



Master thesis to obtain the degree of Master in Adult Educational Sciences

The road to equal educational opportunities in prison:

A qualitative study of the challenges and needs within European cooperation regarding distance education to foreign national prisoners

KIARA STEVENS (0580993)
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Student: Kiara Stevens
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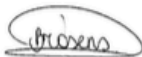
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Surname and name: Stevens Kiara

Student ID: 0580993

Title of the master's thesis: The road to equal educational opportunities in prison:
A qualitative study of the challenges and needs within European cooperation regarding distance education to foreign national prisoners

Promoter: Prof. Dr. Dorien Brosens

Summary: This research focusses on the challenges and needs regarding the establishment of a European education network for foreign national prisoners. In 2017, the FORINER-project was carried out, where different European countries worked together in order to provide distance education to their nationals detained abroad. Through a qualitative research, an answer is given to the question why no further implementation of FORINER found place. By means of 13 individual expert interviews, the experiences and needs of experts with a policy or coordination function within prison regarding distance education to foreign national prisoners were explored. This study reveals the need to distance education to foreign national prisoners. This group experiences difficult access to education in prison due to language barriers, which means they have unequal opportunities compared to national incarcerated people. Therefore, it is of importance that they receive education from their home country in their native language. However, some challenges need to be considered regarding current European cooperation in this regard: (1) political, lingual and cultural differences, (2) a lack of political engagement and too few resources invested in offering educational opportunities to this target group, and (3) a lack of digitalization in prison. The implementation of an education network for FNPs across Europe is a complex matter and there is a need to pay more attention at European and national policy level to provide education for FNPs. It is of importance to find out how the current challenges can be transformed into building blocks. To strengthen this future implementation, there is a need to see how digitalisation can be implemented in prisons.

Keywords: foreign national prisoners, distance education, European education network, challenges, needs

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PART I: INTRODUCTION

1. Problem statement

The number of foreign national prisoners (FNPs) is increasing worldwide (Ugelvik, 2015). In Europe, the prison population consists of 497.000 people, of which on average one out of five does not have the nationality of the country in which they are imprisoned (Eurostat, 2019). The increase in numbers of FNPs is a consequence of globalisation (Atabay, 2009). FNPs are also more often arrested (Mulgrew, 2017), are less selected for non-custodial sentences (Delgrande & Aebi, 2009) and have greater chances to be held in pre-trial detention (Banks, 2011) compared to the national prison population.

According to the European Prison Rules, every prisoner - including foreign national prisoners - has the right to education that matches their personal needs as closely as possible (Council of Europe, 2020; 28.1). Education in prison provides a positive impact on recidivism and employment (Behan, 2021). Those who participate are more likely to find employment and less frequently commit another crime after release (Bozick et al., 2018; Ellison et al., 2017). In addition, education contributes to a greater self-belief and agency, and encourages self-respect and self-efficacy (Vorhaus, 2014).

Despite the equal educational rights for people in prison, FNPs experience less and harder access to education (Brosens et al., 2017, 2021; Brouwer, 2020; Croux et al., 2021; Gallez, 2018). Mainly language plays an important role to get access to educational opportunities during imprisonment (Croux et al., 2017). Because FNPs usually do not speak the language of the detaining country, they are often excluded from educational programmes (Gallez, 2018). Therefore, it is of importance that FNPs get access to courses provided from their home country, in their own native language. However, providing education in prison to foreign nationals is often not considered as a priority by policy makers (Lemmers, 2015).

The Dutch organisation 'Education behind Foreign Bars' is the only foundation in Europe that provides distance education to their nationals detained abroad (Brosens et al., 2021). To enlarge the educational opportunities for FNPs, the FORINER-project was launched in 2016. The aim was to establish a European education network to connect FNPs to educational offers from their home country. Despite the positive outcomes of the FORINER-project, this European education network did not continue after the project ended and the funding stopped. At the end of the FORINER-project, recommendations were formulated, both at national and European level to stimulate a greater offer of distance education for FNPs. These recommendations range from 'providing a framework to ensure that each Member State accepts responsibility' to 'providing national coordinating structures regarding distance education to FNPs' (Brosens et al., 2017). Unfortunately, no further research has been done on how Europe has implemented or can implement these recommendations.

The purpose of this dissertation is to gain insight into the current challenges related to the implementation of a European education network for FNPs. It aims to provide an answer to the question why nothing has changed in recent years regarding distance education to FNPs, neither on national nor European level. Starting from the experiences and opinions of experts with a policy or coordination role within the prison world, the needs for the future are explored.

2. Literature review

This literature review entails the background of foreign national people in prison and the issues they face during imprisonment. Subsequently, it focusses on accessing educational courses from their home country. After discussing the reasons why FNPs have to fulfil their right to education, the transition is made to European Territorial Cooperation. This in order to gain insight into necessary conditions to establish a European education network for FNPs.

2.1. Foreign national people in prison

2.1.1. Definition of foreign national prisoners

The term “foreign national prisoners (FNPs)” refers to people in prison who are neither a national nor a resident of the country in which they are detained (Abdissa, 2016). Depending on the country, FNPs are imprisoned within regular prisons (Brouwer, 2020) or in ‘cimmigration jails’ which only house foreign nationals (Ugelvik & Damsa, 2017). Croux (2020) recognised differences between FNPs. Dependent on their incarceration, some FNPs are detained under criminal law or administrative immigration law (Coyle, 2009). On the one hand, there are differences in nationality. Some foreigners stay legally in the country of detention for a certain period of time (e.g. migrant workers) and commit crimes during this period (Atabay, 2009). There is also the second or third generation of migrants without a nationality that commit crimes and they are therefore seen as FNPs (Snacken et al., 2004). In some countries, people with an unknown nationality (Aebi et al., 2017) or a dual nationality are counted as FNPs, while in other countries these people belong to the national population (De Ridder & Beyens, 2012). On the other hand, FNPs have different future perspectives. Some of them will stay in the country of imprisonment after release. Others will be expelled to their home country (van Kalmthout et al., 2007).

The proportion of FNPs has expanded across the world (Ugelvik, 2015). On average, one out of five prisoners has a foreign citizenship in Europe (Eurostat, 2019). This relatively high number can be explained because of three reasons (Croux, 2020). First, FNPs are more often arrested by the police in comparison with the national population of a country (Atabay, 2009; Mulgrew, 2017) and are treated differently by courts (e.g. more punitive approaches) compared to national people in prison (Atabay, 2009). Secondly, these people are less likely to be selected for non-custodial sentences (Delgrande & Aebi, 2009). Finally, FNPs experience a higher risk of being in pre-trial detention because most of them do not have the right to stay in the detaining country (Banks, 2011). This, in combination with their lower financial and socio-economic situation, increases the risk for breaching the law (Snacken, 2007).

However, there is a large disproportionate allocation of FNPs between European countries (see table 1) (Croux, 2020). There are more FNPs in countries of destination or transit due to migration flows. Illegal migrants choose for example Italy and Greece as their destination countries instead of the

United Kingdom (Ugelvik, 2015). Countries such as Belgium are popular transit countries due to its sea connections (Derluyn & Broekaert, 2005). In addition, a large number of FNPs is active in drugs-related crimes (Ruiz-García & Castillo-Algarra, 2014) and are travelling between (neighbouring) countries (Atabay, 2009) that are a possible gateway towards drug trafficking (Delgrande & Aebi, 2009).

Countries with the smallest % of FNPs	Countries with the largest % of FNPs
1. Romania (1,2 %)	1. Liechtenstein (93,8 %)
2. Bulgaria (2 %)	2. Malta (79 %)
3. Latvia (3,4 %)	3. Luxembourg (70,2 %)
4. Poland (3,5 %)	4. Estonia (63,2 %)
5. Lithuania (4,6 %)	5. Greece (58,9 %)

Table 1 Foreign national prisoners across Europe (Eurostat, 2019)

2.1.2. Issues faced by foreign nationals during imprisonment in a foreign country

FNPs experience several problems and challenges on top of the general pains of imprisonment: (1) language barriers, (2) maintenance of family ties and (3) immigration & resettlement (Barnoux & Wood, 2013; Hofstee van der Meulen, 2015; Mulgrew, 2017; Otto, 2015).

Since most FNPs do not speak the language of the country in which they are imprisoned, they often experience **language barriers** (Brosens et al., 2019). Due to a shortage of translation and interpreting facilities (Gallez, 2018), they are underinformed about the prison system (Nacro, 2010). They might miss out information on the most basic provisions, such as taking showers (Bhui, 2009) when they misunderstand staff instructions (Nacro, 2010). Besides, the difference in language hinders the social contact of FNPs inside prison. They often experience difficulties in communicating with fellow incarcerated people (Barnoux & Wood, 2013). In addition, a good understanding of the national language is often required for participation in prison activities (Croux et al., 2021; Gallez, 2018). This may lead to unequal opportunities from accessing educational programmes (Bhui, 2009; Brouwer, 2020).

Subsequently, **the maintenance of family ties** during imprisonment is more challenging for FNPs. Visits are unlikely because of the geographic distance between them and their families (Nacro, 2010; Ugelvik, 2015). In addition, due to the differences in time zone (Abdissa, 2016) and the high expenses (Ugelvik & Damsa, 2017), having phone calls with their families is also challenging. Nevertheless, research indicates that sustaining relationships for people in prison is vital to their psychological and emotional wellbeing and can have consequences to future resettlement (Barnoux & Wood, 2013). Incarcerated people who lose their social network are at increased risk of depression, self-harm or suicidal behaviour (Borrill & Taylor, 2009; Small, 2019; Till et al., 2019).

At last, FNPs face **immigration and resettlement** problems. There might be uncertainties about their residential status (Brouwer, 2020): do they have the right to stay in the host country after release or do they face deportation (Brosens et al., 2020)? Reintegration programmes and education in prison are limited to FNPs who will be deported, since most programmes focus on reintegration in the host country (Ugelvik, 2015). Sometimes FNPs also need to have the right of residence to be allowed to take part in these resettlement programmes (Brosens, 2020). In addition, they are poorly informed about the legal system, immigration system and procedures of the country in which they are imprisoned (Aliverti & Seoighe, 2017), because of language barriers and the insufficient training of prison staff to support them with immigration issues (Atabay, 2009).

2.2. The need for an educational offer to foreign national prisoners

2.2.1. Recognising education in prison as a human right

Education in prison is regarded as an important, but often neglected, part of adult education (Manger et al., 2018). Education includes all forms of formal and informal education, where personal development is seen as an important aim. The courses are taught by an instructor and lead to the attainment of an official certificate widely recognized in the country where the educational program is delivered (Davis et al., 2013). Educational programmes may also relate to vocational outcomes, but not specifically aimed at employment (Farley & Pike, 2018). Besides educational courses, various prisons also offer vocational trainings, which have the objective of learning specific skills for particular types of employment. These specific skills are directly applicable to the job market when people turn back to society (Drake & Fumia, 2017).

