

EDUCATION OF JUVENILE CONVICTS IN PENITENTIARY INSTITUTIONS: INTERNATIONAL STANDARDS

Kulturaeva Sarvinoz,

Independent researcher of Tashkent State University of Law

E-mail: s.salohova@adliya.uz

Abstract: *In the thesis, the author analyzes the issues related to the right of juvenile prisoners serving sentences in correctional institutions to receive education. Additionally, the thesis examines international standards and the experiences of developed foreign countries regarding the implementation of prisoners' right to education.*

Keywords: *minors, imprisonment, convict, correctional colonies, execution of sentence, penal institutions, education.*

Educational and vocational training programs should be provided in all correctional facilities for juveniles. This helps them reintegrate into society after being released from detention centers. Education for juveniles deprived of liberty is crucial in their re-education and socialization. It plays a key role in ensuring that juveniles who have served their sentences have the opportunity to integrate successfully into society in the future. Research shows that education can significantly reduce the risk of “relapse” (returning to previous behavior) among prisoners.

In the 20th century, as the rate of crime increased, many countries sought to modernize juvenile detention facilities. Special attention was given to education and psychological support. By the mid-20th century, conventions aimed at protecting the rights of juveniles were developed by the United Nations and other international organizations. The adopted rules and regulations established new standards for the punishment and rehabilitation of juveniles[1].

The modern penitentiary system in most countries is focused on the rehabilitation and reintegration of prisoners, and institutions that house juveniles also prioritize education, vocational training and psychological support. The main goal of applying these principles is to ensure that juveniles feel responsibility for their crimes and successfully reintegrate into society.

In the Concept for the Improvement of Criminal and Penal Legislation of the Republic of Uzbekistan for 2019-2021, one of the main tasks in the field of penal execution was identified as the development of a system for providing education and vocational training for prisoners, especially juvenile offenders and youth, as well as ensuring their employment and social adaptation[2].

In the Criminal Execution Code of the Republic of Uzbekistan, there are provisions regarding the organization of general secondary education for prisoners (Article 100), providing secondary specialized vocational education and training prisoners in production (Article 101). However, the right to education is not included in the scope of the fundamental rights of prisoners, as outlined in Article 9 of the Criminal Execution Code of the Republic of Uzbekistan. Furthermore, there is a need to create opportunities and conditions for prisoners to pursue higher education in penal institutions today. This is because Article 100, part 3 of the Criminal Execution Code of the Republic of Uzbekistan only establishes the right of prisoners serving sentences in a colony to receive higher education.

In this regard, the “Minimum Standards for the Treatment of Prisoners” Rule 77[3], Article 13[4] of the “International Covenant on Economic, Social, and Cultural Rights” dated December 19, 1966, the 39th paragraph of the UN “Rules for the Protection of Juveniles of Imprisonment” Resolution[5], and the analysis of the experiences of several foreign countries, particularly Russia, Ukraine, the USA, Germany, the UK, Australia, Norway, Finland, and Switzerland, all point out that, in addition to ensuring general and secondary education, higher education should also be made available to juvenile prisoners. A key aspect is that in these countries, the right to education for prisoners is not only guaranteed during their sentence but continues even after their release.

In particular, Article 42 of the UN “Rules for the Protection of Juveniles of Imprisonment” Resolution states that every juvenile person should have the right to vocational education in a profession that could be useful for their future labor activities.

The main goal behind this is to help prisoners adapt to society after their release and assist them in finding employment by acquiring a specific profession and expertise. At the same time, such practices have shown good results in preventing prisoners from reoffending.

Based on the above, it seems appropriate to include the right to education within the scope of fundamental rights of prisoners, as outlined in Article 9 of the Criminal Execution Code of the Republic of Uzbekistan.

Additionally, it would be appropriate to revise part 3 of Article 100 of the Criminal Execution Code of the Republic of Uzbekistan as follows:

Prisoners serving sentences in correctional colonies may pursue higher education in a distance-learning format. It is believed that the establishment of this norm will abolish restrictions on the right of juvenile prisoners to education, create conditions for them to obtain higher education, and guarantee the right to higher education at the legislative level. The procedure for submitting documents and participating in entrance exams for higher educational institutions for juvenile prisoners will follow the general procedure established for citizens of the Republic of Uzbekistan. Juvenile prisoners will be ensured

participation in entrance exams to higher educational institutions under the supervision of correctional colony officers.

