

# OVERVIEW OF EDUCATION OF CONVICTS SERVING SENTENCES IN THE PENAL INSTITUTIONS OF THE REPUBLIC OF BELARUS

## (SHORT VERSION)

The analytical note “Overview of Education of Convicts Serving Sentences in the Penal Institutions of the Republic of Belarus” was prepared in 2019 during the implementation of the project “[Active for Education in Prison 2.0](#)” with financial support from the Federal Foreign Office of Germany. In Belarus, the project was implemented by the [Representative Office of the German Adult Education Association \("Deutscher Volkshochschul-Verband e.V."\) in the Republic of Belarus](#), in partnership with Gomel regional public association “[Community Development Projects](#)” in 2019-2020.

The tasks of the study are:

1. to present the penal system and describe the types of correctional institutions;
2. to analyse the legislation of the Republic of Belarus and various regulatory documents that determine the rights of convicts to education and the mechanisms for exercising this right;
3. to classify the data by types of educational institutions, subject areas and the education level of convicts;
4. to analyse the public attitude towards the education of convicts and their social adaptation after release.

### Research methods include:

1. Analysis of legislative and other regulatory documents;
2. Analysis of education and training practices in correctional institutions;
3. Conducting 3 Focus Groups Discussions and an computer-assisted web interviewing (CAWI) to review the public opinion regarding the rights of convicts / former convicts to education.

This publication is a short version of the study. The full version can be found [here](#) (in Russian).

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## Abbreviations

**CAWI** – computer-assisted web interviewing

**CC of the Republic of Belarus** – Criminal Code of the Republic of Belarus

**CI**s – correctional institutions

**CoC of CI**s – Code of Conduct of correctional institutions

**CoC of MLC**s – Code of Conduct of medical-labour centres

**CoC of OTCI**s – Code of Conduct of open-type correctional institutions

**CPC of the Republic of Belarus** – Criminal Procedure Code of the Republic of Belarus

**DEP** – Department for the Execution of Punishment within the Ministry of Internal Affairs of the Republic of Belarus

**EEERA Centre** – Electronic Educational Environment Remote Access Centre

**MIA** – Ministry of Internal Affairs of the Republic of Belarus

**MLC Act** – Act of the Republic of Belarus “On the Procedure and Conditions for Sending Citizens to Medical-Labour Centres and Conditions for Staying Therein”

**MLC**s – medical-labour centres

**OTCI**s – open-type correctional institutions

**PC** – Penal Code of the Republic of Belarus

**PS** – penal system

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## SECTION 1. STRUCTURE OF THE PENAL SYSTEM OF THE REPUBLIC OF BELARUS. TYPES OF CORRECTIONAL INSTITUTIONS

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The execution of punishment is assigned to various bodies and institutions under the exclusive jurisdiction of the state depending on the type of punishment (listed in Article 48 of the Criminal Code of the Republic of Belarus, hereinafter referred to as the CC of the Republic of Belarus). According to Article 14 of the CC of the Republic of Belarus, such bodies include corrective services inspectorates; bailiffs; detention centers (facilities) for those sentenced to arrest; open-type correctional institutions; correctional institutions; pre-trial detention centres.

The main component of the penal system (hereinafter referred to as the PS) is the penal system of *the Ministry of Internal Affairs of the Republic of Belarus* (hereinafter referred to as the MIA of the Republic of Belarus), consisting of a number of bodies and institutions executing such sentences as restriction of liberty and sending a convict to an open-type correctional institution, arrests, imprisonments, deprivations of the right to hold certain positions or engage in certain activities used as an additional types of punishment, life imprisonments and death penalty, as well as the pre-trial restriction in the form of detention.

According to Article 2 of the Regulation on the Department for the Execution of Punishment of the MIA of the Republic of Belarus (approved by the Decree of the President of the Republic of Belarus No. 268 dated 04.06.2004 [<https://pravo.by/document/?guid=3871&p0=P30400268>]), the penal system of the MIA includes:

- **Department for the Execution of Punishment**, hereinafter referred to as the DEP, the key management agency within the PS. Its main objectives include: organization of execution and service of punishment, execution of pre-trial restrictions in the form of detention, acts of amnesty and pardon; management of the activities of bodies and institutions within the PS; determination of the main vectors for improving activities, implementation of best practices, progressive forms and methods of correction of convicts and preventing them from committing new crimes, etc.
- **DEP Regional Divisions, DEP Minsk and Minsk Region Division** (6 in total), regional agencies of the PS.
- **Manufacturing Republican Unitary Enterprises** subordinate to the DEP, as well as divisions thereof created to perform the tasks of the DEP. Their main objective is creation of the conditions for convicts to perform their labour duty and to acquire professional knowledge and skills.
- **Institutions executing sentences that include restriction of liberty, arrest, imprisonment, life imprisonment, death penalty, as well as the pre-trial restriction in the form of detention.** Such institutions include:
  - 1) Detention centers (facilities) for those sentenced to arrest that are used for the execution of such punishment as arrest (imprisonment lasting from one to three months in strict isolation; the conditions are similar to those established for the general regime in prison).
  - 2) **Open-type correctional institutions**, hereinafter referred to as OTCIs (29 in total), used for the execution of such sentence as restriction of liberty and sending a convict to an OTCI. They can be categorized (in accordance with Part 4, Article 47 of the PC) into:
    - OTCIs for first convicts;
    - OTCIs for repeated convicts.

The 29 OTCIs in general include 24 OTCIs for males (15 for first convicts and 9 for repeated convicts) and 5 OTCIs for females (mixed ones).

**3) Correctional institutions used for the execution of imprisonments and life imprisonments:** *correctional colonies, juvenile correctional colonies, prisons and medical correctional institutions* (Article 64 of the PC).