Internationally there are regulations that emphasize this importance of education in prison. Article 26 of the Universal Declaration of Human Rights (1948) mentions that everyone has the right to education, including all people in prison. According to the European Prison Rules: "Every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible, and which meet their individual needs while taking into account their aspirations" (Council of Europe, 2020; 28.1). This rule applies to all people in prison, including FNPs. According to the Basic Human Rights of Foreign National Prisoners, FNPs have the right to have the same access as national incarcerated people to education, work and vocational training (PrisonWatch, 2020, Rule 24). In addition, rule 28.7 of the European Prison Rules states that the educational offers shall be integrated within the educational system of the country. By doing this, they are able to continue their education and after their release (Council of Europe, 2020).

2.2.2. The effectiveness of education in prison

Before imprisonment, incarcerated people are confronted with less favourable lifestyle patterns, such as poverty, health problems, unemployment, low levels of education, anti-social behaviour, substance abuse and unstable family relationships... (Austin, 2017; Clark, 2016; Coates, 2016; Farley & Pike, 2018) and they often experience poorer basic skills (e.g. literacy and numeracy skills)

(Creese, 2016; Drake & Fumia, 2017). From the moment a person is incarcerated, he is pulled away from society. He or she is disconnected from the source of many sensory stimuli, the culture and society in which that person has previously functioned (Jarzębińska, 2020). Therefore, education in prison can function as a tool for rehabilitation and can be used as a means to ensure a positive return to society after release (Behan, 2021; Bozick et al., 2018).

Education contributes to a greater self-belief and agency, it encourages self-respect and self-efficacy (Vorhaus, 2014). When incarcerated people are participating in education, they are encouraged to take control over their lives and to change their **self-perception** (Clark, 2016). Education in prison can be an empowering tool (Key & May, 2019) where active citizenship is encouraged, since a pro-social identity with pro-social attitudes, values and beliefs is being developed (Farley & Pike, 2018). As a result, a better involvement within the outside community, after release, is ensured (Behan, 2021; Coates, 2016). Different studies reveal that education in prison delivers a positive impact on **recidivism** and **employment**. People who participated in education are less likely to be re-imprisoned compared to incarcerated people who did not follow any educational program (Bozick et al., 2018; Ellison et al., 2017; Newton et al., 2018). As a result, education can make a significant contribution in their journey towards rehabilitation and reintegration into society (Muñoz, 2009).

2.2.3. Education to foreign national prisoners

Despite the fact that international regulations indicate the need for equal education for all people in prison, in practice FNPs are often excluded from educational opportunities (Croux et al., 2021). FNPs often have to deal with a **smaller educational offer** compared to national incarcerated people (Lemmers, 2015). When they do have access to educational opportunities, language courses are most often provided to learn the national language of the detaining country (Brosens et al., 2020). Learning the national language can overcome language barriers (Brosens et al., 2019) and stimulate the communication with fellow incarcerated people and prison staff (Ugelvik, 2015). However, this is not always relevant for these people, because a substantial proportion will return to their home country after release (Croux et al., 2019).

To respond to this challenge, distance education for FNPs can be implemented. According to the European Prison Rules (Council of Europe, 2020), FNPs should receive education from their home country, which can be regarded as consular assistance. According to Hofstee van der Meulen (2015), every country has to provide consular assistance to their nationals detained by a foreign government. This consular assistance was introduced by The Vienna Convention on Consular Relations (1963) to protect the inalienable rights of FNPs and to help with difficulties abroad. Although every country has this obligation, the degree of this assistance differs from country to country (Avilia, 2017).

Providing distance education to foreign nationals is not considered high on the agenda by policy makers (Lemmers, 2015). Nevertheless, the Dutch foundation 'Education behind Foreign Bars' (Eabt) takes distance education under their consular assistance to respond to the need for effective education for Dutch citizens detained abroad (Brosens et al., 2021). This means that those detained

abroad can get access to courses (e.g. preparatory vocational education, higher education) in their native language (i.e. Dutch), with the aim of providing a stepping stone towards reintegration back into society after release (Lemmers, 2015). The majority of the courses are paper-based which means that all courses, homework assignments and communication between teachers and students are facilitated on paper. All courses lead to a certificate officially recognized in the Netherlands. Yet, Eabt is the only foundation worldwide that provides distance education to their nationals detained abroad. The **European FORINER-project**, which operated between January 2016 and December 2017, tried to establish an educational network across Europe to provide this distance education. The FORINER-consortium united nine European countries in an educational network to ensure that FNPs could effectively fulfill their right to education by connecting them to courses from their home country in their native language. This was done by initiating sending and receiving partners. Sending countries took the responsibility to provide distance education to one or more nationals detained in a foreign European country. Receiving countries received educational courses for foreign people within their correctional institutions. In total, 15 pilot projects were established where cooperation arose between European countries. When the funding stopped, these pilot projects were terminated. However, the FORINER-project concluded that transferring this European education network on a wider scale could provide a lot of potential for FNPs (Brosens et al., 2017) and designed a set of policy recommendations on European and national level (see attachment 1) to strengthen a future implementation of the FORINER-model.

2.3. European Territorial Cooperation

In the last part of this literature review, European Territorial Cooperation is discussed. FORINER united several European countries in an educational network. This network can be seen as territorial cooperation where different countries are working together to achieve common goals. Despite the positive outcomes of FORINER, there was no further implementation during the past years and the recommendations, both at national and European level, were neglected. Therefore, attention will be given to the background of territorial cooperation and the according challenges. This in order to provide an answer to the question why nothing has changed in recent years regarding distance education to FNPs.

2.3.1. Territorial Cooperation in a nutshell

National governments face demographic, economic and environmental challenges that require a long-term approach. In many cases, these challenges demand pan-European or global solutions (Hauser, 2017). According to Medeiros (2018), cooperation between countries can ensure the achievement of a common goal whereby a shared effort is made by individuals, groups, or political units in tackling similar economic, political and social problems. This collaboration can be identified as territorial cooperation.

In Europe, the interest in cooperation across borders is linked with the establishment of The European Community in 1952 (Mozer, 1973). This European Community can be seen as a supranational political and economic institution (Scott, 2014). It focuses on border regions and their inhabitants,

as well as the governance of emerging cross-border areas (Klatt & Wassenberg, 2017). Later, the cross-border cooperation was further strengthened within the framework of the European Commission's cohesion policy. From 1990 onwards, the focus was placed on **European territorial cooperation (ETC)** through the establishment of the **INTERREG** initiative (Reitel et al., 2018). This initiative aims to promote the harmonious economic, social and territorial development of the European Union as a whole (Medeiros, 2018). Three types of cooperation exist: cross-border cooperation (INTERREG-A), transnational cooperation (INTERREG-B) and interregional cooperation (INTERREG-C) (Dühr et al., 2007). During the first years of INTERREG, attention was given to **cross-border cooperation (INTERREG-A)**. This is a collaboration between regions from at least two different Member states that are adjacent or in close proximity to each other (Beck, 2018). Due to the increasing importance of cross-border cooperation within Europe, INTERREG was extended to **transnational cooperation (INTERREG-B)** (Reitel et al., 2018). Within this cooperation, different EU countries are involved which do not necessarily border each other. Both cross-border cooperation and transnational cooperation aim to promote better cooperation and regional development within the European Union by addressing common challenges (Wassenberg et al., 2015). The last type of European cooperation is **interregional cooperation (INTERREG-C)**. At this level, cooperation is done on pan-European basis, meaning that all Member States are involved (European Commission, 2021).

Regarding territorial cooperation, it is important to see what happens on policy level. As described by Hauser (2017), policy-making is a cyclical process (see figure 1) which exists out of five stages. The first stage covers the identification of the problem, the underlying causes and needs that make clear whether there is a rationale for public policy intervention. In the second stage, a policy response is formulated by developing several scenarios to tackle the problem. The third stage includes the selection of the most appropriate solution. Next, in stage four, this solution – or policy – is implemented. Finally, an evaluation of the policy takes place to determine whether the intervention is successful in addressing the original problem and needs of all affected parties (Hauser, 2017).

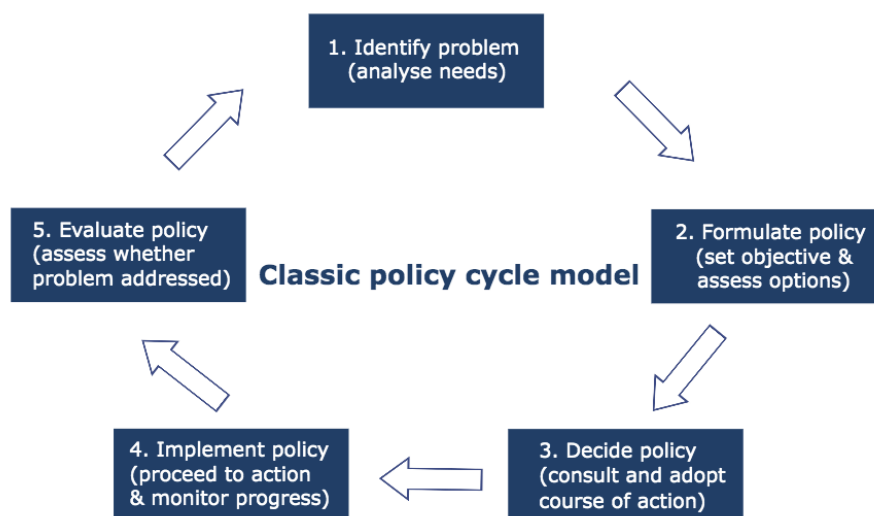


Figure 1 Rational model of policy decision-making (Hauser, 2017 adapted from Lasswell's, 1951)

Besides following this cyclic process when developing policy, policy-making also consists out of two parts: (1) a set of 'policy fundamentals', and (2) a set of 'policy realisations' when the policy is put into practice. **Policy fundamentals** include elements that are integral to good policy development (e.g. clarity on goals, innovative thinking, realism, external engagement, clarity on roles and effective feedback mechanisms) (Hallsworth & Rutter, 2011; Hauser, 2017). **Policy realization** concerns policy formulation and implementation. It is misunderstood that policy makers design the policy and the implementation is disconnected and transferred to another party (Bourgon & Milley, 2010). Contemporary government has a boundary line between 'politics' and 'public administration' (Overeem, 2010). Politics is about formulating the will and purposes of government (Wilson, 1887) and includes taking positions, making choices and taking risks (Weber, 1977). When politics determines the focus, it is the administration's job to implement the policy in practice in line with the political framework. However, the distinction between these two levels is not strict in practice, because the political agenda is not set entirely independently. Politicians need their officials to gain political and social support for their political framework (Alford et al., 2016). Policy making requires an iterative approach where emphasis lies on experimentation, in combination with successes and failures (Kay, 2010). The success or failure of a transnational policy has much to do with the process of effective practical implementation and goes beyond the implementation of the theoretical or legal framework (Hudson et al., 2019; Laurence & O'Toole, 2004). When there is no political engagement for certain themes, effective implementation in practice fails (Bovens et al., 2012).

2.3.2. Challenges regarded to European Territorial Cooperation

Effective policy design and implementation involves minimising contradictions and building capacity in implementing design procedures (Mukherjee et al., 2021). The reasons why things go wrong can help in the search for potential solutions (McConnell, 2015; Volcker, 2014). According to Zwet (2013) and Hudson et al. (2019), territorial cooperation and the accompanying policy faces several challenges: (1) overly optimistic expectations, (2) inadequate policymaking, (3) linguistic, cultural and mental differences, and (4) building a common culture of cooperation.