A specialist in penitentiary pedagogy, A.N. Sukhov, in studying social work in correctional institutions, emphasized that when prisoners are being trained for a profession, it is important to focus on training for occupations that are in high demand in society, as this will ease and improve their social adaptation after release[6].

Indeed, education serves as one of the main tools for the moral correction of prisoners in correctional colonies. Education is not only a primary means of education in correctional colonies but also in all penitentiary institutions.

According to V.G. Stroeve, education is one of the key tools in the social rehabilitation of prisoners, as it allows for the development of their activity and responsibility, and prevents personal corruption in conditions of social isolation.

Research conducted by RAND Corporation has shown that any type of education can reduce recidivism by 43%[7]. It is worth mentioning that in **European countries**, education in penitentiary institutions is divided into three groups:

- General education based on the curricula of secondary schools;
- Vocational education aimed at developing the skills and qualifications required for professions that are in high demand in the labor market;
- Informal education courses, such as creative clubs and preparation courses for reintegration into society.

Germany, which has positive experience in providing education to prisoners, focuses on training prisoners for professions that are in high demand in society. The education process is carried out through online distance learning. In Germany, prisoners have the opportunity to receive education at school, gymnasium, and university levels. Prisoners attending university are exempt from all work within the institution and have the opportunity to receive a scholarship of up to 120 euros per month (at the “Hagen” University in Germany).

In **Switzerland**, prisoners have the opportunity to leave the institution during their free time and receive education outside. In **Norway**, the first correctional facility focusing on education as a form of rehabilitation was opened in 1851. Since 2007, every correctional facility in Norway has implemented schools to provide education for prisoners.

In the **United Kingdom**, the right of prisoners to receive education is regulated by the following principles:

- Each institution must have social education programs aimed at developing prisoners' abilities, and the purpose of these programs must be to facilitate reintegration into society.
- Education should be viewed as a way of organizing prisoners' free time, equivalent in importance to labor, and must be part of the rehabilitation program for prisoners.

- Prisoners must have the right to access education outside of the correctional institutions.

In **Finland**, the process of educating prisoners is closely integrated with socially useful labor, and prisoners have the right to choose between labor or education. Prisoners can study to develop professional skills within the institution or take preparatory courses to enter universities. Once admitted to universities, they can continue their education. Prisoners with positive behavior can work and study outside of the institution without supervision.

In **Italy**, the right of prisoners to receive education is granted as a privilege.

In **Belarus**, V.G. Stukanov, who studied correctional institutions, noted that educational programs in the colonies include economics, computer courses, and foreign language courses.

In the **Russian Federation**, according to Article 80, Clause 9 of the Federal Law, effective from September 1, 2013, individuals deprived of their liberty have the right to pursue secondary vocational and higher education. The Russian Federal Penitentiary Service has established collaborations with various universities, including the Russian State Social University, Tver Agricultural Academy, Pskov State University, and other higher education institutions, to offer remote education for prisoners.

In the **United States**, correctional facilities train prisoners in various trades by contracting with private sectors, and entrepreneurs assist prisoners in finding employment after their release. Notably, after a prisoner is released, they are trained for a profession that is in demand in the state where they wish to live.

Research shows that having a higher education is part of the reintegration process for individuals serving sentences. Scholar E.Yu. Leonova, who extensively studied the right of prisoners to education, proved that higher education brings about changes in the value systems of prisoners. Prisoners who receive education tend to read more books and develop a stronger desire to acquire new knowledge[6].

From the above analyses, it can be concluded that education helps incarcerated minors to develop self-restoration, self-management, critical thinking, and planning skills, which aids them in avoiding recidivism and successfully reintegrating into society after leaving the correctional institution. The education of minors of serving prison sentences in correctional facilities must meet educational quality standards and be tailored to their personal needs. Furthermore, the education should be aimed at developing skills that help the prisoner become a responsible and self-sufficient member of society after their release.

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