

## EDUCATION OF THE INCARCERATED IN SLOVAK LEGISLATION

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This text is a reaction to the reform processes in the educational system in Slovakia, which also affect the school education of convicts. The education of the incarcerated is not only regulated by school legislation but also by judicial laws. In several provisions, the Education Act specifically mentions education in correctional facilities, and vice versa, the legislation regulating the execution of the prison sentence uses pedagogical terminology and refers to the Education Act. The normative system governing the education of the convicted and those in custody is relatively complicated and, in some respects, ambiguous or internally incompatible. In Slovakia, an overview of the currently valid legislation that governs educational institutions in teaching the incarcerated, and correctional facilities in providing the conditions for education has not yet been processed in this form.

Keywords: Prison education. Legislative standards of education in prisons. Lower secondary education in prison. Secondary vocational education in prison. Second chance education.

### 1 The state of matters in the education of convicts: A brief overview

In Slovakia, the field of education of incarcerated adults and juveniles is far from explored, although it has a long tradition. Research in Slovak prisons is determined by the limits described by Temiaková (2021) and characterized as insufficient and partial. Therefore, in the given conditions, research focuses on persons released from prisons, as this target group is more accessible compared to those still incarcerated (e.g. Vanková, 2018; Papšo, 2007). Even though several studies are available on this issue (e.g. Šírová, Kováč 2009; Španková, Grenčíková, 2012; Papšo, 2007; Lukáčová, 2017; 2018; 2019; Temiaková, 2020a; 2020b; 2021; Temiaková, Lukáčová, 2020), only some of them are actually based on empirical findings provided by the incarcerated persons or their educators. One of the few comprehensive works on the topic of education of the incarcerated is a monograph by Temiaková (2021), dedicated to convicted women in the system of informal education in correctional facilities. Bulletins by the Corps of Prison and Judicial Guards (CPJG; their internal periodical) are regularly published and available to the public. They provide articles about educational activities carried out, the number of inmates who have successfully completed formal education, etc. Annual reports by the CPJG and reports from implemented education projects financed from EU funds, mainly by non-profit organizations, are a separate source of information.

The level to which education of the incarcerated is elaborated on in foreign academic literature is at a completely different level, be it from the viewpoint of institutional security, theoretical background, as well as empirical research. In the European space, there is the European Association of Prison Education (EPEA), a non-governmental non-profit organization that has branches in several European countries. In England, the Prisoner Learning Alliance, a not-for-profit organization, functions as a network of organizations and individuals with expertise and experience in prison education and aims to influence prison education policies in England and Wales. The Prisoners' Education Trust foundation, founded in 1989 in London, provides grants aimed at distance learning for convicts. It is mainly thanks to the activities of these, and similar, organizations, as well as EU programs relating to education that numerous studies and research reports are available in the field of the education of the incarcerated. The study 'Survey on Prison Education and Training in Europe – Final Report' (Hawley, Murphy, Souto-Otero, 2012), for instance, provides valuable insights into the current state of education of convicts in European countries.

It is one of the few specifically dedicated to the profile and support of convict educators. One of the interesting findings is that only 4 out of 26 countries require specific training for prison teachers. The UNESCO documentation center Institute for Lifelong Learning has published a bibliography of education in prisons, which lists publications issued between 2004 and 2007 on 14 pages. In the Scandinavian countries, especially Norway, the education of convicts is also abundantly researched and theoretically elaborated upon (e.g. Eikeland, Manger, Asbjørnsen, 2009; Langelid, Mäkki, Raundrup, Svensson, 2009; Tønseth, Bergsland, 2019). Education of the incarcerated is more intently studied in those countries where the rate of incarceration is generally higher and, at the same time, there are years of experience with a multicultural society (e.g. USA, Canada, Australia). In the USA, the Correctional Education Association has been in existence since 1945. It is a professional association of educators of (juvenile and adult) convicts, whose aim is, among other things, to support the implementation of quality education program by educators of the incarcerated by creating opportunities for mutual exchange of experience, publishing, professional development, and personal growth (Correctional Education Association).