A first challenge relates to **overly optimistic expectations**, whereby partner agreements between countries do not correspond to the actual needed support and this ultimately leads to a reduced motivation to continue cooperation (Bufon & Markelj, 2010). This over-optimism includes underestimating the challenges where time, costs, benefits and risks are misjudged to achieve the objectives. Furthermore, there is an ineffective interaction between stakeholders and their interests do not always match the actual goals of the project (National Audit Office, 2013).

The second challenge, **inadequate policymaking**, relates to fragmented governance where difficulties are experienced by different levels within policy implementation. It is difficult to ensure the implementation of a European policy at national level, because it often has a separate political authority (Norris et al., 2014; Pucher et al., 2017). The challenge is to transfer general rules and guidelines aimed at the local level to other contexts (Allcock et al., 2015; Braithwaite et al., 2018).

Furthermore, the overall system ensures that politicians change positions regularly (Hudson et al., 2019). For this reason, progress must be made quickly (Weaver, 2010).

The third challenge relates to **linguistic, cultural and mental differences** between countries. Linguistic differences are considered as one of the most important obstacles to territorial cooperation within all EU countries (Svensson & Balogh, 2018). Next, different standards in culture (e.g. politics) may act to limit cooperation (Medeiros, 2010). Mental differences relate to negative stereotypes and reservations about other countries and their political leadership. These differences can provoke delays in the implementation of governance and can cause frustration among cooperating countries (OECD, 2006). As a result, countries often especially prefer cooperation with other countries (Medeiros, 2010), because of common political mindsets that can prevent deeper integration (ESPON, 2006).

The fourth challenge is **building a common culture of cooperation**. There is a need for a shared administrative culture (Bachtler et al., 2005) to overcome the different management and organisational styles. This common culture is important to facilitate successful partnerships, knowledge and understanding of these practices and procedures. Furthermore, policy design and implementation require bottom-up participation where those making decisions at higher level gain knowledge from those in the field such as local authorities and end users (Hudson et al., 2019). It is of importance to connect their knowledge to political decision making (Ansell et al., 2017).

According to Kaats & Opheij (2013), a cohesive view on cooperation can strengthen this common culture. A **successful collaboration** has a (1) shared ambition at its core, which connects all partners. When this shared ambition is established, it is important to explore (2) mutual gains through an open and constructive dialogue to find solutions that consider all the different points of view. In addition, (3) cooperation on a more personal level also plays a vital role. Within group dynamics it must be considered how trust can be built, how disagreements can be handled, and which persons/organisations/authorities take the lead. Furthermore, (4) professional organising is important whereby consideration is given to possible collaborative structures (e.g. partners, governance, mission...). Finally, everything comes together in a (5) meaningful process where collaboration is effectively initiated. Here, thought is given to how the collaboration can be handled and in what way future perspectives can be achieved. These five conditions are brought together in a model (see figure 2).

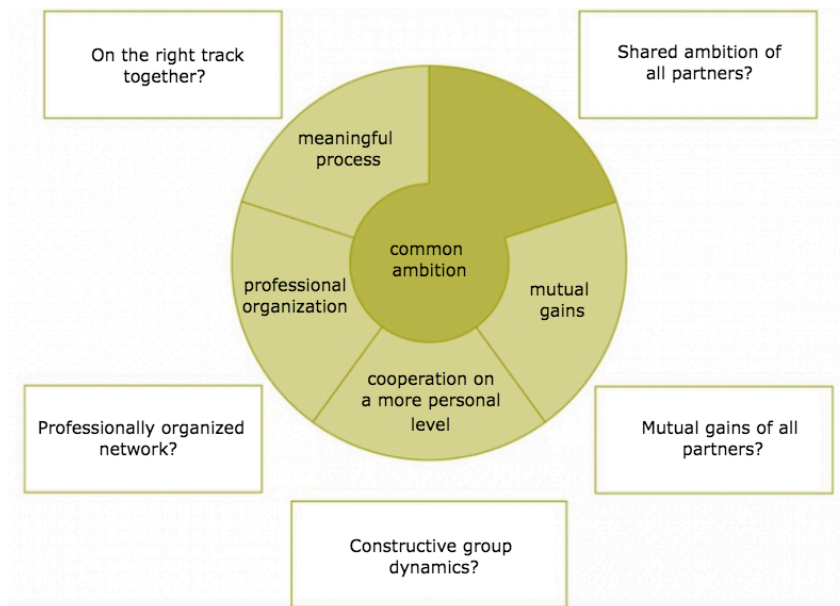


Figure 2 Cohesive view on cooperation

2.4. Conclusion

A European cooperative education network could function as a means to realise the educational rights of foreign national prisoners. Specifically, it could provide them with opportunities for education from their home country in their native language (Brosens et al., 2017). Prison authorities are not fully aware of the specific problems and needs of FNPs, whereby they are deprived from their rights (Hofstee van der Meulen, 2015). On the field of education, they often experience fewer opportunities (Croux et al., 2021; Gallez, 2018) due to the language barrier of the country in which detained (Brosens et al., 2019). Nevertheless, different studies indicated that education in prison provides a positive impact on people in prison (e.g. Behan, 2021, Bozick et al., 2018; Ellison et al., 2017). If FNPs do not have the same access to education in prison, they are more at risk of committing crimes again (Barnoux & Wood, 2013).

Despite these results, up until now, the Dutch foundation 'Education behind Foreign Bars' is still the only organisation that provides distance education to their nationals detained abroad (Brosens et al., 2021). To answer this gap, the FORINER-project set up 15 pilot projects that build upon a European education network (Brosens et al., 2017). Despite these efforts, in practice Eabt remains the only European education network that provides education from the Netherlands to their nationals detained abroad (Brosens et al., 2021). In a territorial cooperation, such as FORINER, several challenges (e.g. overly optimistic expectations, inadequate policymaking, differences and a different culture of cooperation) (Hudson et al., 2018; Zwet, 2013) slow down the process of effective implementation in practice. According to Kaats & Opheij (2013), a common ambition on collaboration is the essential ingredient for projects such as FORINER. It is of importance to find out why things go wrong in the search for potential solutions (McConnell, 2015) to achieve effective practical implementations (Mukherjee et al., 2021)

3. Research questions

This research aims to gain insight into the reasons why a cross-European network to provide education to foreign national prisoners from their home country, such as FORINER, does not exist nowadays. Therefore, focus is given to the following research questions.

- | |
|---|
| 1. What can the outcomes of the FORINER-project offer as a stepping stone for organising a European education network for providing distance education to foreign national prisoners? |
| a. What do people with policy or coordination roles think about the FORINER-project? |
| b. What changes on national/European level do these experts experience due to the FORINER-project? |
| 2. What does the European cooperation concerning the organisation of an education network for foreign national prisoners look like? |
| c. How is the current cooperation between European countries in this regard? |
| d. What is the most ideal scenario in building a European education network for foreign national prisoners according to these experts? |

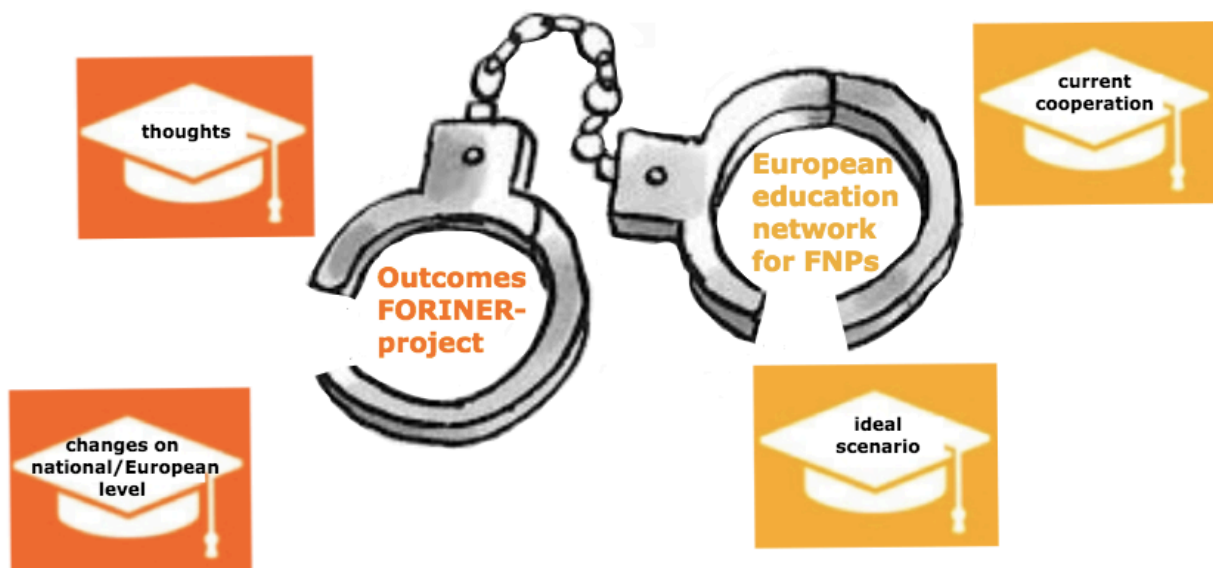


Figure 3 Conceptual model

PART II: DATA AND METHODS

1. Overall study design

Individual expert interviews were conducted with European experts who have a policy or coordination role related to education in prison. Expert interviews seemed the most relevant for this research to gain insight in unknown or reliable information, authoritative opinions and professional assessments (Libakova & Sertakova, 2015). According to Van Audenhove & Donders (2019), the participants of this research can be considered as experts, because they have knowledge about a specific field of action, namely education in prison. Since experts came from all over Europe, all interviews were conducted online. Eleven interviews took place via Zoom or Teams and two by phone, depending on the preference of the experts. All the interviews were conducted between the 9th of March and 31st of March. On average, the interviews lasted 1h09min; the shortest interview took 45min, the longest 1h39min. The interviewer prepared a presentation about FORINER to introduce the experts about the project. This variation in duration can be attributed to the fact that for some experts the presentation was redundant, since they were familiar with the FORINER-project. Depending on the language preference of the respondent, the interviews were conducted in English or Dutch.

2. Participants

The experts were selected through purposive sampling in dialogue with Prof. Dr. Dorien Brosens and Frans Lemmers (director of Education behind Foreign Bars). This means that experts were selected because of their knowledge and experience related to the research questions (Bryman, 2016). In addition, one expert was selected on the recommendation of an already selected expert, which can be considered as snowball sampling (Dudovyskiy, 2016). All experts were contacted through email by Prof. Dr. Dorien Brosens or Frans Lemmers, because they were actively involved in the FORINER-project and knew all the potential experts (see attachment 2). Afterwards, contact continued through the master student Kiara Stevens. In total 13 individual expert interviews were conducted. This number of experts seems sufficient to achieve data saturation, meaning that the collected data no longer offered any new or relevant information (Bogner et al., 2009).