*Correctional colonies*, hereinafter referred to as CCs (where persons who have reached the age of eighteen (over 18) serve their sentences), can be categorized into:

- Correctional colonies-settlements (minimum security correctional colonies) (3 in total) that can be further divided into those for persons who committed crimes without malice aforethought and those for persons pursuing a better path (transferred from a correctional colony in accordance with the procedure prescribed by Part 3, Article 69 of the PC);
- Correctional colonies for first convicts (7 in total, one of them is for women). There, men serve their sentences under general, medium security and strict (high security) regimes, while women serve their sentences under general and strict (high security) regimes;
- Correctional colonies for repeated convicts (7 in total, one of them is for women). There, men serve their sentences under general, medium security and strict (high security) regimes, while women serve their sentences under general and strict (high security) regimes;
- Special security regime correctional colonies (1 in total) for extremely dangerous male criminals, as well as those for whom the death penalty was by pardon replaced with life imprisonment, those sentenced to life imprisonment, as well as those whose death penalty or life imprisonment were replaced with imprisonment.

*Juvenile correctional colonies* (1 in total) for minors sentenced to imprisonment, as well as those who were left there after reaching the age of 18 in accordance with Article 132 of the PC. In exceptional cases, the period of stay in a juvenile correctional colony for convicts who have reached the age of twenty-one may be extended for one more year each time by a reasoned decision of the head of the colony agreed with the commission on juvenile affairs and sanctioned by the prosecutor.

*Prisons* (3 in total) for those sentenced to imprisonment for a term of over five years for committing particularly serious crimes; extremely dangerous criminals; those for whom the death penalty was by pardon replaced with life imprisonment; those convicted to life imprisonment; convicts transferred to prison from a correctional colony for gross violation of the established order of serving the sentence.

*Medical correctional institutions* (1 in total) for convicts with active tuberculosis, HIV, AIDS or those who have not completed the full course of treatment for their venereal disease (Part 5, Article 16 of the PC).

**4) Pre-trial detention centres** (6 in total). In accordance with Part 1, Article 64 of the PC, they are used as correctional institutions for those sentenced to imprisonment and left in pre-trial detention centres to carry out general labour activities. Moreover, in cases when it is necessary to conduct investigative activities in relation to a crime committed by another person, a person sentenced to imprisonment and serving his/her sentence in a correctional or juvenile correctional colony may be left in a pre-trial detention centre under the sanction of a prosecutor for a period established by the Criminal Procedure Code of the Republic of Belarus (hereinafter referred to as the CPC of the Republic of Belarus) for the production of investigative activities in relation to the case, that can not however exceed the term of punishment of the one sentenced to imprisonment (Part 4, Article 67 of the PC).

The key roles of the above mentioned correctional institutions are:

- Ensuring the enforcement of the penal legislation;
- Carrying out educational work with convicts in order to correct them (make them ready for a law-abiding lifestyle);

- Creating conditions for convicts to receive general and vocational education;
- Creating conditions for enforcement of legal order and ensuring security of convicts, personnel, officials and citizens located in their territory;
- Ensuring the involvement of convicts in paid labour;
- Ensuring health care for convicts;
- Carrying out activities to develop their facilities and resources and social sphere.

## **SECTION 2. LEGAL REGULATION OF EDUCATION OF CONVICTS SERVING SENTENCES IN THE PENAL SYSTEM INSTITUTIONS AND MEDICAL-LABOUR CENTRES OF THE REPUBLIC OF BELARUS**

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*The Republic of Belarus has ratified a number of universal international legal acts that provide the right of everyone to education, such as Universal Declaration of Human Rights, 1948; International Covenant on Economic, Social and Cultural Rights, 1966; Convention against Discrimination in Education, 1960; Convention on the Rights of the Child, 1989; Convention on Human Rights and Fundamental Freedoms of the Commonwealth of Independent States, 1995.*

The Republic of Belarus is a party to *special international legal acts containing recommendations in the field of education of convicts*, including: Standard Minimum Rules for the Treatment of Prisoners, 1955; Basic Principles for the Treatment of Prisoners, 1990; UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), 2015; UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985; UN Rules for the Protection of Juveniles Deprived of their Liberty, 1990; European Prison Rules (Recommendation No. R (2006) 2).

In the Republic of Belarus, the right to education is proclaimed in *Article 49 of the Constitution*, which guarantees the availability and free-of-charge basis of general secondary and vocational education, the availability of specialized secondary and higher education to everyone in accordance with their abilities.

*The key instruments of legal regulation of education of convicts include the Code of the Republic of Belarus on Education (hereinafter referred to as the Education Code) No. 243-3 dated January 13, 2011, and the Penal Code of the Republic of Belarus No. 365-Z dated January 11, 2000.* The specifics of the organization of education in CIs largely depend on a number of the MIA local acts.

*Article 2 of the Education Code* provides for the state guarantees for the exercise of the right of citizens to education, defines the principles of state policy in the field of education, i.e. priority of education, observance of human rights, guarantee of the constitutional right to education for everyone, ensuring equal access to education. Part 4, Article 31 of the Code establishes a number of rights for students of secondary schools and vocational schools located in the territory of CIs.

In general, the legislative acts of the Republic of Belarus regulating the education of convicts take into account the generally recognized principles and norms of international law in the sphere of exercise of the right of convicts to education. The PC, in turn, while taking into account the recommendations of international legal acts, provides for organizational and motivational norms in relation to the education of various categories of convicts.

At the same time, legal regulation of education for various categories of convicts and citizens in MLC has some distinctive features.

**Education of convicts serving sentences of restriction of liberty** is regulated by the PC and the Code of Conduct of open-type correctional institutions approved by Resolution of the MIA of the Republic of Belarus No. 15 dated 13.01.2017 (as amended by MIA Resolutions No. 239 dated 30.08.2019, No. 279 dated 22.10.2019) (hereinafter referred to as the CoC of OTCIs).

The right to education for convicts serving their sentences in OTCIs is exercised “through receiving basic education, additional extramural education, as well as additional education on the territory of the Republic of Belarus” (Part 10, Article 47 of the PC).