### 1.1 Education as part of penitentiary care

In theory (since the legislation does not specify such classification), education in the conditions of incarceration and custody in Slovakia can be differentiated into two relatively separate areas – (1) penitentiary education, and (2) school (formal) education (second chance education). School education aimed at obtaining and increasing the level of one's qualifications is a systemic part of education in institutions for the execution of prison sentences and detention. Even though formal school education takes place within the framework of the treatment program, school legislation also enters into its implementation, and external employees – teachers – enter the premises of the institute. Differentiation of educational activities as a part of penitentiary care makes it possible to, more clearly, label the place, tasks, and possibilities of the professional people and institutions participating in the education of the incarcerated within the resocialization process.

*Penitentiary education* stands for educational activities and learning processes that are a permanent part of program for the treatment of convicts and can be separated from the system of formal lessons aimed at obtaining a certain level of education. Education of the incarcerated must be seen as a complex resocialization program rather than as an ordinary education process (Španková, Grenčíková, 2012). In practice, it is possible to define the differences between them (mainly from the viewpoint of the organization of education, its duration, staffing, results, and, especially, the goals of education). However, in legislation (*Act No. 475/2005 Coll. on the execution of a prison sentence and the Decree of the Ministry of Justice of the Slovak Republic No. 368/2008*) these differences are perceived as part of a united system of treatment of the incarcerated.

*Penitentiary treatment* includes the ways of contact between the prison staff and the incarcerated as well as all and any activities used to fulfil the purpose of serving a prison sentence. Act No. 475/2005 Coll. on the execution of a prison sentence, § 11 defines the treatment of the incarcerated as "a sum of activities aimed at ensuring the exercise of rights and obligations according to this act in a differentiated manner, at supporting and developing a sense of responsibility, compliance with laws and social norms, positive personality traits, respect for others, self-respect, and a positive relationship with the family. When dealing with the incarcerated, an effort is made to limit the adverse effects of the prison environment." Thus, the intentional impact on convicts is present in all components and processes of penitentiary institutional care. In § 16 of the act in question, education is defined as one of the means of treatment. These include:

- forms and methods of pedagogical and psychological action,
- methods of social work,
- constitutional guidelines,
- disciplinary authority,
- placement in work,
- educational and cultural activities.

The resocialization effect on the incarcerated serving a prison sentence presupposes the monitoring of educational goals in all activities that are part of dealing with the convicted (in the field of education, work, and leisure activities). In this way, education fulfils an important resocialization role, enabling the incarcerated, as well as those in custody, not only to obtain qualifications, increase the level of their education, or requalify, but also creates space for the intentional positive formation of an adult personality, following their functional involvement in the social life on the completion of their sentence. That is why such requests are heard more and more frequently that ask for the following of broader socio-educational goals, rather than merely emphasizing the instrumental nature of education (e.g. Wright, 2006; Torrijo, De Maeyer, 2019). It is necessary to deal with the question whether education of the incarcerated should only be aimed at obtaining a qualification needed on the labor market. Even though this function of education is paramount from the viewpoint of reintegration into social life, it raises doubts about the very goals of education in prisons, as it might lead to reducing education (not only in prisons) to the mere preparation of productive and applicable workers, disregarding educational goals connected to their personality growth (Armstrong, Ludlow, 2016). Critics of education focused in such a way claim that the educational needs of learners are merely a materialization of the employers' demands. Costelloe and Warner (2014) argue that "a considerable part of prison education aimed at future employment, as is provided in some countries, does not constitute education as generally understood in adult education, nor does it meet the requirements of prison education as recommended by the Council of Europe. Education is to also pursue broader goals aimed at the humanization of society through the cultivation of one's personality. The fulfilment of the purpose of serving a prison sentence is to take place in a way that prevents the deterioration of the psychological, social, and physical health of the incarcerated (Raszková, Hoferková, 2014). Apart from other forms of treatment, education has the potential to lead to the achievement of mature forms of behavior, the development of the ability to self-regulate, the promotion of self-esteem and respect for others, the formation of personal and social responsibility, the positive formation of volitional qualities, respect for social norms, the enhancement of knowledge, and other (Širová, Kováč, 2009).