Of these 13 experts, six were involved in the FORINER-project as members of the FORINER Advisory Board. In addition, also respondents that were not involved in the FORINER-project were involved. A selection criterium was that they needed to have knowledge about education in prison and foreign national prisoners. Four of these experts were actively engaged in the European Prison Education Association (EPEA). EPEA promotes and develops education and related activities in prisons across Europe in accordance with the European Prison Rules of the Council of Europe. Next, one participant was member of the International Corrections & Prisons association (ICPA), which enhances cooperation among European Prison and Correctional Services. This is done with the aim to improve the lives of incarcerated people by supporting the development of alternative sanctions. Furthermore, one expert was part of the Confederation of European Probation (CEP) & EuroPris Foreign Nationals Expert Group on Prison and Probation. This organisation tries to connect the needs of FNPs to the

existing support systems. At last, one expert had much knowledge in the field of digitalisation in prison.

The goal of the FORINER-project in 2016-2017 was to unite European countries in an education network for FNPs. Therefore, it was important to include the experience and opinions about distance education to FNPs of experts of a variety of countries. Respondents came from: Belgium, The Netherlands, Norway, Sweden, Austria, Germany, United Kingdom and Ireland. To ensure their anonymity, we do not provide a detailed overview of the specific functions and countries of the experts. Table 2 shows a general overview of the participants.

Name	Gender	Function	Presentation
R1	M	FORINER Advisory board	
R2	M	FORINER Advisory board	
R3	F	CEP & EuroPris FNPs Expert Group	X
R4	M	EPEA	X
R5	F	EPEA	X
R6	M	FORINER Advisory board	X
R7	M	FORINER Advisory board	
R8	F	EPEA	
R9	F	EPEA	
R10	M	ICPA	
R11	M	FORINER Advisory board	X
R12	F	FORINER Advisory board	
R13	M	Expert digitization in prison	X

Table 2 Participants' overview

3. Material

When experts were willing to participate in the study, a follow-up email was sent to the participants by Kiara Stevens (see attachment 3). Because expert interviews ask a lot of engagement (Libakova & Sertakova, 2015), participants received the main questions of the interview at least one week in advance to prepare themselves. This preparation was completely voluntary. Together with these questions, the informed consent (see attachment 4) was sent to the respondents.

Despite that all experts had knowledge about the FORINER-project, their dept of knowledge differed. For this reason, the interviewer prepared a presentation about the FORINER-project (see attachment 5) that could be presented to them prior to the interview depending on preference of the interviewee. After this presentation, the semi-structured interview took place. The general flow of the interviews existed out of three parts: (1) the current situation towards distance education to FNPs, (2) the

future prospects in organizing a European education network for FNPs, and (3) the ideal situation of each expert regarding distance education for FNPs. The full interview guideline can be found in attachment 6.

4. Analysis procedure

All interviews were recorded via Teams and the recording application of iPhone, with the permission of the participants. The interviews conducted by phone were also recorded via Teams while on speaker mode. This enhanced the possibility to transcribe the interviews, which were analysed using the qualitative data processing program 'MaxQDA 2020'. The data collection was processed through a thematic analysis following the six steps of Braun & Clarke (2006): (1) familiarizing with the data, (2) linking initial codes to the transcripts, (3) looking for themes, (4) reviewing the generated themes, (5) defining and naming themes, and (6) themes with associated codes. The coding schedule (see attachment 7) existed of four main codes, namely (1) FORINER-project, (2) changes on national/European level, (3) necessary conditions and challenges in European cooperation, and (4) ideal scenario. These codes were developed both deductive and inductive, which according to Dierckx de Casterlé et al. (2012) complement each other and can be described as an iterative and recursive process. Deductive codes were based on the literature to identify, analyse and report themes within the data (Braun & Clarke, 2006). This mainly concerned the challenges in European cooperation related to building an education network for FNPs (e.g. cohesive view on cooperation, fragmented governance, insufficient objectives). In addition, other codes were added inductively to the coding schedule while analysing all transcriptions (e.g. lack of digital opportunities, authority of Ministry of Education, no future plans). After analysing the data, an overview of all codes was exported from MaxQDA via Microsoft Word files. This overview was used as a basis to write the results section, which can be found in part III.

PART III: RESULTS

In this part, the data obtained of the expert interviews are discussed. First, the outcomes of the FORINER-project are formulated as a stepping stone towards European cooperation. Next, the reasons for the lack of a European education network for FNPs and the ideal scenario in this regard are charted.

1. The FORINER-project as a stepping stone towards European cooperation

1.1. Outcomes of the FORINER-project

1.1.1. Strengths

Experts highlighted four strengths of the FORINER-project. First, all experts indicated that the FORINER-project answered a **need to distance education to FNPs** as there was a lack of educational opportunities. The project thus fulfilled a gap. On top of that, several experts not only saw the need of filling the gap, but also highlighted three benefits on the levels of: (1) the individual (FNPs), (2) the prison system, and (3) the society. On the **individual level**, education in prison is seen as an oasis in the dessert during their sentence and it can transform peoples' lives. Many respondents displayed their opinion about the FORINER-project as a stepping stone that could help FNPs with their education.

I think the most important thing is to make clear to the prisoners that they do not only have obligations but also opportunities. And I think that was also a little bit of an outcome of the FORINER-project, because they can actively change the prison life if they get this education. They feel more included into the prison system. [...] I think it will also be very good for their mental health. [...] It does something with their self-esteem, with the self-confidence and things like that. [...] It's also about their worth and not feeling worthless. (R3 – CEP & EuroPris FNPs Expert Group)

Some experts indicated that there are also advantages for the **prison systems** where foreign nationals are imprisoned. On the one hand, FNPs also get the chance to spend their day in a meaningful way, they will behave more positively towards fellow incarcerated people and prison staff (e.g. less aggression). The whole prison system would experience a calmer environment. On the other hand, prison systems experience a difficulty to include FNPs in national education courses due to language barriers. Therefore, everyone was keen to implement the FORINER-structure whereby FNPs will get education from their home country, in their own native language.

Several respondents shared the idea that reintegration projects, such as education, benefit the whole **society** because the chances of recidivism are reduced. Furthermore, an expert indicated that investing in education also has economic advantages. The less recidivism there is, the less money a society has to spend on prisoners and the lower the unemployment rate in a country will be. In

addition, a number of experts claimed that when FNPs return to their home countries, they should have some assets. These assets can only be sufficiently strong if an FNP can follow education from his own country. Otherwise he would not have any chance on the labour market with an unknown diploma from a foreign country. An expert mentioned the following:

And according to the goal that former inmates will be reintegrated in society afterwards. [...] Together we can help to less criminality, I think. And it would be better education if they could take part in their home countries education system, in their native language and also courses that are relevant in that society. (R5 - EPEA)

Second, some experts saw the FORINER-project as a gateway to the **further expansion** of the network of the Dutch organisation **Education behind Foreign Bars** (i.e. the only organisation that provide distance education to their citizens detained abroad before the start of the FORINER-project). An expert mentioned the intern setup of the Dutch system as a strength because of the close cooperation with the Dutch consular staff of the embassies and the actual visits of their citizens detained abroad by their volunteers. According to some, the way incarcerated people appreciate the Dutch educational offer, showed the importance of distance education to them and FORINER built on their concept.

Third, the **many efforts made by the partners** was seen as a third strength of the FORINER-project. The majority of experts indicated that FORINER invested a lot of time to go through all steps to apply for the project and get partners together. Furthermore, there was a lot of collaboration on communication around awareness of the project, which is usually the last thing people think about. An expert believed that the project has led to much more knowledge about FNPs in other countries. According to her, the population of FNPs will only increase in the upcoming years. Policymakers and prison systems will realise that they have to provide opportunities for this specific target group. According to some respondents, the pilot projects across Europe discovered possible avenues for future projects. The actual model of FORINER seemed very sensible in the sense that all pilots were slightly different structured but came up with coordinated findings what should be the ideal approach to provide distance education from the home country of FNPs.

There are several pilot projects where they have done an evaluation on the cooperation between sending and receiving countries. And I think this evaluation report is very valuable to determine what working methods exist and what benefits they have. (R12 – FORINER advisory board)

1.1.2. Challenges

Despite the above-mentioned strengths of the project, all experts felt out of the blue when they got the question if something changed during the past years due to the FORINER-project. They all had the impression that nothing has happened since 2017 and the project disappeared from the radar. Only one expert spoke about a cooperation between the prison of Valetta in Malta and the

organisation Education behind Foreign Bars. This partnership was established during the FORINER-project and sometimes the Dutch part still receives an educational request of a Dutch citizen detained in Valetta. Other experts mentioned that the recommendations were sent to the Council of Europe to promote the project, but no further action has been taken by the European Union.

Overall, the experts have seen **limited effects** in other countries and no networks have been built as FORINER envisaged. An expert stated that this was a sign that it was not in the priorities of EuroPris and the Foreign National Expert Group on Prison and Probation to take up the responsibility related to distance education for FNPs. The majority of experts revealed their disappointment and still believe in the potential of FORINER. An expert believed that FORINER came up with good ideas, but after all these years, they still do not have an answer on how to implement this system in practice.

Very little actually, it has come to a halt. I notice that it was so intensive that it was really necessary to provide extra effort in order to develop the offer for those prisoners and that has disappeared, also the coordination where different countries were put in contact with each other, but that too has collapsed. (R12 – FORINER advisory board)

Throughout the interviews, the experts mentioned that the FORINER-project faced five challenges which inhibited the continuation: (1) too ambitious, (2) no action plan, (3) lack of digitalisation possibilities, (4) weak recognition of education in prison, and (5) difficult search for partners.

First, several experts mentioned that the FORINER-project might be **too ambitious**. The network involved nine countries during the pilot studies. However, some indicated that it would have been better to start with fewer countries in order to not lose efficiency. A smaller network leads to stronger relationships between coordinators of the involved countries and resources (e.g. time, money) would be more evenly allocated. In addition, the establishment of a national coordination system in each country seemed very ambitious as this did not exist in any European country. It would be a challenge to realise this. Another expert thought that an exclusive network such as FORINER would never work because it would take too much energy and was too intensive for a small outcome.

But what it was poor at, that's being a bit unfair, but it was a bit naïve, stroke unrealistic about getting the people who push policy development, getting it on their agenda and getting them to actively promote it. (R2 – FORINER advisory board)

A second challenge indicated by the experts, implies that there was **no action plan** at the end of FORINER on how to take it further. The majority of experts agreed that FORINER was a brilliant project that has given a pointer to the direction people should move towards. However, after completing the pilot studies nothing happened. Some respondents indicated that a built-in evaluation, to discuss the recommendations and to establish a follow-up, would have been very helpful.

If nobody is playing this piano, there won't be any notes or music coming out of it. It depends on a great extent to the people running the project, have managed to continue their lobbying exercise [...] for the project. And I don't mean this in financial words but in an idea sense. [...] I think it's a bit of an illusion to think that just through the brilliance of the ideas, that would somehow lead to different situations. I don't think that's the way how implementation happens. (R1 – FORINER advisory board)

Third, some experts expressed that the FORINER-project happened too early. Because of COVID-19, **digitalisation possibilities** increased. Many activities and opportunities for incarcerated people were discontinued (e.g. no external visits of family, no education). To respond to this discontinuation, a rapid technical adoption took place where people in prison could stay in touch with their families by using digital platforms (e.g. Zoom, Skype). At the time of the pilot studies, there was insufficient knowledge of this technology. Nowadays, it just takes the prison community to tap into this. Some experts mentioned some recent developments of digital learning opportunities in European prisons, initiatives such as PrisonCloud in Belgium, ELIS in Germany and Australia, and SmartPrison in Finland. The digital evolution can be a stepping stone for online education to FNPs in the future.