Chapter 16 of the CoC of OTCIs emphasizes the right of convicts to be admitted to (paragraph 78.1.) and reinstated (paragraph 78.2) at an educational institution for obtaining basic education in extramural form. CoC of OTCIs provides for a number of measures that create the favourable environment for the exercise of the right to education:

- Opportunity for the convicted students to leave the OTCI or the settlement where the OTCI is located to pass entrance exams, an interview or centralized testing; exams for the period of study, module tests, coursework, diploma and other qualification works (paragraph 79). At the same time, paragraph 81 of the CoC of OTCIs imposes an obligation to comply with the requirements of the PC when the convicts are given permission to leave their OTCI;
- Permission for convicts who are getting education to use OTCI computers, office equipment necessary for training (paragraph 82);
- Possibility of organization of education for convicts who studied in educational institutions extramurally before being sent to an OTCI, in accordance with paragraph 78-82 of the CoC of OTCIs (paragraph 83).

As a restriction, paragraph 80 of the CoC of OTCIs establishes that convicts may only attend practical training or classes of training courses with permission from the head of the OTCI within the settlement where the OTCI is located.

**Education of convicts serving sentences of imprisonment** is regulated by the PC and the Code of Conduct of correctional institutions (hereinafter referred to as the CoC of CIs) approved by Resolution of the MIA of the Republic of Belarus No. 174 dated 20.10.2000 (as amended by MIA Resolutions as of 18.07.2019).

The *organizational measures* in relation to education for all categories of convicts sentenced to imprisonment include: the possibility of transfer of convicts from one CC to another CC of the same type for getting education (part 2, Article 72 of the PC); textbooks required for receiving general secondary, vocational education and vocational training are not counted in the total number of books and magazines that a convict may have (Part 4, Article 89 of the PC).

The *motivational measures* include norms that provide for the possibility of applying various incentive measures in relation to convicts for their conscientious attitude towards education (Article 110, Article 127, Part 2, Article 187 of the PC). Part 2, Article 109 prescribes to take into account the attitude of convicts towards receiving education when determining the degree of their correction.

The type of the CI determines certain features of the exercise of the right to education for convicts.

Convicts in **correctional colonies-settlements** are given the opportunity to receive basic extramural education in the territory of the Republic of Belarus (Part 8, Article 122 of the PC). Convicts can use personal computers for getting distance education (Article 263-1 of the CoC of CIs), but they can only do it in their free time.

**Other correctional institutions** (Article 109 of the PC) shall organize conditions for the convicts for getting general secondary and vocational education and vocational training (the latter two are organized according to the fields, specializations, professions in which convicts will be able to



work both in CIs and after release). The same article establishes the obligation for local executive and administrative bodies to create the necessary conditions for convicts to receive education in CIs.

By Act of the Republic of Belarus No. 171-Z dated 09.01.2019, amendments and additions were made to the PC providing for the creation of conditions in CIs for the convicts to receive specialized secondary and higher education in a distance form, as well as additional education. Thus, the CoC of CIs (paragraph 14) provides for the possibility of establishing an Electronic Educational Environment Remote Access Centre (hereinafter referred to as the EEERA Centre) and equipping classrooms in buildings located in the residential area of a CI. paragraph 263 of the CoC of CIs provides for equipping the EEERA Centre with: computerized study places for convicts with access to the Internet (limited to information resources on the official website of the educational institution) and a computerized workplace of the CI officer responsible for the work of the centre. The same article provides for: the possibility of using e-books for reading and storing information necessary for mastering the educational program, and restrictions on attending practical training by convicts (such training is organized in institutions and enterprises where convicts are involved in labour, as well as educational institutions located in the territory of a CI).

Paragraph 262 of the CoC of CIs contains norms providing for the possibility of organizing the training of convicts in additional education programs in CIs and creating hobby clubs of convicts according to their interests, including circles, clubs, sections, studios, workshops, laboratories, orchestras, choirs, ensembles, theatres, and also the norms aimed at creating conditions for the development of additional education:

- Possibility of attracting individual entrepreneurs and individuals who, in accordance with the law, have the right to carry out educational activities, to the implementation of additional education programs and organization of the hobby clubs;
- Equipping classrooms and premises for the work of associations of interests in accordance with the content of the additional education program and the activities of the hobby clubs;
- Possibility of training convicts in additional education programs for adults on a paid basis.

Paragraph 264 of the CoC of CIs emphasizes that the release of convicts studying in general education schools from labour duties to pass their exams is carried out in accordance with the procedure established by the labour legislation. They are not paid wages for this period, however, the meals are provided free of charge.

**Education of convicts sentenced to arrest and life imprisonment.** In accordance with Part 2, Article 59 of the PC, education access to education is not provided for *convicts serving arrest*. Article 173 (Part 5-1) of the PC establishes that education access to education is not provided for *convicts sentenced to life imprisonment* (with an exception that the administration of a CI shall create conditions for self-education of such convicts that do not conflict with the conditions of imprisonment).

**Education for persons kept in medical-labour centres** is regulated by Act of the Republic of Belarus No. 104-Z “On the Procedure and Conditions for Sending Citizens to MLCs and Conditions of Stay therein” dated January 4, 2010 (hereinafter referred to as the MLC Act), the CoC of MLCs of the MIA of the Republic of Belarus (hereinafter referred to as the CoC of MLCs) approved by Resolution of the MIA of the Republic of Belarus No. 264 dated October 9, 2007 (as amended by Resolution of the MIA No. 320 dated November 5, 2008), other legislative acts.

Article 14 of the MLC Act imposes the obligation on MLCs to organize vocational training, retraining and advanced training of citizens kept therein (which, according to Article 42, can take place in the workshops of the MLC, manufacturing republican unitary enterprises subordinated to the DEP, vocational schools located in the territory of the MLC, as well as other organizations

located in the MLC), as well as to implement measures to raise the cultural level of convicts and create conditions for their self-education.

Article 45 provides for creating conditions for raising the cultural level and engaging in self-education and providing the opportunity to use the MLC library, the media (including subscription to newspapers and magazines), participate in cultural, educational, physical and sports events held in the MLC.