In *Decree No. 368/2008*, education is defined more broadly as "a sum of activities of pedagogical and psychological influence on the convicted aimed at education, resocialization, and elimination of subjective causes of criminal activity with the aim of forming appropriate behavior and value orientation of the convicted in accordance with generally binding legal regulations". The organization of educational and interest activities is more closely framed by *Order No. 7 on the education and organization of interest and leisure-time activities of the accused and convicted* (2009). In *Act No. 475/2005 Coll. on the execution of prison sentence*, the education of the convicted is embodied in § 32, Points 1 to 3. According to this act, education of the convicted stands for "a sum of activities based on active participation of the convicted and aimed at their integration into society in accordance with their personal and social needs". According to § 32, Point 2, "a convicted person with suitable capabilities is to be allowed to acquire primary education, secondary vocational education, full secondary education, or participate in other forms of education that will enable them to obtain, or increase, their work qualifications." Since the stigma of serving a sentence gives a significantly negative impression within civil life, when issuing official documents on the acquired education or qualifications, it must not be obvious these were obtained while serving a sentence. In the act in question, education is perceived as a means of

increasing qualifications and succeeding in the labor market. However, education is more than qualification; it is a way to reconnect incarcerated persons with a moral community. It is a network of those with whom one has an ethical connection through the demands of justice, bonds of compassion, or a sense of duty (Wocial, 2018).

Programs to *eliminate the illiteracy of the convicted* are also a traditional part of education of the incarcerated. The numbers of those convicted who are illiterate, as well as the rates of illiteracy, are published in regular statistical yearbooks issued by the Corps of Prison and Judicial Guard that are to be found on their website.

Education of the incarcerated is more closely elaborated on in the *Decree of the Ministry of Justice of the Slovak Republic No. 368/2008*, which also uses the term 'education'. According to this regulation, inmates are allowed access to education, which consists of:

- general education,
- cultural and sports activities,
- social education,
- free use of library resources.

The Decree does not specify further education as a type of education. Thus, it is included in the *Yearbooks of the Corps of Prison and Judicial Guard* in lifelong education (retraining courses). It would be much clearer for the academic community if the institutions serving to oversee the execution of prison sentences adhered to the established classification of types of education. Since this is not the case, there is a risk that the data from the official annual reports of the Corps might be processed inaccurately. For instance, the *Decree of the Ministry of the Slovak Republic No. 368/2008* specifies the types of education the incarcerated can participate in in the following way:

- completion of primary school,
- completion of a retraining course, a course to increase or widen qualification,
- apprenticeship or training in selected study areas,
- school studies.

Education takes place in the form of modular teaching, social education, or participation in a distant form of study and in courses. Such classification of the forms of education also does not correspond to the established typology usually used in educational policies and school legislation. Among other things, the above regulation establishes the main form of the relationship between the institution for the execution of the prison sentence and the educational institution, according to which education takes place as specified by a contract and within conditions defined by a special regulation. Thus, the decree provides a framework for all types of education in correctional facilities (formal and informal education).

The *Yearbooks of the Corps of Prison and Judicial Guard* provide statistical data for the following types of education:

- general system of education (primary, secondary, higher professional, and university education),
- lifelong learning (retraining courses),
- informal education, formative education, edification, and group social counseling.

It would be useful to revise the types of education in *Decree No. 368/2008* and *The 2021 Yearbook of the Corps of Prison and Judicial Guard* (2022) and consolidate the inconsistencies with the types of education defined by school legislation and *Act No. 568/2008 Coll. on lifelong learning*.