And the bonus for distance learning is that some of these changes in basic regimes and people would prisoners contacts abroad can be adopted by education departments in prisons and taken forward. [...] So on that basis, the recommendations of FORINER stand more of a chance. (R2 – FORINER advisory board)

Even though the technology exists these days, some experts mentioned that these digital possibilities are surrounded with security issues. These security needs were regarded as an intrinsic dichotomy of tension, which is always going to exist in the field. Each prison has its own rules and restrictions and sometimes even paper-based education gets refused. According to an expert, there is no policy from above to extend this digitalisation to education in prison:

There is any digital education possibility in none of the three prisons where I'm teaching. [...] I also asked the coordinator why we don't provide online courses because we have rooms with internet, with computers, with cameras so actually we have the technology. Yet he said this was impossible because these rooms are now just exempted for video calls. But in my opinion, it would be easy to just make another room free, because at the end of the day we have the technology. (R9 – EPEA)

In addition, despite the fact that experts referred to the Dutch organisation Education behind Foreign Bars as a good practice, this paper-based learning-approach has little prospect for the future. It provides a huge gap between the current prison situation and the modern education systems. The majority of the respondents indicated that nowadays there are, in theory, possibilities for foreign prisoners to follow online lessons through streaming. However, the problem is that the majority of prisons across Europe do not have access to the internet.

I hope the ICT would come, but I think the old way of doing is possible. But the problem is [...] our schooling system, we don't have the old way, it's based on ICT-resources. If Norwegian schools should support a Norwegian prisoner in Belgium, we wouldn't have had the tools from the old school to connect up, so there is a mismatch. [...] You can't have an education today without use of ICT tools. (R6 – FORINER advisory board)

According to the experts, a fourth challenge was that **differences take place between countries** when it comes to their **recognition of education in prison and the accompanying resources** in general. While in some countries, education in prison is high on the agenda, other countries (can) pay less attention and resources to it. For instance, one of the experts mentioned:

I was once in a prison where the prison governor told me very proudly that they had recently started providing hot water for their inmates. Then I thought, I shouldn't even be talking about education here. Those organisational structures about distance learning for their foreign prisoners are so far away from their current possibilities. (R8 - EPEA)

But even in the countries that highly value education in prison and have the possibility to spend more resources to it, it seems to be a challenge to build an educational network for FNPs. Besides that, some respondents also indicated that there are countries in which the political choice is made to not spend many time and resources to their own nationals imprisoned abroad, since this group comprises a low percentage of their entire national prison population. In addition, policy makers often do not find it worthwhile to invest time in FNPs within their own prisons as these people are likely to return to their home countries upon release. As a result, no future contribution will be given to the society in which they were incarcerated.

A fifth challenge was related to the **difficult search for partners**. Some experts indicated that the provision of distance education to FNPs is strongly dominated by the Dutch experience. Also, the heads of the FORINER-project were from Belgium or the Netherlands. It is of importance to find partners, widespread across Europe, in order to create more support from various quarters. This way a kind of snowball effect could start, and other countries will recognize the usefulness of such a network. Furthermore, some experts mentioned that it would be easier to participate in the FORINER-network as a receiving country. They considered the receiving role as a more passive one where the role of the professional involved is not going further than transferring the educational offer, received from the home country to an FNP. Acting as a sending country requests more initiative, responsibility, coordination, motivation and ambition, as they have to locate their FNPs, develop an offer of distance education courses, send educational packages, correct homework, etc. An expert:

The advice states that receiving and sending countries can be seen as two equal sides. In my opinion, the education receivers have any ambition at all. They cooperate when something is sent to them. But they are not really asking for it. (R7 – FORINER advisory board)

2. European cooperation regarding distance education to FNPs

2.1. Reasons for the lack of European cooperation for distance education for FNPs

2.1.1. Differences between countries

A number of experts indicated **political differences**. Building a European education network for FNPs is difficult due to the differences across countries in policy structures, management and organisational styles. For example, there are many differences between the Southern, Eastern and Northern European countries, whereby it is challenging to determine what the educational contact points are per country. In addition, the organisation of education in prison differs from country to country. Sometimes, it is organised by the Ministry of Education, while in other countries the Ministry of Justice is held responsible. Even within a specific country, it can be difficult to clearly understand the educational systems. Several experts are convinced that there is too little knowledge about how education is organised across Europe.

I'm part of the Nordic network [...] and we are five colleagues from the five Nordic countries and we have different ways of structuring and organising adult education and we met last week, and I realised that we still really don't know in detail how it works in our neighbour countries. And then I can imagine all over Europe that it's still a very long way to really understand how it works in each country. (R5 - EPEA)

Subsequently, an expert referred to the threshold wherein people are switching positions within policy and organisations. According to him, these changing positions are in line with two reasons. First, people are regularly assigned to functions for which they do not have the right background. At the moment when their inadequate knowledge is noticed, they are replaced, which causes a huge inefficiency in taking policy decisions. Second, due to the limited resources within the education and prison context, there are hardly any opportunities to be promoted in the job. People are regularly looking for a new challenge so, often, new people have to be introduced to the job. Ideally, there should be more investment in this sector so that people see a future in their jobs.

Beside the political differences between countries, experts also mentioned two other differences. First of all, some indicated the more easy-going cooperation between specific countries. According to them, stronger mini-entities can be recognized within Europe and this is related to **economic, cultural and historical differences** in organisation. For instance, countries that joined as the first Member States of the European Union find cooperation with each other more easily than countries that joined later (e.g. Eastern countries). Also, countries with the same legal systems or neighbouring countries will more easily work together. For instance, an expert mentioned that there is often good cooperation between the Baltic States and Poland, the Scandinavian countries and between Belgium, the Netherlands and Luxembourg.

Second, some experts indicated that the **language differences** between countries also play a role. English is often used as the lingua franca, which supports communication much more than in the past. It was indicated that due to the many translation possibilities (e.g. google translate) the language barrier might disappear over the years. However, an expert mentioned that not all member states master this lingua franca to the same extent. Therefore, problems may arise in the communication between European countries in how to exchange education to FNPs. The quote below gives an overview of this:

How can we secure that the provider is okay? [...] We don't understand their language. How can we be sure that it's not friends to the inmates? [...] And when the staff can't understand the language during the communication taking part between the teacher and the student and they can't overview, supervise the materials or anything. How can they be sure that this is correct? (R5 - EPEA)

2.1.2. Lack of political engagement and insufficient recourses.

According to the experts, three difficulties arise related to the political engagement: (1) soft law policy, (2) other priorities, and (3) lack of resources. First, there is a legislative framework from the Council of Europe, namely the European Prison Rules. However, it is explained that these rules are not always well-implemented by countries in their national law. An expert indicated that these **regulations are 'soft law'**, which means that it is not enforceable to require countries to offer education to their FNPs and no sanctions can be given for non-compliance. As a result, these regulations are not always implemented by national law:

We have had a discussion on, because the Education Act says that foreigners in Norway who don't have a legal permit stay in Norway, they have not the right to education. So, if you're a foreigner and you don't have a legal permit to stay, you don't have a permit to get access to education. [...] But the international agreement say that we have to give them education. (R6 – FORINER advisory board)

Second, according to some experts, **other priorities** are placed higher on the agenda by policymakers because these are considered as more urgent matters compared to distance education for FNPs. A few priorities mentioned were: limiting prison misconduct, limiting strikes by staff, preventing overcrowding and no escape for incarcerated people. In terms of collaboration across European countries, the focus is mainly given to prison transfer where FNPs should continue their sentence in their home country.

Also, at the European Commission they haven't a clue about education in prison, not because they think it's a bad thing. But just because they've never been really washed with those waters, if you see it, I mean they just haven't been made aware of education in prison and have no reason to be involved. (R1 – FORINER advisory board)

Some experts also indicated that the population of foreign prisoners of a country is relatively small compared to the national population within its own borders. This difference within countries would play a crucial role in the extent to which attention is paid to education for this target group.

The majority of foreign prisoners are locked up in Flanders. So when I say of those 48% foreign detainees, about 70% are in Flemish prisons and 30% in Wallonia. So in Wallonia they are less bothered by it. [...] The number of foreign prisoners in Scotland is only 5%. [...] Because of these big differences, it is not an issue for certain countries. (R10 - ICPA)

Third, according to an expert, the allocation of resources has to be given to facilitate the right of education for FNPs. All experts agreed that due to the lack of political commitment, there is **too little money and resources** to invest in the education of FNPs. One of the respondents described education to FNPs as a grain of sand on the big beach where policymakers just run over. The resources are distributed disproportionately between the various policy areas. Another expert mentioned the enormous budget cuts in areas such as education and justice:

*The fact that education for detainees and foreign national prisoners is not given enough priority is simply because there is no money. I live in *** and for sure there is enough money to reconstruct all the streets, [...] there is money enough for that. But there is no money to invest in education for detainees, just because the priority is not there. (R9 - EPEA)*

According to some, FNPs are much more resource intensive in terms of language instruction, support in activities or maintaining contact with family and friends. The majority of experts mentioned that the already high workload of prison staff, prevents them to provide sufficient support to FNPs. This high workload is, to some experts, related to the lack of money and resources whereby problems as overcrowding prisons, the shortage of prison staff and budget cuts are presented. One of the experts was convinced that there is no lack of motivation to offer education to foreign prisoners from the prison staff or education providers, but they just lack time and resources.

We can take initiatives and sometimes there is an education request from an FNP, but you can't work like that structurally. So we don't accept that [...] those are one shots and that doesn't make a difference. You only get into trouble because you can't offer it to other detainees. [...] You cannot offer this when other priorities are imposed from above. By including some cases, you exclude many more other foreign national prisoners. [...] We need a more structural basis. (R12 – FORINER advisory board)

2.2. Ideal scenario regarding distance education to FNPs

During the last part of the interview, experts answered the question what their ideal scenario regarding distance education to FNPs would be. In general, three necessary conditions could be distinguished: (1) education in prison regulated by the Ministry of Education, (2) strengthening

reintegration, and (3) digitalisation within prison systems. Furthermore, three selected recommendations of FORINER were discussed in relation to their ideal scenario.

2.2.1. What is needed to realise European cooperation for distance education for FNPs

First, in an ideal scenario, most experts indicated that **education within prisons** should become an **authority of the Ministries of Education** in all European countries. Currently in some countries, the Ministry of Justice is responsible for everything and because of a lack of time, they cannot focus on education in prison. An expert spoke of the Prison Rules and the Mandela Rules which are often read and used by prison policy makers, but these recommendations should also be on the mind of educational policy makers. Another expert mentioned that a separate department should be developed within the Ministries of Education, specifically focused on education in prison. This department can then actively cooperate with the Ministries of Justice to realise education within prisons.

