determine their educational level, but this assessment is carried out with a tool intended for persons under the age of 19.

Furnishing of classrooms

At the time of the visit to "Sevan" CEI, two of the classrooms were in use, and the third one was under renovation. Not all CEIs are accommodated and equipped as required. For example, the necessary materials are available in "Artik" CEI, but some classrooms are not furnished, others are in a decrepit condition.

Issues related to ensuring the provision of stationery and other materials

- The availability and use of certain materials (chemicals) necessary for the teaching process is prohibited in all CEIs due to safety reasons.
- Some of the convicts noted that sometimes they buy notebooks and pens themselves.

- It was recorded that some convicts are not allowed to keep their textbooks, because there is a concern that they will use the books clumsily, so after the class is over the teachers collect the textbooks. And, the teachers dictate the lessons for the convicts to write down so that they have the materials of the lessons, which takes quite a lot of time.

Class schedules

- Escorts to classes are performed by the employees of the administration of the CEIs. There is a staffing problem in almost all institutions, and escorts are sometimes delayed due to the understaffing.
- In "Armavir" and "Artik" CEIs, classes start at 10:20am, but the employees pass their daily checks lasting until 10:30am, that's why persons are late for the morning classes.

The Selection Procedures of Teachers

Since the start of the program and for some time after that, there was shortage of teachers, there were a lot of vacancies, however, the problem was solved later in the process.

In "Vanadzor" CEI, it was recorded that, as a result of the teacher's position being vacant for months, the employee of the institution was selected as biology/chemistry teacher with the consent of the Ministry of Justice.

The teachers in "Vanadzor" and "Artik" CEIs stated that they had not undergone requalification training but mentioned that it would be desirable if they did.

Organization of classes in remote mode

It was recorded that during the program, some convicts were physically unable to attend classes and exams due to health, mobility, and other issues, and participation via remote means was not provided, hindering the full engagement of the learners. There were individuals who requested the SNCO to participate remotely but this was not actually organized.

Education of vulnerable groups

During the study attention was also paid to the fulfilment of education of vulnerable groups representatives, e.g. foreigners, women, LGBTQI+ people, people with health issues, people in punishment cells, and others.

Women with children:

According to the penitentiary code of the Republic of Armenia, mothers can keep the child with them until the latter turns 6 years old, and according to Article 90 of the same code, a child care home with proper conditions for children's residence and development, shall be established, when necessary. However, procedures and cases of establishment of child care homes are not provided for by any legal act. In fact, if a female convict enrolled in the education program has a child, her education will be problematic.

People with health issues:

Problems with attendance to the classes due to health issues have also been recorded. Particularly, the organization of education of people needing inclusive education is concerning. Although it is stated in the response to the inquiry received from the SNCO that the Psychological-Pedagogical Center conducted an assessment of the students of the program, and that the assessment results showed that there were no students in need of special educational conditions, however, according to the results of the study carried out by NGNGO, it was recorded that there were persons with such needs, and it is necessary to carry out work in that direction. Problems have been recorded in terms of awareness raising among people needing inclusive education. "Nubarashen" CEI informed the SNCO about the inadvisability of enrolling some persons, however the persons were enrolled, but after some time they had to quit the program. The reason for this was that the persons had mental problems and later voluntarily quit the program due to not being able to grasp the lessons. It should also be mentioned that the people taken to the punishment cell, do not have a chance to participate in the classes during their stay there.

Factors hindering the general education program

There are various obstacles to enrolment in the program. The following are among the recorded problems:

Work

According to the interviews, many are involved in paid work activities in CEIs and were not enrolled due to the incompatibility of time schedules. There are jobs in CEIs where people work full-time and that doesn't give them the opportunity to enrol in the program.

Stereotypes

Some respondents noted that one of the problems of not enrolling in the program is connected with the mindset of the persons kept in prisons: it isn't becoming of them to study.

Age discrepancy

Convicts noted that "most of the senior convicts are ashamed to study with young people", so they don't want to enroll in the program.

Classrooms

It was noted in "Sevan" CEI that there is a problem of classrooms, and there will be no room for organization of the classes in case of formation of new groups.

Rejections of applications for early release on parole.

Convicts, seeing that applications for early release on parole of persons involved in education programs are rejected, lose any motivation to enrol in the program.

Reasons for dropping out of the program

According to those data, 32 convicts (10 ppl quit based on their own application, 22 ppl were dismissed by the SNCO due to the absences) dropped out of the program in 2022-2023, 25 convicts (13 ppl quit based on their own application, 12 ppl were dismissed by the SNCO due to the absences) in 2023-2024, as well as there were convicts who were early released on parole (11 ppl. in 2022 and 3 ppl. in 2023). According to the interviews results, the reasons for the absences are different: nature of the work of employed convicts, health conditions, lack of desire to study, absence of inclusive education, and rejections of applications for early release on parole.