It is full-time employees at these correctional facilities and external educational institutions who take part in the implementation of educational activities. In the following section, attention will be paid to a segment which, in the statistics of CPJG is referred to as the education system of

general, even though it also includes vocational education. The general system of education in correctional facilities, which stands for the term 'formal education' or 'school education' that we use, represents an opportunity to obtain an education for those incarcerated who, for various reasons, did not succeed in the initial cycle of education. While serving a prison sentence, they have a legislatively and practically provided second chance to obtain a higher level of education than that with which they started serving the sentence.

## 2 The subsystem of second-chance education of the incarcerated

In Slovakia, education of the incarcerated aimed at completing a certain level has a long history. The historical development of educating the convicted is presented in John's (2010) paper, in which he places the start of prison education in the first half of the 19<sup>th</sup> century. He outlines the key events and personalities shaping the system of educating in the incarcerated in the joint Czechoslovak state until the beginning of the 1990s. A similar paper focused on this area has not yet been published in the modern history of Slovakia.

School education of convicted adults is carried out based on several pedagogical, judicial, as well as andragogical and socio-legislative rules and regulations. In the following lines, the legal framework regarding the implementation of school second-chance education in penitentiary conditions is analyzed. According to the current legislation, education is available not only to the convicted, but also those in custody in remand institutions. The present paper, however, only mainly deals with education of the incarcerated at selected levels of education that enable them to obtain primary and secondary vocational education. As of 31/12/2021, persons who had completed primary education constituted the most numerous group (3,448 convicts), while the second most numerous were those who had completed secondary education without a school-leaving exam (2,969 convicts) (*The 2021 Yearbook of the Corps of Prison and Judicial Guard*, 2022).

### 2.1 The legal framework for obtaining lower secondary education and secondary vocational education in a prison environment

The system of second-chance education in correctional facilities for adults is elaborated on in detail both from the legislative viewpoint and from the viewpoint of practical implementation. Education aimed at completing a certain level is provided by external educational institutions, which, by their nature, according to valid legislation, and their own practice, primarily apply pedagogical approaches in mainstream school education. Most often, these are secondary vocational schools providing secondary vocational education and, to a much lesser extent, primary schools, which allow the incarcerated to complete their primary education in order to obtain lower secondary education.

According to *Order of the General Director of the CPJG No. 7/2009 on the education and organization of interest and leisure-time activities of the accused and convicted* (§2, Point 2), the goals, conditions, scope, forms, and organization of the education and training of the incarcerated, as well as the levels of education and the scope of attendance are defined by *Act on Education and Training No. 245/2008 Coll.* The paper mainly focuses on the implementation of primary and secondary vocational education in correctional facilities. However, to provide a full picture, it is necessary to mention that the incarcerated also participate in general secondary education. For instance, in 2021, 22 adult convicts participated in studies at secondary comprehensive schools (*The 2021 Yearbook of the Corps of Prison and Judicial Guard*, 2022).

The organization and course of education for obtaining lower secondary education and secondary vocational education in houses of correction is defined by the legislation of the Ministry of Education, Science, Research, and Sport of the Slovak Republic and the Ministry of Justice of the Slovak Republic:

- Act No. 245/2008 Coll. on Education and Training;
- Decree No. 320/2008 Coll. on Primary Education;
- Framework curricula and educational standards for completing lower secondary education (2015) (§ 30, Point 5 and § 42, Point 4 of the Education Act);
- Methodological instruction No. 22/2011 for the evaluation of primary school students
- Act No. 596/2003 Coll. on State Administration in Education and School Self-administration, § 19, Point 7;
- Regulation of the Government of the Slovak Republic No. 630/2008 establishing the details of the breakdown of funds from the state budget for schools and school facilities;
- Act No. 475/2005 Coll. on Serving a Prison Sentence;
- Decree of the Ministry of Justice of the Slovak Republic No. 368/2008;
- Order of the General Director of the CPJG No. 7/2009 on Education and Organization of Interest Activities and Leisure-Time Activities of the Accused and Convicted.