If you don't involve the Ministry of Justice, the chances of success are limited. But of course, the ones who know about [...] what a person needs and ultimately the teachers who go to prison every day, those are the teachers within the Ministry of Education. So I would say that the authority should be 90% given to the education department and 10% given to the Ministry of Justice. (R9 - EPEA)

According to some experts, it would be valuable to appoint a coordinator who is responsible for developing a vision on distance education for FNPs and identifying educational opportunities. He/she would be part of the European education network, as FORINER envisaged. It is necessary to build further on the existing European educational institutions and demand attention for FNPs.

Just the political question: do we think that foreign prisoners within Europe [...] should have the opportunity to receive education from their country of origin? If that choice is made, then the question is actually answered, and recourses must be made available. (R13 – Expert in digitalisation in prison)

Second, the ideal scenario also revealed that there should be a smoother transfer between the country where the FNP is incarcerated and their home country. This would **increase** their **reintegration chances** upon return to their home country. According to some experts, it is important to clearly identify what the home country expects from their FNPs. Ideally, a plan should be drawn up as soon as an FNP enters the prison system in a foreign country.

I remember that a prison officer in England investigated the conditions of each foreign prisoner's home country. What conditions are important when you will be repatriated? And what are your first needs going to be and where are you going? What do I give you as

important information? And that's all to do with education as well. (R11 – FORINER advisory board)

As a third element within the ideal scenario, all experts referred to **digitalisation within prisons**. Ideally, according to an expert, there should be one digital learning platform within Europe, on which the entire educational offers of each country are collected.

Don't invest in education for foreign national prisoners, invest in access to internet for detainees in general and the problems are solved. (R13 – Expert in digitalisation in prison)

According to the majority of experts, digitalisation has many advantages. First of all, digital education ensures more direct contact between student and teacher. This makes it easier to provide feedback, by email, compared to paper-based learning where the homework has to be sent by post. In addition, another expert says that FNPs also learn to participate in education as it is done in 2022, away from paper-based learning. Second, an expert stated that digitalisation boosts distance learning for FNPs. In this way, they have more opportunities to participate in the offer of their country of origin.

The majority of experts believed that digitalisation is the future and prisons can no longer hide behind technological limitations, while some others are convinced that ICT-resources are still far ahead due to digi-phobia. However, more than half of the experts also indicated that digital education should not completely replace face-to-face education. The social interaction in real life between teacher and foreign students in prison is crucial in terms of motivation.

They need a lot more informal support rather than just the dissemination of knowledge. And one of the ways we know from studying this is you know, nonverbal communication, body language, all of those things give us the opportunity as educators to see if students are engaging or are participating in the process. (R4 - EPEA)

2.2.2. Recommendations as the way forward

In general, all experts mentioned that if all the FORINER-recommendations were implemented, FNPs would be in a much better position. An expert mentioned that in order to redeploy the attention of policymakers, this does require transnational cooperation. It is all about getting the interest of the European Commission whereby headquarters take the recommendations forward. Furthermore, some experts indicated that FORINER should be implemented in the network of EPEA (European Prison Education Association). This because the organisation has a central role in ensuring connections with the European Commission. When this implementation is established, some experts displayed their opinion about a follow-up project of FORINER. According to them, it is of importance to start smaller FORINER-projects across Europe where connections between mini-entities of countries would be developed. The majority of experts referred to the need to spread the recommendations again after all these years. An expert considered the recommendations as useful

and realistic but mentioned that it is more about the lobbying aspect where these recommendations have to be promoted on policy level:

It is necessary to inform people at different levels about the state of affairs and asking them: What do you think about this at policy level? What could you do/would you like to do? How can we support this? [...] Do you think it is important? [...] Just start again with what we still know about the problem. [...] You first need to regain support. (R8 - EPEA)

Recommendation 1: European framework regarding distance education to FNPs

Most experts considered the following recommendation as the most necessary: Providing a framework to ensure that each Member State accepts responsibility, both for the education of FNPs and its own citizens who are detained abroad.

Because I think the other two recommendations come from that. If a state says this, then they say, 'OK, how are we gonna operationalise this?'. Then the issue guidelines through embassies and other European Member States. Then they install national coordinating structures, but the other two are acting in isolation, I think it has to come from the top. (R4 - EPEA)

According to the majority, this decision has to be made at European level, because countries do not see this as a priority. If Europe makes this compulsory, it will be easier for Member States to assume their responsibilities. Because then, prison services have to make up their mind about how to implement this rule. Furthermore, one of the experts referred to the principle of equality. If Europe makes this compulsory, all FNPs will have more or less equal educational opportunities, which will automatically lead to a more equal reintegration. A European framework is necessary, but it is important that each country can decide for itself how to implement this.

Recommendation 2: Issue guidelines for embassies

The opinions about the second recommendation were divided: Issue guidelines for its country's embassies in other EU Member States on how to deal with education for FNPs. The majority of experts agreed that embassies should be involved in the European education network for foreign national prisoners. They also mentioned the Vienna Convention that legally stipulates that embassies must take responsibility for its foreigners. However, they should not be given authority in the educational provision as this is not their core-business. Ideally, they should act as a post box, mapping out where FNPs are imprisoned abroad. Each country should be able to contact its embassy in a foreign country easily if they want information about their own FNPs.

One of the experts brought up that it would be ideal if every country's embassy took their responsibility like the Netherlands. In his opinion, the Dutch system got the best model. The prison community works very closely with their Dutch consular staff. They have a huge network of volunteers who are visiting their FNPs abroad. It would be valuable if every Member State would

provide such consular assistance as the Netherlands. The role of the embassies should be giving information (e.g. a leaflet, web page), about the educational possibilities.

However, there were some experts who had reservations about involving the embassies. For example, there are large differences in the way embassies work within Europe and they have different priorities. These priorities, according to an expert, are also strongly linked to the political policy regarding education to FNPs. If the policy does not pay attention to this, embassies will also not be instructed to identify educational needs. Moreover, the contact does not always run smoothly.

It's really complicated to get in touch with some countries [...] The communication is very, very different from embassy to embassy. [...] So I think that would be more or less another unnecessary obstacle for the project [...] You have to put a lot of energy and work to get in contact with embassies. [...] It is more complicated than it would ease the whole thing. (R3 – CEP & EuroPris FNPs Expert Group)

Recommendation 3: National coordination structure in each Member State

All experts indicated the third recommendation as the most accessible and realistic: Install national coordinating structures which are responsible for both distance education to FNPs and its own citizens who are detained abroad. Nevertheless, opinions were divided on how national coordination structures should function. On the one hand, the majority was convinced that it would be an added value when there would be a national coordination structure with two people responsible:

Sending and receiving coordinator should be united in one body. Otherwise you will have communication problems again. Two people should be appointed who are responsible. One for linking the educational needs of the country's own citizens abroad to suitable educational offers. And one for receiving who is responsible for transferring educational offers of other countries to the FNPs in their own prisons. (R9 - EPEA)

On the other hand, some did not see the value of including the receiving side in the coordination structure as it requires much less responsibility. This means that there would be one coordinator who is given the responsibility to provide education for citizens abroad and to contact appropriate prisons. This system would provide a much better overview of inputs and outputs. In addition, some experts mentioned that one national coordinator per country is organisationally unfeasible because such coordination structures do not exist in any European country.

It's a great recommendation but I think, only realistic for countries that are thinking about reforms. In countries that cling to old structures, the creation of new functions such as a national coordinator is non-existent as resources would have to be made available. (R12 – FORINER advisory board)

Also, there are differences between regions within national borders. Therefore, it would be better to appoint coordinators per region (e.g. Belgium: Wallonia, Brussels and Flanders). Lastly, according to some experts, there should be one central point in the European Union that keeps the entire network active, keeps all the national/regional coordinators involved and to whom every coordinator can ask questions. This project coordinator could, for example, organize a webinar or network meeting every so often to talk about shared problems and questions across countries.

PART IV: DISCUSSION AND CONCLUSION

1. Discussion of the main findings in relation to the research objectives

The aim of this study is to gain insight into the challenges and needs related to a European education network for FNPs. This part provides an answer to the research questions, based on the data obtained and linked to the literature.

1.1. What can the outcomes of the FORINER-project offer as a stepping stone for organising a European cooperation network for providing distance education to FNPs?

This study highlights that education brings **individual benefits** to FNPs, since it can transform people's lives. This is in line with research that shows that education in prison can be an empowering tool (Key & May, 2019) as this contributes to a greater self-belief, self-respect and self-efficacy (Vorhaus, 2014). Bozick et al. (2018) regards education as a tool for rehabilitation, which can ensure a positive return to society after release. Subsequently, educating FNPs also has **benefits for society**, i.e. in terms of increasing recidivism rates and increasing changes of employment (Ellison et al. 2017, Behan, 2021). Also, experts in our study are convinced that following education during imprisonment leads to lower recidivism rates, which lowers the cost a society has to spend on imprisonment. In addition, education can have a **positive effect on the prison system**. The whole prison system would experience a calmer environment (e.g. more positive behaviour, meaningful use of time).

Furthermore, research reveals that FNPs experience several problems on top of the general pains of imprisonment: (1) maintenance of family ties, (2) immigration and resettlement problems, and (3) language barriers (Mulgrew, 2016). The results of this study confirm that **language barriers** are linked to the educational opportunities of FNPs. Their inability to speak the language of the country in which they are detained often excludes them from educational offers. Research highlights that a good understanding of the national language is often required to follow educational courses in prison (Croux et al. 2021, Gallez, 2018). This study demonstrates this language barrier can be limited when education is offered from their home country, in their native language. Therefore, a European education network, such as the FORINER-project, could be the solution to bridge the gap to education for FNPs. Nevertheless, the results point to the contemporary **lack of a European educational network for FNPs**. Despite the efforts of FORINER, the project ended, and no further action has been taken by the European Union. In line with the study of Brosens et al. (2021), the Dutch foundation 'Education behind Foreign Bars' is still the only organisation that provides distance education to their nationals abroad. The organisation's functioning can be seen as a good practice when providing distance education to prisoners detained abroad.

This master dissertation touches upon five elements why the FORINER-project could not be continued: (1) too ambitious, (2) no action plan, (3) lack of digitalisation, (4) weak recognition of education in prison, and (5) difficult search for partners. First, the results confirm that the FORINER-

project was **too ambitious**. Its aim was to set up various national coordination structures in different countries, even though these did not exist during that time and still do not nowadays. Second, there was **no further action plan** at the end of FORINER on how to take it forward. Previous research shows that territorial cooperation, such as FORINER, is more likely to be affected by overly optimistic expectations (Hudson et al., 2018). As a result, partnerships between countries do not correspond to the necessary support. Because of that, time, costs, benefits and risks are misjudged to achieve the objectives. This ultimately leads to a decrease in motivation (Bufon & Markelj, 2010). Thirdly, at the time of the FORINER pilots, there was a **lack of digital opportunities**, which is confirmed by earlier research (Brosens et al. 2021). Because of COVID-19, digitalisation possibilities in prison increased (e.g. video-interpreting devices, online calls with family via Zoom/Skype), which can be regarded as a stepping stone for distance education to FNPs. However, there is still a huge digital gap between prisons and the modern education systems, which is mainly determined by security issues (Barnoux & Wood, 2013). Yet, according to Farley and Hopkins (2017), people in prison need access to digital learning platforms in order to participate fully in education. Fourth, FORINER had to deal with each country's different vision, in terms of their **recognition of education in prison**. On the one hand, some countries have old prison structures that do not allow investing in education in prison, and certainly not for their citizens incarcerated abroad. On the other hand, in some countries, the focus is still on punishment, discipline and control (O'Donnell, 2016). Finally, during the FORINER-project, **finding partners** and establish national coordination structures was a challenge. According to the experts, countries would be more inclined to participate as a receiving country than as a sending country. Acting as a sending country demands more cooperation skills such as responsibility and coordination, while the receiving role is a more passive one (e.g. transferring the educational offer). According to Kaats & Opheij (2013), this lack of commitment is related to the absence of mutual gains. Both the sending and the receiving countries should experience equal benefits in order to effectively take responsibility within the European network.