### **SECTION 3. ORGANIZATION OF EDUCATION AND TRAINING IN CORRECTIONAL INSTITUTIONS. EDUCATION LEVEL OF CONVICTS**

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#### **Organization of Education and Training**

The availability of various levels of education and training programs is primarily determined by the type of correctional institution where a convict is serving his/her sentence. In accordance with the PC regulations, access to education is not provided for persons serving a life sentence (only the possibility of self-education is provided), as well as persons serving arrest.

There are no branches of educational institutions and industrial enterprises in the territory of *OTCIs* and correctional colonies-settlements, but the procedure and conditions for serving a sentence allow convicts to study extramurally in institutions of specialized secondary and higher education, to get a profession (qualification) in the process of labour activities at “civil” enterprises and organizations. Convicts serving their sentences in *OTCIs* are also not prohibited from taking educational courses (outside the institution in their free time).

The convicts kept in *correctional* and *juvenile correctional colonies* have access to the following levels of **basic education**:

**General secondary education** is available in institutions where minors are serving their sentences. It is carried out in branches of secondary schools located in the territory of the institution. If there are no general education schools in the territory of a CI, the only option for receiving basic or secondary education is external studies, i.e. passing exams to a commission consisting of teachers from the school located outside the CI. In such cases, the school is determined by the district education department. A significant number of convicts undergo external studies annually.

**Vocational education** is carried out in the branches of vocational education institutions located in the territory of a CI. They provide training in trade qualifications that allow convicts to carry out labour activities both during the period of serving their sentence and after release. Examples of such qualifications include: “Tailor”, “Hairdresser”, “Electric and Gas Welder”, “Woodworking Machine Operator”, “Facing Plasterer”, “Tiler”, “Engine Operator” “Boilerman”, “Compressor Operator”, “Stove Maker”, etc. The training ends with the issuance of a certificate of vocational education.

If there is no a branch of an educational institution in the territory of a CI convicts can obtain the basics of the profession with the assignment (or improvement) of qualifications in the process of labour activities at the PC manufacturing enterprises located in the territory thereof. These include qualifications related to clothing and footwear manufacture, metalworking, woodworking, furniture production, and agriculture in the first place.

Several hundred convicts undergo training in vocational schools and manufacturing enterprises annually.

While serving their sentence, convicts have an opportunity to acquire several qualifications, which they snatch. Nevertheless, there are a number of barriers to enrolling in relevant educational



institutions and receiving vocational education, e.g. a convict has no general basic education, lacks original documents on obtaining basic or secondary education, the term of their sentence differs from the duration of the course, educational institutions follow regulated terms of admission (once a year).

**Higher education** is provided through the EEERA Centres created within CIs on a paid basis (at the expense of students).

Until the fall of 2019, higher education had been provided by Minsk Innovation University. Convicts could receive education in the following fields: “Psychology”, “Information Management”, “Accounting, Auditing and Analysis”, “Economics and Company Management”, etc. In the fall of 2019, the university stopped providing educational services to convicts. Currently, education is being received from Russian educational institutions “that have the necessary technical and organizational resources to implement distance higher education programs”. During the period from October 2015 to early 2020, several hundred convicts received higher education remotely (mainly in the field of economics). Most of them continued their studies after release, a number of convicts successfully completed their studies during the period of serving their sentences (and received a diploma of higher education).

**Additional education** generally takes the form of collective correctional work, with an educational component (lectures, thematic discussions, quizzes, etc.) aimed at increasing the educational, intellectual, moral and cultural level of convicts, expanding their horizons in areas of law, ethics, history, literature and other areas of knowledge and culture, being part thereof.

Various associations of convicts based on their interests (art studios, sports clubs, theatres) are being created in CIs; psychological laboratories have been operating for several years, aimed at the development of social competencies among convicts. The first half of 2020 is planned to be dedicated to starting pilot participation of convicts in correspondent educational courses ESHKO.

The main responsibility for the organization of educational work is borne by the employees of a CI (mainly employees of the departments that organize the correctional process and psychological support). At the same time, representatives of public and state organizations make a significant contribution thereto.

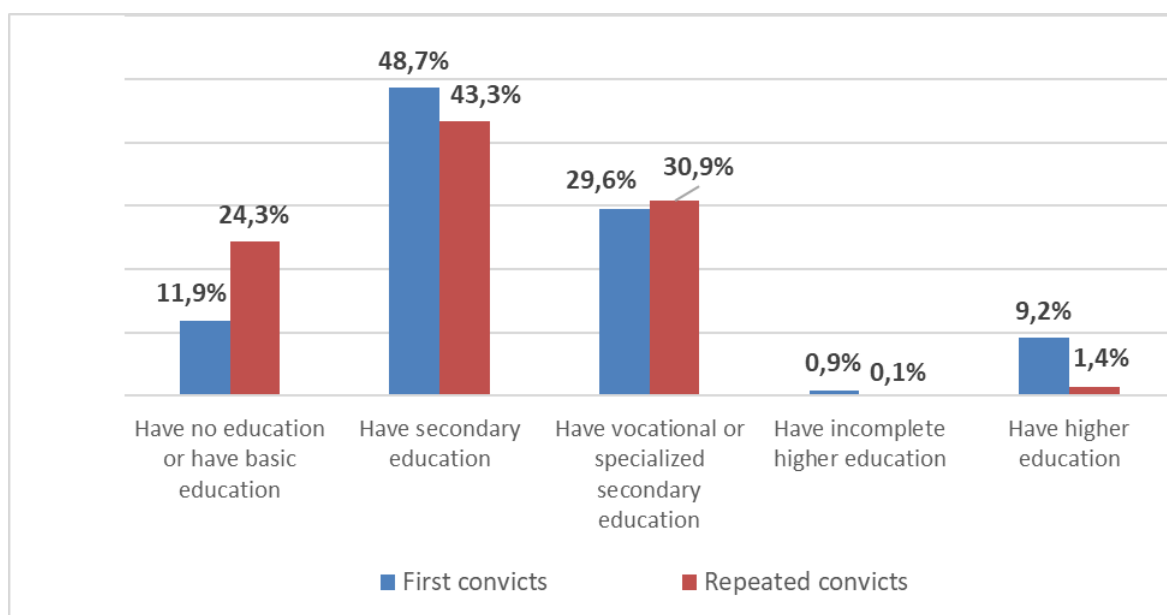
For example, representatives of local subdivisions of the Ministry of Labour and Social Protection of the Republic of Belarus participate in the activities of the Readaptation Schools (the purpose of which is to prepare convicts for life outside the CI right before their release therefrom) and hold classes on employment, receiving financial assistance, etc., after being released. Representatives of dependency clinics participate in events dedicated to anti-drug and anti-alcohol education and promotion of a healthy lifestyle. “Legal Clinics” organized by students of state universities are largely involved in matters of legal education.