According to *Act No. 245/2008 on Education and Training*, the process of completing lower secondary education can last a minimum of three months and a maximum of one school year. As of January 1, 2022 (with effect from June 1, 2022), the Education Act was amended in § 31a, which regards education programs for completing lower secondary education. According to this amendment, the newly established Regional Offices of School Administration acquire significant competences in organizing this type of education. These are determined by the primary schools in respective regions that are to provide lower secondary education in the following school year. Applications for education are directed to them and they are also in charge of testing in order to obtain the relevant level of education (as an alternative method for those who do not want to attend an educational program). The authors of this paper positively perceive the above changes in the education system regarding obtaining lower secondary education in an effort to individualize the education itself. This should be done based on diagnosed educational needs of the participants – each applicant would take a written test before starting the educational program and the content of the education would be determined based on the results. However, the organization and time management of such education might prove troublesome. According to the new legislation, a natural person is to submit an application by December 15 of the current year. The application is to be submitted to the regional school administration office (designated by the applicant's place of residence) and is to be made public by the Ministry of Education. It can hardly be expected that the level of the digital skills in those interested in completing primary school would allow them to go through this process without problems. Following this, applicants have to take a written test that diagnoses the level of their knowledge and skills and determines their individual educational needs. By effect, eight months pass between the submission of the application and the start of education, which might present a significant barrier to entry into education. In case of convicted adults, such type of education will be problematic for prison educators to plan. In such a long period of time (from signing up for education until the start of the course), some convicts may be released, moved closer to their place of permanent residence, another facility, or be paroled. Such persons are out of reach of prison pedagogues or correctional facilities. The method of selecting schools and their distance from potential participants in education is also questionable. It is, thus, debatable to what extent changes to the current situation will reflect the individual needs of people with no education or the specific conditions of education in prisons. It is also not clear how, and according to what criteria, particular primary schools will be selected that are to carry out the education programs in question.

### 2.2 Legislation regulating the completion of primary school while serving a sentence

According to *Act No. 245/2008 Coll. on Education and Training*, as of 2012, both primary schools and secondary schools can provide courses aimed at obtaining lower secondary education,

the target group being those natural persons who did not obtain lower secondary education at the age determined for this (according to § 16, Point 3, letter b). For these, a primary school (following § 30 Point 5 of the Act) or a secondary school (*Act No. 324/2012 Coll.*, Article IX, Point 16, amending Point 4 of § 42 of *Act No. 245/2008 Coll. on Education and Training*) is allowed to provide courses in order to obtain this level of education. The education is completed by an examination in all subjects (except for subjects with an educational focus) in front of a committee. The conditions of the examination that finalizes lower secondary education are defined by *Methodological Instruction No. 22/2011 on Evaluation of Primary School Students*, §7, Point 1, Letter h and § 8, Point 2. The form and length of education is regulated by *Decree No. 320/2008 Coll. on Primary Education* in § 19, according to which school can provide education in full-time and part-time form. The forms of education are regulated by § 54 of the Education Act, while part-time education can take evening, remote, or distance form (§ 54, Point 3). The duration of the course is determined by the school principal based on the level of the participant's completed education; however, it may not exceed one school year. At the request of the facility, the school can also provide individual education according to § 26, Point 5 of the Education Act.

The content of the education is defined by the *Framework curricula and educational standards for completing lower secondary education* (§ 30, Point 5 and § 42, Point 4 of the Education Act), where the compulsory subjects and their weekly scope are determined. These are, however, only available for the full-time form of study. The framework curriculum defines the competences of the education graduate, among them "the ability to find (by means of modern ICT) new/necessary information and to be able to process/utilize it". Similarly, Information Technology a compulsory subject, is focused on working with the internet. Education defined in this way cannot be fully carried out in prisons where the use of the internet by the incarcerated is not allowed.

