

PANEL 5

Education for Persons Deprived of Liberty

The fifth panel of the **IV Regional Forum on Education Policy**, “Education for Persons Deprived of Liberty,” addressed the main national and international guidelines that affect education policies for this population. Here are some highlights of the analysis and recommendations of the specialists leading the panel: María Teresa Delgado de Mejía, researcher of the background papers of the regional edition of the 2020 GEM Report, and Elionaldo Fernandes Julião, professor and coordinator of the Working and Study Group on Restriction and Deprivation of Liberty Policies at Universidade Federal Fluminense, in Brazil.

TOPIC 1: DEPRIVATION OF LIBERTY

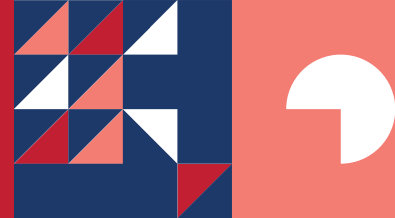
LAWS AND POLICIES

- **The punitive system** must not only guarantee favourable socio-educational processes to achieve reintegration in terms of society, family life and the assurance of human rights, but also promote the continuation of or re-entry into formal studies, providing education that safeguards the rights of adolescents and young people deprived of their liberty.
- The actions developed in school units must be articulated with the **“Socio-Educational Assistance Plan,”** the **“Institutional Political Project”** and the **“Pedagogical Political Project”** of the detention facility.

IN ARGENTINA, THE POSTGRADUATE SPECIALIZATION IN PRISON EDUCATION IS REQUIRED TO **TEACH IN CONFINEMENT FACILITIES.**

IN BRAZIL, A 2009 RESOLUTION REQUIRES EDUCATORS AND PRISON STAFF TO HAVE **ACCESS TO INTEGRATED AND CONTINUOUS TRAINING PROGRAMMES.**

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EFFORTS TO ENSURE THE EDUCATION OF YOUTH DEPRIVED OF LIBERTY MUST CONSIDER THE CONTEXT OF CONFINEMENT AND RESULTING STIGMA FOR EACH INDIVIDUAL, AS WELL AS THE ACCUMULATED DISADVANTAGES OF SHORTCOMINGS FROM PAST SCHOOLING EXPERIENCES, NEGATIVE SELF-CONCEPT AND TEACHERS' LOW EXPECTATIONS.

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- **In detention centres**, adequate physical spaces for education, sports, leisure, professional training and cultural activities must be guaranteed, integrated and articulated with the routine of the facility.
- **Examples of valuable experiences in education:** El Salvador has implemented the “Programas de Modalidades Flexibles” (Flexible Modality Programs), part of the strategy to ensure young people and adults in vulnerable situations can complete 11 years of schooling, free of charge.

DATA SYSTEMS

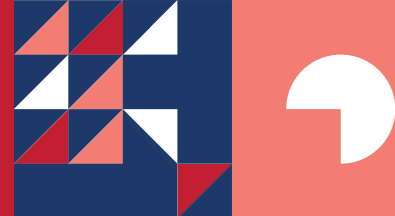
In practically all South American countries, information on the operation of juvenile criminal justice systems is partial and irregular. In most countries access is difficult and, with few exceptions, there are no systematic surveys available to the public. It is essential to strengthen the pool of statistical data available on this population in order to implement relevant public policies adjusted to their needs.

CURRICULUM, TEXTBOOKS AND ASSESSMENTS

Detention centres must allow didactic-pedagogical materials to be available and socialised within the facilities, in addition to ensuring their preservation. Additionally, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty establish that the diplomas or certificates awarded while in detention should not indicate in any way that the juveniles have been institutionalised, and that every facility must provide access to a library.

Some of the challenges regarding the curriculum and the provision of pedagogical materials for adolescents deprived of their liberty (ADL) are:

- Flexible adaptation to the profiles and characteristics of the ADLs
- Educational status of the inmate, type and duration of the detention measure
- Possibilities of studying in semi-open regimes and educational transition after release
- Access to educational and specialisation packages



- Prioritisation of strategic, innovative technological content in accordance with social reintegration processes while assuring equality and non-discrimination.

SCHOOLS

According to the United Nations Rules, education should be provided outside the detention facility in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty.

TEACHERS, MANAGERS AND SUPPORT STAFF

Educators, managers and technicians who work with adolescents and young people in conflict with the law must have access to initial, integrated and continuous training programmes that help understand the specificities and relevance of educational actions in detention facilities.

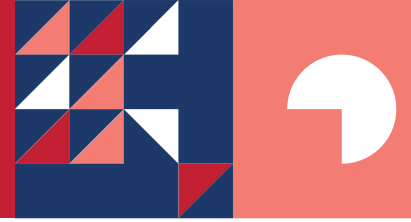
Likewise, educators should receive compensation and pecuniary advantages in accordance with the specificities of the work carried out, preferably accompanied by the possibility of full-time dedication to their work activities in these spaces.

STUDENTS, FAMILIES AND COMMUNITY

Young people and adolescents are stigmatised as the main perpetrators of violence in the country. Between 2010 and 2014, 12.2% of the people arrested were adolescents, versus 87.8% for adults (Statistical Study, 2015, CNJ/ECJ, UNICEF). This perception affects ADLs' social insertion through restorative justice and reduces opportunities for community outreach and communication. Sometimes, inmates do not receive visits from their parents due to the remoteness of the detention facility. At their sole discretion, authorities will also restrict visits for safety reasons and to prevent the entry of prohibited items into the centres, to the detriment of the well-being of the inmates.



LACK OF CONTEXTUALIZATION OR ADAPTATION OF CURRICULA IS A BARRIER TO INCLUSION OF INCARCERATED YOUTH. IN ARGENTINA, CHILE, ECUADOR, GUATEMALA, PANAMA AND PERU, THE CURRICULUM USED IN JUVENILE DETENTION CENTRES IS THE SAME AS THAT USED IN MAINSTREAM EDUCATION FOR YOUTH AND ADULTS.



The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) establish that adolescents and young people in conflict with the law who are institutionalised shall be provided, at all stages of the proceedings, “with necessary assistance such as lodging, education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process.” They must receive the care, protection, and all the social, educational, professional, psychological, medical and physical assistance that they require based on their age, sex and personality to ensure their healthy development.