Numerous civil society organizations develop and implement additional education programs for CIs, such as Gomel regional public association “Community Development Project”, NGO “Amrita”, Mozyr Social Public Association “Tree of Life”, NGO “Club of Business Women”, Regional NGO “Gomel Association of Children and Youth”, NGO “Alcoholics Anonymous”, International Public Association “Ecoproject”, Charity Public Association “Listen to your Heart”, etc.

The main topics of educational programs implemented by these organizations include: parent-child relations, conscious parenting, starting your own business, effective job search, financial literacy, ecological lifestyle, green economy, rights for every day, conflict-free behaviour, communication skills development, formation of positive thinking, healthy lifestyle, volunteer management, cooking skills, combating gender-based violence, etc.

## Education Level

Due to the lack of up-to-date data on the number of convicts and the education level of persons serving sentences, the data from a 2017 survey was used.<sup>1</sup>



## SECTION 4. SURVEY OF THE PUBLIC OPINION REGARDING THE EDUCATION OF CONVICTS

Two methods were used to study the public opinion about the right of convicts/released to education, its role in resocialization and factors of social adaptation of the released: *focus group discussions* and an *computer-assisted web interviewing (CAWI)*.

Three focus group discussions were held, in which representatives of civil society (non-governmental, public organizations, small and medium-sized enterprises, youth organizations, the media), students (2<sup>nd</sup> year students of the Faculty of Law of Francisk Skorina Gomel State University), experts (specialists from the state and public sectors, who deal with convicts/released in the course of their work), 36 people in total.

The CAWI was conducted using a Google Form randomly sent to email addresses of potential respondents living in the Republic of Belarus. 305 respondents took part in the survey.

### *Opinions about the Rights and Opportunities of Convicts in Society*

*Focus Group Discussions.* In general, the respondents support the need to recognize the rights and opportunities of convicts, proving their position by referring to the country's basic constitutional norms (rights to labour, education, social protection, etc.). Most of the respondents believe that

<sup>1</sup> T. M. Kattsova, *Education of Convicts Sentenced to Imprisonment as a Means of Achieving the Goals of Criminal Liability* / T. M. Kattsova. – Minsk: MIA Acad., 2018. – 162 p. (pp. 92, 105).

“the guarantees of such rights are a prerequisite for the successful resocialization of former convicts”.

Most of them support and agree with the right of convicts to, and their need for, education. Restrictions related to convictions and terms of imprisonment “shall not restrict the right of citizens to education”. At the same time, some respondents expressed the opinion that “the gravity of the crime and its nature” should be taken into account when acquiring a profession (for example, access to a number of professions or to higher education shall be limited for some categories of convicts).

CAWI. According to the overwhelming majority of the CAWI respondents (94.4 %), convicts need education (Figure 1). At the same time, a number of the respondents have a negative (4.3 %) or indifferent (1.3 %) attitude to this issue.

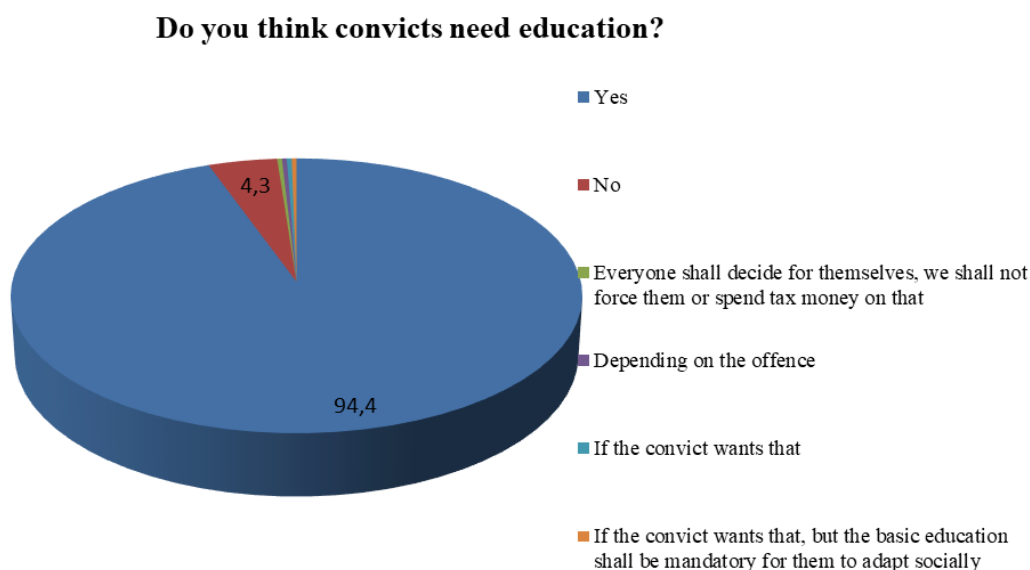


Figure 1. Answers to the question “Do you think convicts need education?”

### ***Opinions about the Forms and Education Level of Convicts (Formal, Informal, Long-Term, Short-Term, College, University)***

*Focus Group Discussions.* Most of the respondents pointed to the importance of the formal education for convicts in terms of its documentary confirmation (a certificate, etc.). All the respondents drew attention to the limited possibilities of CIs to provide educational activities at various levels. As a rule, vocational training is widely practised in trade jobs with low qualifications and little demand in the labour market. Some respondents drew attention to the need for “teaching entrepreneurial skills, organizing and running their own business”.