Education of the incarcerated takes place in detached workplaces set up for this purpose in facilities for the execution of detention and facilities for the execution of prison sentences. According to *Act No. 596/2003 Coll. on State Administration in Education and School Self-administration* (§ 19, Point 7), an allocated workplace is understood as a permanently established closed space in which regular educational activities are carried out and follows the school's educational program. Only practical training can take place outside the facility as part of secondary vocational education (e.g., school workshops). The maximum number of educated convicts in a primary school class is determined by *Act No. 245/2008 Coll. on Education and Training* (§ 29, Point 11) and the *Order of the General Director of the CPJG No. 7/2009 on education and organization of interest and leisure-time activities of the accused and convicted* (§2, Point 3), according to which a maximum of five pupils in custody or serving a prison sentence can be present in primary-school classes.

Specific data on the educational structure of the incarcerated as well as their participation in individual types of education were sourced from the *2021 Yearbook of the Corps of the Prison and Judicial Guard* (2022). Of the total number of 587 convicts and those in custody included in the general education system in 2021, there were 6.8% (40 persons) of the convicted and detained in primary education. Out of these, the largest part, almost 68%, consisted of juveniles, while those on remand predominated. In 2021, the group of convicted adults without primary education accounted for 7.3% of the total number of convicted. In the statistics, the CPJG reports separately a group of illiterate convicts who, in 2021, made up 2.3% of the total number of the convicted. It can be assumed that this group also consists of people who have not completed primary school. With regard to the overall structure of the convicted, it can, thus, be concluded that people without primary education account for almost 10%. Adding the almost 40% of those convicted who had only completed primary school, the target group of second-chance education in correctional facilities made up almost half of all convicts in 2021. At the same time, only 6.8% of convicted

adults and juveniles were included in the general education system in 2021.

### 2.3 Conditions for obtaining secondary vocational education

In 2021, 547 convicted and those in custody, regardless their age, participated in secondary education (vocational and general). Taking a closer look at convicted adults, they made up almost 89% of all those involved in education in 2021. What is, however, more important (at least from our viewpoint) is the fact that the convicted and those in custody whose highest level completed was elementary education made up 39.8% of the entire prison population. However, only slightly more than 15% of them were involved in secondary education (*The 2021 Yearbook of the Prison Corps and Judicial Guard*, 2022), which is consistent with the findings of a meta-analysis carried out by Hawley, Murphy and Souto-Otero (2013). It cannot be said 15% of all adults and adolescents without education is a figure one can be satisfied with. Still, considering the fact that, in Slovakia, only a little over 1% of the general population of adults aged 25-64 participate in formal education (Participation rate in education and training (last 4 weeks) by sex and age, 2020), the closed penal system provides a more accessible and several times higher second chance to increase the level of one's education. Furthermore, the 1% not only includes secondary education of adults but all types of formal education. It seems that the chance to increase one's level of education in Slovakia is fifteen times higher in prison than in the civilian population. This is certainly due to several factors; among these, probably the most important role is played by the fact that the loss of freedom means isolation, which, however, removes obstacles to involvement in education in civilian life. Education comes to the convicted, who do not have to put any extra effort to find out the necessary information and complete the necessary formalities before entering education. The barriers that adults most often list as preventing them from entering education, i.e., time and place, do not play a role during the serving of the sentence. Being rid of the responsibilities of civilian life and assuming the role of a incarcerated person in a non-free environment, thus, paradoxically, opens up space for the opportunity for self-development.

According to § 33 Point 6 of the Education Act, the minimum number of students in a full-time secondary-school class is 17, while in the part-time form of study only 8. The classes of convicts in correctional facilities have an exception; there, the founder of the secondary school decides on a lower number of students in the class. In the full-time form, it can be nine students while, in the part-time form of study, as few as five students can make up a class (§ 33, Point 7 of the Education Act). This regulation is supplemented by the *Order of the General Director of the PCJG No. 7/2009 on the education and organization of interest and leisure-time time activities of the accused and convicted*, according to which a detached class of a school is established for a minimum of one and a maximum of five pupils. If the number is higher, another detached class is established (§ 3, Point 2).