Issues related to continuity of education

Only in January 2024, the issues related to the document (the certificate) issued to individuals were resolved, as a result of which they can be issued a certificate of secondary education after successfully passing the external graduation and state exams. In February-March 2024, external final exams of students admitted in 2022 were held. The examinations were organized in "Sevan", "Armavir" and "Nubarashen" CEIs, and the persons were transferred to these CEIs in order to take them. Since individuals can only get a certificate after receiving passing grades at the state final exams, it turns out that they have to wait a few more months for the state final exams to start. This regulation is a cause for serious concern, because during those months, many may be early released on parole, and thus remain without a certificate.



Recommendations

Legislative Recommendations

1.1

To place the function of obtaining documents certifying the education necessary for inclusion in the program on the SPLA departments;

1.2

To create a new needs assessment tool for convicts in order to assess the educational needs of persons aged 19 and older;

1.3

To develop and approve special standards for the formation of educational groups (classes) of convicts according to the actual educational level and age of the persons;

1.4

To make legislative changes and include high performance and grades during the studying and exams of the public education program as an incentive in the parole criteria;

1.5

To make changes in the Law of the Republic of Armenia "On Education" and the Penitentiary Code and provide real guarantees of the continuity of the educational program and the issuance of a certificate for persons who had been involved in the educational program, but were released early on parole;

1.6

To make an amendment to the Penitentiary Code with the purpose of ensuring the continuity of education, and create an opportunity of remote education, when necessary;

1.7

In order to ensure the education of women with children and the organization of children's leisure and entertainment, to develop a sub-legislative act on the procedure and conditions for the establishment of a child care home provided for by the Penitentiary Code of the Republic of Armenia;

1.8

To make an amendment to the Penitentiary Code, including the format of remote education for general education programs, too;

1.9

To develop a sub-legislative act and establish regulations for working with persons in the post-sentence phase;

1.10

To make an amendment to Order No. 1507-Ն of the RA Minister of ESCS "On the approval of the "Procedure for organizing external transfer and final examinations" dated October 14, 2010, and to provide the opportunity to convicts kept in the Criminal Executive Institutions under the RA MoJ to receive a certificate also at the stage of final examinations;

1.11

To make an amendment to Order No. 1507-Ն of the RA Minister of ESCS "On the approval of the "Procedure for organizing external transfer and final examinations" dated October 14, 2010, and to provide the opportunity of taking exams in a remote mode for convicts kept in the Criminal Executive Institutions under the RA MoJ;

1.12

To amend the RA Penitentiary Code enabling non-governmental organizations to monitor educational programs in CEIs with the purpose of supporting the state in effective implementation and improvement thereof.

Practical Recommendations

2.1

To establish clear awareness mechanisms among the convicts, particularly including the information in the correctional plan, in order to ensure exclusion of discrimination and access to information;

2.2

To implement distribution in classes according to the actual education level and age of the convicts in order to increase the efficiency of education;

2.3

To continue and finish furnishing and repairing works conducted in the classrooms;

2.4

To allow convicts the opportunity to keep the necessary stationery, such as textbooks;

2.5

Considering the prohibition of certain substances in prison for safety reasons, to make the practical lessons more effective using other methods, e.g. watching videos, etc.;

2.6

To set up class schedules, taking into account the needs of the persons who wish to enroll in the program, as well as the internal regulations of the CEI;

2.7

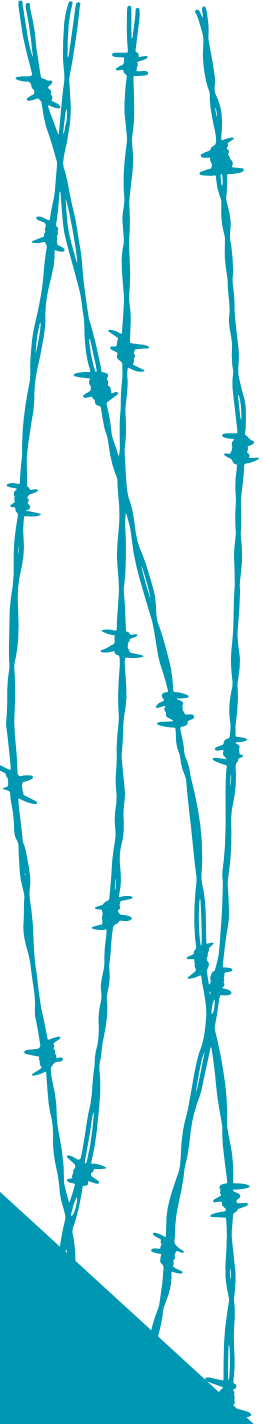
To regularly conduct requalification training courses for teachers teaching in CEIs to acquaint them with the specificities of working with convicts, their rights and responsibilities, and the internal regulations of the CEIs;

2.8

To establish appropriate mechanisms for ensuring inclusive education in CEIs;

2.9

To develop assessment methods and conduct assessment on a regular basis in order to assess the progress and effectiveness of the general education program and reveal the problems and obstacles arising during its implementation.



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New Generation Humanitarian ngo (NGNGO) is a non-governmental organization established in 1998. NGNGO activity is based on humanitarian principles to contribute to the regulation of the issues and problems of the society, and in particular the issues that vulnerable groups face in the society.



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