1.2. What does the European cooperation concerning the organisation of an education network for FNPs look like?

A European framework regarding distance education to FNPs is seen as a necessary condition. Within this study, an ideal scenario regarding such an education network is pointed out and entails three components: (1) common culture of cooperation, (2) political engagement, and (3) digitalisation. First, **policy structures, management and organisational styles** of education in prison differ across countries, which makes it difficult to achieve a consensus. In some countries, education in prison is the responsibility of the Ministry of Education, while in others the Ministry of Justice is held responsible. This study suggests that education in prison should be the responsibility of the Ministries of Education because they have knowledge about educational opportunities. These findings are in line with earlier research in which the need for a shared administrative culture to overcome differences in management and organisational styles was highlighted (Bachtler et al., 2005). This shared administrative culture would make it easier to get on the same track (Zwet, 2013; Hudson et al., 2018) and to strive for a common ambition (Kaats & Opheij, 2013). In addition to differences in organisation and management, the results also point to **language and cultural differences**

between countries. This results in cooperation within stronger mini-entities. Due to the economic, cultural and historical forms of organisation, countries react better more towards (neighboring) countries with a common mentality. Language differences are considered as one of the biggest challenges to territorial cooperation (Svensson & Balogh, 2018). Countries often prefer cooperation with countries because of a common language (Zwet, 2013) and same standards in culture (e.g. politics) (Medeiros, 2010).

Second, the results reflect the need for **political engagement**. Because of the soft law regulations of the European Prison Rules (Council of Europe, 2020), it is difficult to ensure the implementation at national level (Norris et al., 2014). No sanctions can be given to countries that are not giving attention to education in prison for their own citizens detained abroad or for the FNPs located in their own prisons. In addition, the high workload of prison staff leads to insufficient support to FNPs because of a lack of time. Due to the lack of political commitment, there is too little money and resources to invest in the education of FNPs. Previous research confirms that when no political engagement for certain topics is included, effective implementation in practice fails (Bovens et al., 2012) because of the underestimation of costs and resources (Bufon & Markelj, 2010).

Last, the results revealed that it is of importance to invest in **access to digitalisation**, because this would increase the educational opportunities for FNPs. Digital education makes more direct contact between student and teacher possible since digital learning platforms stop delays in sending homework assignments and waiting for feedback (Brosens et al., 2021). Furthermore, FNPs would have more opportunities to participate in the educational offer of their country of origin. These results are in line with previous research. According to Garner (2017), digitalisation increases the opportunities for education by the mentioned-above reasons. Digital education also gives the opportunity to study more independently since students need less guidance when everything is combined on digital platforms (Behan, 2021).

2. Limitations of the study

In total, three limitations of the research can be formulated. A first limitation of this study is related to the manner of conducting the interviews. Face-to-face interviews are regarded as the golden standard (O'Connor, 2015), however, all interviews were conducted online through Zoom/Teams or telephone. This because of the long distance that had to be bridged between interviewer and interviewee, since experts came from all over Europe, and due to COVID-19. This made it more difficult to read non-verbal communication and the participants might have felt less at ease (King & Horrocks, 2010). According to Seitz (2015), emailing several times before an online interview takes place can strengthen the connection. This was considered in this study by sending an introduction and follow-up email with the main questions and recommendations, formulated by the FORINER-project, in advance. However, the possibility to conduct online interviews made it possible to reach a wider international audience (Lo Iacono et al., 2016).

Second, despite the brainstorm about which experts were most suitable for the study, there was no proportional spread across Europe. If a more diverse European population participated in this research, the findings would have possibly given a broader picture of the opinions and experiences of experts about education in prison for FNPs (Baarda et al., 2018). The overrepresentation of experts in the Netherlands and Belgium can be linked to the fact that the Netherlands is still the only country that provides distance education for its Dutch citizens abroad (Brosens et al., 2021) and that some Belgian partners are related to this organisation through FORINER. Some experts mentioned that there should be more headhunters across Europe who put distance education for FNPs high on the agenda. In addition, several experts recommended other people to take part in an interview, but due to time constraints this was not feasible. Thus, there is clearly a target group to work on while getting deeper into this research topic.

Last, the researcher experienced several challenges while conducting expert interviews. First, it was difficult to maintain focus while asking questions, as some respondents quickly strayed away from what was asked. All experts were sent the main questions and recommendations in advance. This way, they could prepare themselves for the complex content of the interview. As a result, the experts knew how the interview would proceed, whereby some mentioned all their prepared information immediately at the start of the interview. Due to this, the researcher had to be very flexible and the interview was often asymmetrical to the interview guide (Van der Maren, 2010). In addition, experts regularly indicated that they did not have answers to more certain questions. For example, experts were regularly asked how the challenges could be transformed into strengths or building blocks. This was a more difficult question after which the researcher decided to move on to the next question immediately. In line with the experiences of Roulston et al. (2003), it was difficult to clarify questions and/or ask follow-up questions in a way to not lose sight of the research topic. When experts have the opportunity to interact in an (in)direct way with other experts, they could elevate each other (Becker, 2009).

3. Recommendations for future research

This study used qualitative expert interviews to gain insight into what is needed to make distance education for FNPs a common practice across Europe. For future research, it is recommended to explore the potential of other research designs.

A first suggestion for further research is to set up a Delphi study. This is a method in which the individual opinions of different experts are questioned through several rounds in order to reach a consensus (Diamond et al., 2014). During the first round, the researcher forwards topics and questions to the experts based on previous findings (Maassen et al., 2021). Next, experts give their opinions, which are then analyzed by the researcher. Afterwards, the most important insights are collected, and the researcher again sends topics and questions. In this way, experts can give feedback and review their previous answers. This process continues through several rounds until the experts reach consensus (Keeney et al., 2006). The Delphi technique would be ideal to use in a follow-up study because it provides indirect interaction, since a dynamic is created in which experts

revise their own opinions by gaining insight into views of others. This leads to in-depth knowledge and data (Becker, 2009).

Although the intention was to see which elements could function as a stepping stone to increase foreign national prisoners' access to distance education provided by their home country, experts mainly discussed the challenges and often remained stuck in a negative flow. In a subsequent research project, the principle of Appreciative Inquiry could be applied, a method which does not focus on the shortcomings or problems, but rather on opportunities and strengths (Kadi-Hanifi et al., 2013). This principle of Appreciative Inquiry consists of four stages: (1) discovery (valuing the best of what is), (2) dreaming (what might be), (3) design (what should be), and (4) destiny (what will be) (Carter, 2006). The first two stages can be found in the research questions of this study. However, the researcher was not aware of this. It would be better if the interview guideline is constructed according to these four stages to explore the reasons why things go wrong in search for potential solutions (McConnel, 2015).

4. Recommendations for policy and practice

A first recommendation is related to the digitalisation of the prison system, which can be seen as the essential ingredient for education in prison (The Centre for Social Justice, 2021). Digital advances have already been made in recent years, where some countries allow access to digital platforms to incarcerated people (PrisonCloud - Belgium, SmartPrison - Finland, ELIS - Germany - Austria) (Kerr & Willis, 2018). Nevertheless, it is important to further focus on digitalisation within policy and practice, as it benefits the right to education for FNPs. It simplifies access to education from the home country (Brosens et al., 2021). During COVID-19, digitalisation started to play an important role in the broader educational landscape, leading to increasing use of blended learning, a combination of online and offline learning (The Centre for Social Justice, 2021). When people in prison are denied digital access, the gap between their educational opportunities and educational opportunities of the wider community is widened (Munro, 2018). In order to increase the educational opportunities of FNPs where they receive education from their home country in their native language, it is crucial to implement digitalisation in practice.

In addition to digital access, it is crucial to put a spotlight on FORINER after all these years. First of all, the recommendations, drafted in 2017 (see attachment 1), should be sent to the Council of Europe again. This in order to make the value of education to FNPs clear on policy level. According to Hudson et al. (2018), policy implementation requires bottom-up participation where knowledge is gained from those in the field. Secondly, the expert interviews show a need for a post-FORINER meeting. Several experts and major players such as EPEA, CPE and EuroPris could be brought together at a conference. During this meeting, the FORINER project could be explained again and the results of this study could be clarified. Furthermore, there is a need to probe for the motivation of each country to see to what extent they are open to distance education for FNPs. A brainstorm can take place on what concrete steps countries can take in sending and receiving distance education for FNPs. Subsequently, it would be an added value to set up some kind of follow-up FORINER-

project. In an ideal scenario, this future FORINER-project is embedded within EPEA, which provides a basis for its effective implementation and appropriate support.

Last, FNPs are included in international declarations, conventions and standards such as the European Prison Rules (Council of Europe, 2020), but there is no specific guideline regarding their educational opportunities. For this reason, it would be of great added value to have FORINER's first recommendation incorporated into the European Prison Rules: Providing a framework to ensure that each Member State accepts responsibility, both for the education of FNPs and its own citizens who are detained abroad. It is important that this decision is made at European level. Only then, Member States would see this as a priority and start thinking about processes to implement this rule in their national legislation and subsequently in practice. An important note here is that these international regulations, such as the European Prison Rules, are often read by the Ministries of Justice. However, not all Ministries of Justice within European countries have the authority to provide education in prison. For this reason, it is important that the political framework is also read by the Ministries of Education, because they have knowledge about education. In addition, it is important that education for FNPs is seen as education in prison, not as prison education, as it should be based on the same principles and values of education for the wider community (Behan, 2021). As a result, education in prison ultimately falls under adult education and should also be included in European and national policy regulations under the authority of the Ministries of Education.

5. Conclusion

Previous research reveals that foreign national prisoners (FNPs) have limited access to educational opportunities, mainly because of language barriers. Therefore, it is important to provide distance education from their home country in their native language. To address this gap, the FORINER-project established a European network where countries were responsible for sending and receiving courses for FNPs. Despite the effort of formulating recommendations at the end of the project and sending them to the Council of Europe, no further implementations were done. Within this research we explored the challenges and needs regarding European cooperation in order to establish a future implementation of an education network for FNPs.