In the field of financing, the situation in the education of the convicted, compared to mainstream education, is rather specific. The standards for convicts involved in education aimed at obtaining lower secondary education and secondary vocational education are framed by the *Regulation of the Government of the Slovak Republic No. 630/2008*, which defines the breakdown of funds from the state budget for schools and school facilities. The standard for a student is set according to the form of study (§ 4, Point 4) as follows: the standard for a student studying in the part-time form is 40% of the standard for a student studying in the full-time form. The standard for other students is 10% of the standard for those studying in the full-time form of study. The standard for a student studying in a detached class in a correctional facility is 300% of the standard for a student studying in a full-time form. The standard for a student studying in the individual form is 30% of the standard for a student studying in the full-time form. According to the above information, the issue of financial profitability should be one of

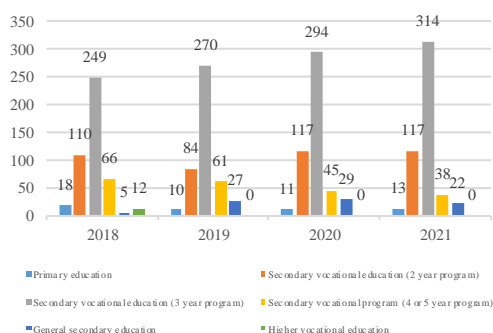
the most important motives for schools to strive for greater involvement of the incarcerated in education, especially in the case of detached classes that are part of correctional facilities.

In 2022, the legislation defining the financing of secondary education in Slovak prisons was amended. According to the *Government Regulation No. 630/2008*, starting with the school year 2022/2023, a subsidy of 300% of the standard for a student will only apply to the incarcerated in full-time secondary schools up to the age of 27 (which is the maximum age at which they are still considered students). All those over the age of 27 are no longer considered students but rather participants in education (Section 2, Point ah of the Education Act) and will only be subject to the standard in the amount of 40%. Several schools reacted to this change by postponing the admission of new pupils to the first years of secondary education in prisons. Hopefully, the legislatively will resolve the situation in a way that the financing of secondary education suffices and does not present another obstacle for the participation of the incarcerated in education.

Secondary vocational education can also be entered in by those convicts who had not completed lower secondary education, or cannot provide proof of its completion (§ 62, Point 4). However, they can only enter lower secondary vocational (so-called F programs). Another option for the incarcerated is to obtain a degree by means of an individual curriculum designed by the school (*Act No. 245/2008 Coll. on Education and Training*, § 26, Point 5 and the *Order of the General Director of the PCJG No. 7/2009 on education and organization of interest and leisure-time activities of the accused and convicted*, § 3, Point 2). It is not known to what extent this form of education is used, but in the general population its uptake is the lowest. The PCJG does not report separate statistics for this form; thus, its minimum representation in the facilities could be assumed. The individual form of education is used by civilians in such cases when the student cannot participate in regular classes for objective reasons, most commonly due to work-related obligations, working abroad, etc. However, in correctional facilities, attendance is not a problem that would call for a solution by an individual curriculum.

Figure 1 shows the data on the number of convicted adults (excluding juveniles and those on remand) enrolled in individual types of education (as defined by the Corps, in the general education system).