The group members pointed to additional resources used in the education of convicts – the spread of distance learning practices, the attraction of the resources from public educators, the use of the opportunities offered by the family and relatives. Almost all the respondents highlighted the importance of the educational process “for the vocational and cultural training of convicts”, “personal development” and especially for the “formation of motivation for successful adaptation in society”, “stability in the labour market”. Most of the respondents believe that education actually creates “new opportunities for an efficient return to society”.

CAWI. The ranking of the education level necessary for convicts showed the prevalence of specialized secondary education, chosen by 66.6 % of the respondents. The need for developing social skills was noted in 58 % of the responses, for additional education – in 38.7 % of the responses, continuing education – in 13.8 %. The need for convicts to receive secondary (42 %)

and higher (33.1 %) education looks no less urgent. 4.3 % of the respondents indicated the need to take into account the desire and opinions of convicts regarding their education.

***Opinions about the Possibility of Education of the Released in the same Institutions as other Members of Society; Readiness to Study Together with Convicts***

CAWI. 57.7 % of the respondents would agree to study with convicts or former convicts; 28.9 % would not (Figure 2). The answers to the open answer “Other” also look indicative: 1.6 % of the respondents might agree to study with them, 1.5 % of the respondents found it difficult to answer, and 10 % of the respondents said their willingness to study would depend on the article under which the person was convicted. Moreover, only 53.9 % of the women surveyed were ready to study with convicts, while as many as 71.1 % of the men surveyed stated the same.

**Would you agree to study with (former) convicts?**

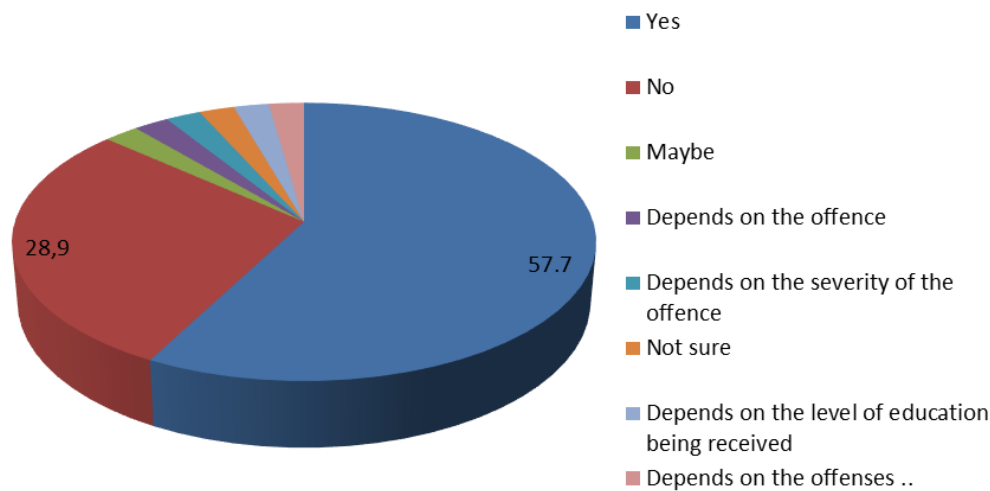


Figure 2. Answers to the question “Would you agree to study with (former) convicts?”

***Opinions about Trust in Former Convicts, Readiness to use the Services Provided by Former Convicts***

*Focus Group Discussions.* The respondents’ attitude to life situations when former convicts work, for example, with children or in educational institutions, turned out to be ambivalent. According to some respondents, there can be no restrictions because if they “have paid for their mistakes and returned to society, then they have equal rights with all other citizens”. For some respondents, this was an issue of “responsibility to citizens, society for their crimes”, “it depends on the crime”. The emphasis was also placed on the fact that a special responsibility lies with the leaders of the organizations where the released find jobs, “there are areas where legislation should limit their employment opportunities”.

CAWI. 81 % of the respondents answered positively about their willingness to use the services offered by convicts (for example, translating texts, writing texts, sewing clothes, shoes, repairs, catering), 11.5 % of respondents were not ready to use such services; 7 % of the respondents said that their readiness to use such services would depend on the article under which they were convicted (Figure 3). Only two respondents said that they saw no connection between a criminal record and their demand for a certain service.

### If you need any service that a convict can provide, will you use it?

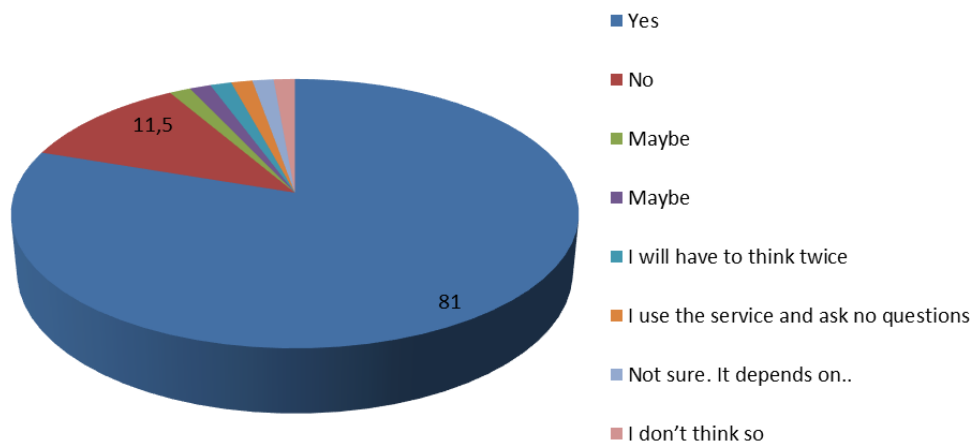


Figure 3. Answers to the question “If you need any service that a convict can provide, will you use it?”

### Opinions about the Factors Contributing to Successful Resocialization of Convicts

**Focus Group Discussions.** Most of the respondents noted that successful resocialization, first of all, depended on the state and its special supervision institutions, employment centres, centres for social protection, etc. The most “difficult questions are the restoration of residence rights, employment, confirmation of education, qualifications”. Almost all the respondents expressed the opinion that civil society organizations, which have accumulated positive experience in such work, provide great assistance in successful resocialization of former convicts. The respondents agreed that successful resocialization generally depends on the efficient work of various state and public institutions, which requires coordinated and systemic efforts from all the stakeholders. According to the majority of the respondents, an important factor of resocialization is the personal factor (the motivation of the convicts, their previous life experience, desire to change for the better).