Figure 1: The incarcerated involved in individual types of education between 2018 and 2021 (general education system)



Source: own processing based on the PCJG Yearbooks for 2018 – 2021

It is not surprising that the largest proportion of the incarcerated are involved in education aimed at obtaining a certificate of apprenticeship (three-year programs) allowing them to gain qualifications in a shorter period of time and, in this way, increase their chances of employment on their release. The incarcerated involved in two-year programs, which are not completed with a certificate of apprenticeship, attend in smaller,

but still relatively large, numbers. It could be assumed that this situation will change in the near future as a result of the changes embedded in the *Strategy for lifelong learning and counseling for 2021-2030* (2021). It clearly strives to reduce the so-called F-programs, which are often a dead end for people without education and which, until now, represented the only possibility to enter secondary education without completing primary school.

In Figure 1, there is no column dedicated to university education. In spite of the fact that some of the convicted are educated at secondary comprehensive and secondary vocational schools, during the observed period, none of the incarcerated managed to enter education higher than secondary (higher vocational or university) level while serving their sentence. The low representation of the incarcerated in higher (higher vocational and higher university) education is something that would require a more detailed analysis or targeted research. One would have to go as far back as 2007 to find the three most recent incarcerated people participating in university education in an open ward in the form of individual study (alongside employment). At the same time, this option has been included in the legislation for a long time for those incarcerated who were convicted of less serious crimes and, thus, included in the differentiation group 'A'. Such education should take place in the part-time form, with the exception of maximum-security facilities (*Act No. 475/2005 Coll. on the execution of a prison sentence*, § 32). The Updated Prison Concept of the Slovak Republic for the years 2011 to 2020 (2021) envisages a draft amendment to the Act on the execution of a prison sentence in such a way that removes the existing legislative obstacles to the involvement of so-called dangerous convicts or the incarcerated with a mental or a personality disorder in educational, edifying, interest, and sports activities. In Slovakia, no research has been carried out that would explain why the convicted do not participate in university education. It can only be assumed that it is due to the lack of a tradition of university education in the disadvantaged population, a strong tradition of vocational education, and the significant industrial nature of the national economy.

Since the legislation enables the incarcerated to attend university education, it is primarily on the part of the responsible institutions to help generate greater interest. It is possible not only to enter university education but also to continue in it during an unconditional prison sentence, provided the convict takes the initiative and study conditions are jointly agreed by the facility and the university. Therefore, a prerequisite for higher representation of the incarcerated in university education is an increased interest of universities in the convicted and initiating cooperation between universities and prisons. It is important to focus on the issues of offering university education, aligning the conditions of university studies with the prison regime, and solving the mechanisms of targeted support for the incarcerated towards university studies.

### 3 Conclusion

Programs of formal (school) education are available in Slovak prisons; however, as Taxman (1998) claims in the context of prison education, the programs are unified and do not take into account the individual educational needs and preferences of the incarcerated. It is primarily secondary education programs that are available in Slovakia, aimed at succeeding in the labor market, which also seems to be the main leitmotif of formal education in prisons – allowing the incarcerated to complete their education while serving their sentence, which will increase their prospects on the labor market on being released from prison and, as a consequence, increase the chance for an orderly life without committing further criminal activity. Educational goals reduced to increasing the employability of the incarcerated engulf all other legitimate goals of lifelong learning, such as active citizenship, social solidarity, and personal fulfillment. In this regard, it would be useful to research the rate of recidivism among those who completed second-chance education while serving their sentence and those who return to prison and had not been educated. For whom are the so-called 'revolving doors' of prison open more or less? Education alone is not enough to stop

a person from committing criminal activity, although there is ample evidence supporting the fact that level of education is closely related to anti-social behavior. For education to be truly effective, the curricula offered must take into account the specific needs of incarcerated learners (e.g. low self-esteem and aspirations, academic difficulties, alcohol dependence, etc.) (*Inmate education*, 2002). To achieve this, high-quality, engaged, and competent educators are necessary who understand the specific conditions of the educational environment in prison and are sufficiently responsive to the particular characteristics and needs of incarcerated learners. It also requires sufficiently clear and comprehensible legislation aimed, by its very nature, at creating favorable conditions for education rather than limiting and controlling it.

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**Secondary Paper Section: AM**