**CAWI.** Providing assistance to convicts in adaptation after release seems to be relevant for the majority of respondents (92.1 %) (Figure 4). At the same time, 4.3 % of the respondents believe that such assistance is not needed, and 3.6 % of respondents indicated various preconditions of providing such assistance, e.g. desire of the convict, the article, etc.

### Is it necessary to provide assistance to convicts in social adaptation after release?

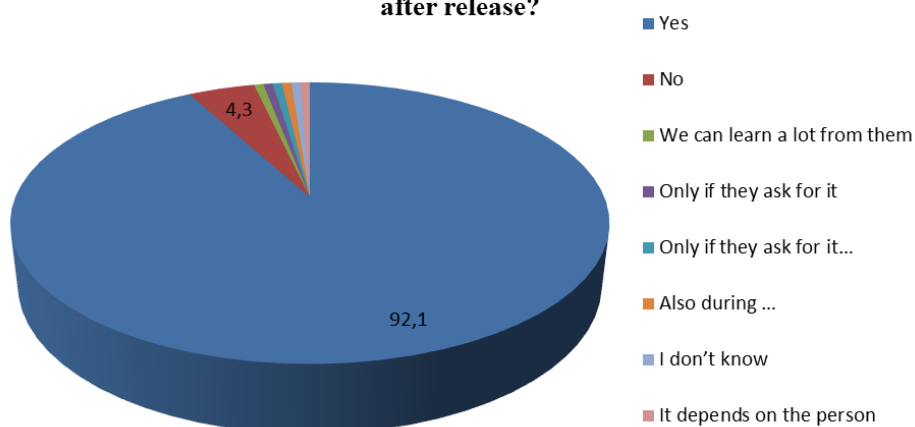


Figure 4. Answers to the question “Is it necessary to provide assistance to convicts in social adaptation after release?”

According to 31.1 % of the respondents, significant assistance should be provided by the state and state bodies. An important role is assigned to close people and family, environment and society as a whole (23 %). In the opinion of 22.6 % of the respondents, assistance shall be provided by



psychologists, specialists and specially established services. 13.1 % of the respondents indicated local centres for social protection and social services as a structure that should provide assistance to former convicts. In the opinion of 7.5 % of the respondents, assistance to convicts can be provided by non-profit and public organizations, as well as volunteers.

The successful socialization of former convicts, according to the respondents, will be largely facilitated by support in employment and labour (21 %), assistance and consultations provided to such people (18.4 %) and decent social and economic conditions created for them (6.3 %). A number of respondents (5.2 %) believe that training and education, access to information, as well as various rehabilitation and psychological trainings and courses will contribute to the successful socialization of former convicts.

58 % of the respondents are ready to contribute to social adaptation of convicts. 31.8 % of the respondents are not ready to participate in such activities, while the rest of them (10.2 %) find it difficult to answer the question or say that their readiness depends on the article (Figure 5).

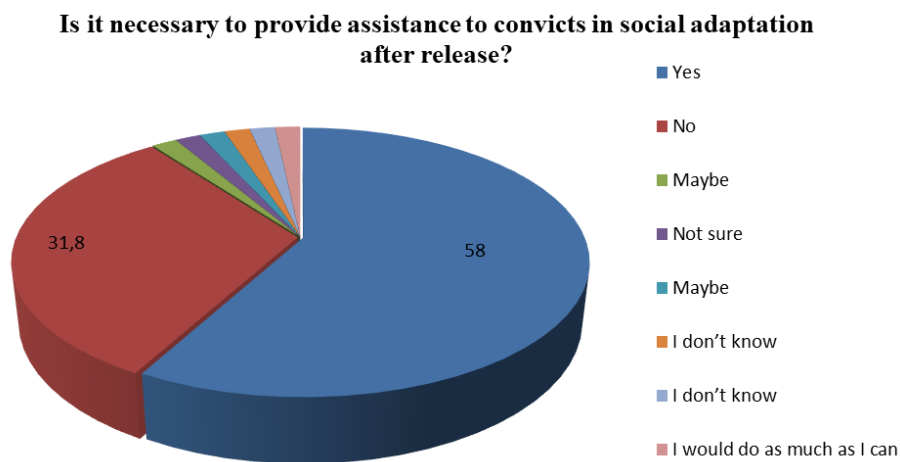


Figure 5. Answers to the question “Would you like to contribute to social adaptation of former convicts?”

The predominant form of participation in social adaptation of convicts was volunteering (64.3 %), as well as support in resocialization (38.9 %). Less than 18 % of the respondents are willing to donate to (17.6 %), buy services from (16.3 %) and hire such people (15.8 %).

## CONCLUSIONS AND RECOMMENDATIONS ON IMPROVING LEGAL REGULATION AND ORGANIZATIONAL SUPPORT OF EDUCATION FOR CONVICTS SERVING SENTENCES IN CORRECTIONAL INSTITUTIONS OF THE REPUBLIC OF BELARUS AND CITIZENS KEPT IN MLC

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1. In general, the legislation of the Republic of Belarus regulating the education of convicts takes into account the generally recognized principles and norms of international law in the sphere of exercise of the right of convicts to education. In accordance with Article 7 of the PC, the education of convicts is recognized as one of the main means of achieving the goals of criminal liability. However, the criminal correctional legislation provides for certain features of the exercise of the right to education by convicts sentenced to restriction of liberty or imprisonment depending on the type of a correctional institution (for example, education is not offered to convicts sentenced to life imprisonment or arrest).

2. In connection with the above, it is advisable to include the right to education in the list of fundamental rights of convicts serving sentences in correctional institutions of the Republic of Belarus, with the introduction of appropriate amendments to the penal legislation. It is proposed: to supplement **Article 10 of the PC “Fundamental Rights of Convicts” with Part 6** reading as follows: “Convicts have the right to education. The administration of the body or institution executing punishment and implementing other criminal sanctions shall render full-fledged assistance in the exercise of the right of convicts to education, taking into account the available possibilities.”

The introduction of these amendments will lead to the subsequent revision of the articles of the PC that regulate the education of convicts sentenced to arrest and life imprisonment, local acts of the MIA regulating the conditions for serving sentences for different categories of convicts, as well as citizens kept in MLCs.

3. In accordance with the Belarusian legislation, the body that manages the education system in the country is the Ministry of Education of the Republic of Belarus, which ensures the functioning of the education system, monitors the quality of education, enforces personnel policy in the field of education, provides scientific and methodological support of education, etc. It is responsible for the functioning of educational institutions created by local executive and administrative bodies in the territory of correctional institutions. At the same time, the management of correctional institutions is carried out by the administration of such institutions, subordinate to the DEP, that is, the education of convicts is carried out within an area under security surveillance in the framework of their daily routine, which makes it impossible to organize the educational process without the participation of the administration of correctional institutions.

In order to increase the effectiveness of the use of education as a means of achieving the goals of criminal liability and create favourable conditions for the exercise of the right to education by convicts, it is recommended to assign the responsibility for organizing the educational process and creating appropriate conditions jointly on local executive and administrative bodies subordinate to the Ministry of Education of the Republic of Belarus and the administration of correctional institutions subordinate to the Ministry of Internal Affairs of the Republic of Belarus, with the introduction of appropriate amendments to the legislation of the Republic of Belarus on education and penal legislation.

4. In order to improve the legislation in the field of education of convicts serving sentences in correctional institutions, it is recommended to develop and implement interdepartmental normative legal acts regulating the procedure and conditions for receiving education at different levels in correctional institutions of various types and MLCs.

It is also recommended to develop additional incentive measures in the legislation that would stimulate convicts to receive education, e.g. to set a conscientious attitude of convicts towards

education as one of the criteria allowing them to change the conditions of their detention, the type of correctional institution and the type of the regime (Part 1, Article 68, Part 1, Article 69 of the CCC), as well as a basis for applying incentive measures.

5. In order to improve legislation in the field of education of convicts serving sentences in correctional institutions, it is recommended to consider the possibility of equating participation in educational activities with participation in labour activities and let the administration reduce the working week by the number of hours spent on training.

6. Promotion of education in the penal system as one of the priority areas of focus for many international organizations. The participation of representatives of the DEP and the Ministry of Education of the Republic of Belarus, as well as other stakeholders in such international organizations (in particular, the European Prison Education Association (EPEA), the International Network of Penitentiary Education in the Countries of Eastern Partnership and Central Asia) will create conditions for the exchange of ideas and information with foreign experts involved in the education of convicts, allow to study the accumulated experience of different countries in the field of education in the penitentiary system and apply it to improve the organization and content of education in correctional institutions of the Republic of Belarus after certain adaptation to the special features of the penal system of our country. In addition, membership in international organizations will provide up-to-date information on the results of foreign studies, as well as competitions, grants, programs, projects that allocate funds for their implementation, which will provide additional finances for the development of education in correctional institutions.

7. In view of the expected social and economic effects of the development of education in correctional institutions, which include more effective social adaptation and rehabilitation of convicts, a predicted decrease in the level of recidivism and, as a consequence, a decrease in the number of repeated convicts in correctional institutions, which will eventually result in decreased costs of their maintenance, the following measures can be considered as important:

- Discussion of problems of development of education in correctional institutions at the interdepartmental level (Ministry of Internal Affairs, Ministry of Education, Ministry of Labour and Social Protection).
- Consideration of the possibility and feasibility of developing and implementing an interdepartmental program for the development of education in correctional institutions of the Republic of Belarus or a program for social adaptation of convicts, an important component of which would be the development of education in the criminal correctional system.

*The following measures might also be beneficial:*

1. Development of cooperation between the penal system and institutions of specialized secondary and higher education with a view to expand the opportunities for convicts to receive education at these levels (in the distant form) and to search for payment terms alternative to the existing ones.
2. Scientific development of courseware and methodological support of educational courses aimed at the formation of various types of social skills necessary for the normal, self-sufficient life of former convicts and favourable social rehabilitation after their release from correctional institutions.
3. Revitalization of activities of supervisory boards in correctional institutions and development of a legal basis for the creation of special funds that would allocate financial assistance to convicts who want to receive higher education, but are unable to pay for it, on a competitive basis.
4. Involvement of public and charity organizations in maintaining and developing the education of convicts.

5. Development of cooperation with educational institutions and individuals who, in accordance with the law, have the right to carry out educational activities in order to implement various short- and long-term educational programs (primarily aimed at mitigating conflicts, overcoming addictions and offering legal education) in the educational process in correctional institutions within the framework of additional education for adults and youth.

6. Consideration of possible creation of educational centres in correctional institutions or the introduction of the position of a tutor (social teacher) in social adaptation centres who would be subordinate to local executive and administrative bodies and responsible for a comprehensive review of the education level of each convict and offering them various educational programs, interaction with the administration of the correctional institution and with various educational institutions.

7. The need for a social teacher (tutor) in correctional institutions of the Republic of Belarus derives from the fact that the educational process in correctional institutions involves the performance of certain functions that fall outside the scope of professional duties of the employees responsible for the organization of the correctional process and cannot be performed by them in full due to their extensive workload and/or lack of relevant qualifications and competencies.

8. Having analysed the results of the public survey, we suggest raising public awareness of the importance of education of convicts and its role in their subsequent social adaptation, as well as promoting tolerant attitude towards (former) convicts. Such measures will result in:

- Increased potential for public and civil participation in the education of convicts and their social adaptation after release;
- Attracting resources from public educators, supervisory boards to organize education of convicts in correctional institutions;
- Development of volunteer initiatives of former convicts;
- Creation and development of clubs and centres offering psychological support and adaptation;
- Maintaining positive ties with family and relatives in order to use their beneficial effect on convicts and to motivate the latter to efficient social adaptation.