This research reveals that the FORINER-project had a positive impact on FNPs. When these people are given educational opportunities, it increases their self-esteem, self-efficacy and self-respect. They are being encouraged to transform their lives. Education also contributes to reducing recidivism and increases the chances on the labour market after release. As a result, society benefits from education in prison. Since fewer crimes are committed, less money has to be spent on incarcerated people and the unemployment rate is lower. Foreigners' inability to speak the national language of the country in which they are detained, excludes them from accessing educational opportunities. It seems that there is little, or no attention paid to providing education for this target group at European and national policy level. This study provides insight into five challenges the FORINER-project faced according to experts in the field of education in prison and/or FNPs: (1) it was too ambitious, (2) there were no further action plans, (3) there was a lack of digitalisation, (4) there was little

recognition for education in prison, and (5) it was difficult to search for partners. Furthermore, this study goes deeper into three reasons that make current European cooperation complex: (1) political, lingual and cultural differences between countries, (2) a lack of political commitment and too few resources invested in offering educational opportunities to this target group, and (3) a lack of digitalisation in prison.

The implementation of an education network for FNPs is a complex matter for which further research is recommended. It would be an added value to let experts interact by means of a Delphi study to reach a common vision about the topic. This in combination with the principle of Appreciative Inquiry could lead to a possible transformation of the current challenges regarding European cooperation into building blocks for the future. It is of importance that within policy, more attention is paid to digital opportunities in education for FNPs. Giving FNPs access to digital platforms could possibly facilitate the development of a European education network. Finally, the recommendations should be resubmitted to the Council of Europe and, ideally, FORINER could be embedded within EPEA (European Prison Education Association). This way, the right for FNPs to follow education can be fulfilled, through which their chances of reintegration can be increased.

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Appendix

1. FORINER recommendations

Policy Recommendations

What policies are needed to structurally implement distance education for foreign national prisoners?

The FORINER consortium has designed a set of policy recommendations on European and national level which, if implemented, would enable policymakers across the EU and potentially more widely to cooperate on implementing the FORINER model. The recommendations have been carefully chosen to fit the need for structural implementation in very diverse contexts.

The room for flexibility in the recommendations will facilitate tailor-made implementation of the FORINER model in the specific and varying national situations regarding prison – and prison education – policy. The first set of recommendations is addressed to policy-makers at European level, the second to national governments.

Recommendations to the European Commission and non-governmental European organisations

To optimise the impact of the FORINER project results, the FORINER consortium recommends the European Commission and non-governmental European organisations (such as EPEA, Europris, EAEA¹, ...) to develop one central strategy on distance education for foreign national prisoners across the European Union and to do everything in its power to ensure its adoption by the Member States.

Such a strategy should encompass action on all aspects which are of importance to the implementation of the FORINER model. To this end, the Commission and non-governmental organisations are specifically urged to take the following measures:

1. Provide a framework to ensure that **each Member State accepts responsibility** both for the education of foreign national prisoners within its custodial estate and for the education of its own citizens who are detained in prisons abroad. This framework should **lead to national strategies** on education for (outgoing and incoming) foreign national prisoners in all Member States.

¹ European Association for the Education of Adults

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2. Promote the development of a **positive learning environment** ² in prisons in all Member States. A positive learning environment is essential to motivate foreign national prisoners to take part in educational activities and stimulate learning outcome.

3. Encourage improvements to prison education, especially for foreign national prisoners, in the context of monitoring the **implementation of Council framework decision 2008/909/JHA**.

4. Facilitate appropriate **internet access for educational purposes** in all prison environments in Europe.

5. Create a European standard on **minimum requirements for ICT facilities and ICT security** in prisons.

6. Organise an ongoing structured **exchange of experience regarding distance learning platforms of (prison) education providers** in the Member States with a view to ensuring interoperability between them as a basis for delivering education opportunities for foreign national prisoners across the EU.

7. Facilitate a **central European prisoner learning platform**.

Recommendations to the national governments

In conjunction with the overall strategy development at European level, the FORINER project partners recommend the national governments and national civil society organisations in the European Member States to develop a national strategy on distance education for foreign national prisoners. This national strategy should be a translation of the European strategy into national policy, in accordance with the national detention and educational context.

Such a strategy should encompass action on all aspects which are of importance to the implementation of the FORINER model and which fall within the competence of the Member States. To this end, the national governments and

² Examples on how to realise a positive learning environment are the provision of suitable classrooms and educational equipment, motivational support from prison staff, financial compensation for absence at work during educational activities, combining educational activities with other basic provisions in prison such as the work places, cultural activities, sports, daily prison regime activities, etcetera. Creating a positive learning environment also includes taking care of basic needs of prisoners, such as access to showers and other hygiene provision, privacy, proper food, visits and time out of cell.

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national civil society organisations are specifically urged to take the following measures:

1. Acknowledge and actively embrace its **responsibility** both for the education of foreign national prisoners within its custodial estate and for the education of its own citizens who are detained in prisons abroad.
2. Oppose any tendency to reduce the quality of detention conditions, including notably the provision of education in prison, as a means of avoiding the repatriation of its country's prisoners pursuant to **Council framework decision 2008/909/JHA**.
3. **Eliminate any discrimination against foreign national prisoners**, compared with other prisoners, in terms of formal permission to access educational opportunities.

4. Ensure the development of a **positive learning environment** in all prisons. A positive learning environment is essential to motivate foreign national prisoners to take part in educational activities and stimulate learning outcome.
5. Ensure appropriate **internet access for educational purposes** in all prisons, in particular by meeting the European standard on **minimum requirements for ICT facilities and ICT security**.
6. Enable foreign national prisoners to have **access to digitally available educational programmes from abroad**, including notably those accessible from the central European prisoner learning platform.
7. Issue **guidelines for its country's embassies** in other EU Member States on how to deal with education for foreign national prisoners.
8. Install **national coordinating structures** responsible for distance education both for foreign national prisoners in the country concerned and for the educational needs of the country's citizens detained abroad.

The project outputs are available in full version on the website www.foriner.com

- Full version of the FORINER model and policy recommendations
- Full version of the research on educational participation of European citizens detained in a foreign European country
- Full version of the FORINER pilot projects evaluation report

2. Introduction email



Dear xxx,

I would like to invite you to participate in a master thesis research on the implementation of a European educational network for foreign national prisoners (FNPs). This study is conducted by Kiara Stevens, a master student in Adult Educational Sciences at the Vrije Universiteit Brussel (VUB), initiated by the Dutch organisation Education behind Foreign Bars (EABT). The research is supervised by Prof. Dr. Dorien Brosens and guided by dra. Silke Marynissen. The research builds on the assumptions of the European FORINER-project (2016-2017), which focused on foreign national prisoners and their right to education. After a few pilot projects across Europe, recommendations on European and national level were formulated. Despite these recommendations, an education network for FNPs has not been implemented over the past years.

This research aims to gain insight into the reasons why a cross-European network to provide education to foreign national prisoners from their home country does not exist nowadays. Through expert interviews of around 60 – 90 minutes, the barriers to implement a cross-European education network will be explored. Because of your background, it would be a great added value to hear about your opinion and experience concerning the possibilities of these recommendations. For this reason, I would like to invite you to participate.

If you are willing to participate in this research, you can let me know. Afterwards, the researcher (kiara.stevens@vub.be) will contact you to plan the interview. If you have any further questions, do not hesitate to ask them.

Many thanks in advance. Looking forward to your participation.

Best regards

Dorien Brosens/Frans Lemmers

3. Introduction letter



As mentioned before, I would send you a follow-up email with the main questions of the interview and with the specific recommendations of the FORINER-project that we will look into during our conversation.

This interview will start with a presentation about the FORINER-project. Afterwards, follow-up questions will be asked, divided into four parts. First, we will discuss the current situation towards distance education to foreign national prisoners. The main question here is:

- How does, in your opinion, the **current cooperation** between European countries to provide distance education to foreign national prisoners look like (successes and barriers)?

Second, the future prospects in organizing a European educational network for foreign national prisoners will be discussed and addressed by the following question:

- What **elements have changed** related to distance education for foreign national prisoners in recent years?

In addition, we will also go deeper into the set of policy recommendations on European and national level that were designed at the end of the FORINER-project. These recommendations would enable policymakers across the EU to cooperate on implementing the FORINER model and were addressed to policy-makers at European level and to national governments. The research in which you will participate focusses on three specific recommendations, which are the following:

1. Providing a framework to ensure that **each Member State** accepts **responsibility** both for the education of FNPs and its own citizens who are detained abroad.
2. **Issue guidelines** for its country's **embassies** in other EU Member States on how to deal with education for FNPs.
3. Install **national coordinating structures** which are responsible for both distance education to FNPs and its own citizens who are detained abroad.

Regarding these recommendations, a follow-up question will be asked:

- What do you think about the **intrinsic quality** of the three recommendations in terms of 'degree of realism', 'policy attractiveness', 'accessibility'...?

Lastly, we will talk about a possible ideal situation regarding distance education for foreign national prisoners:

- What is your **ideal scenario** for distance education for foreign national prisoners?

Hopefully the main questions and recommendations give you an idea about the interview and allow you to prepare in advance. Note that this preparation is not obligatory. The interview will start with a presentation to get you involved in the topic. If you have any questions before participating in the interview, you can always ask them by email (kiara.stevens@vub.be).

Normally, you have received a Teams-invitation to participate in the interview on Monday, March 28, at 9 a.m. At the bottom of the mail you can find the link to participate.

Looking forward to your participation.

Best regards

Kiara Stevens

Masterstudent Adult Educational Science

Vrije Universiteit Brussel (VUB)

4. Informed consent



Informed consent

Dissertation on distance education to foreign national prisoners within Europe. Exploration of strategic alliances as a stepping stone to the implementation of a European education network.

By means of this document you are informed about the qualitative research on how a European education network for foreign national prisoners can be implemented. This research is conducted by master student Kiara Stevens under the sign of obtaining the degree of Master in Adult Educational Sciences. The research is initiated by the Dutch organisation Education behind Foreign Bars (EABT) and is supervised by Prof. Dr. Dorien Brosens and Silke Marynissen. After reading this document, you can confirm below that you are aware of your rights during this interview and that you want to participate in this study.

Background about the research

This research is a follow-up to the European FORINER-project (2016-2017), which focused on foreign national prisoners' right to education. This project resulted in several recommendations on European and national level to promote education for foreign national prisoners. However, an education network for foreign national prisoners has not yet been realised. The purpose of this research is to gain insight into the current barriers concerning the implementation of a European education network for foreign national prisoners. This is done by means of individual expert interviews with experts who have experience in the field of education within detention and/or the European penitentiary system.

Sequence of the interview

The interview will be conducted in an individual and oral way by Kiara Stevens. The interview starts with an introductory presentation to inform you about the FORINER-project. Afterwards, the experiences, needs and barriers related to the outcomes of the FORINER-project are discussed. Furthermore, the focus is placed on how strategic cooperation within the European Union can be achieved in order to meet a sustainable implementation of an education network in practice. The interview will last approximately 60 to 90 minutes. It will take place online at a pre-arranged time, through a platform (e.g. Zoom, Teams), depending on the respondent's preference.

No mandatory participation

Participation in this study is entirely voluntary. You have the right at any time, without giving a reason, to withdraw this consent and discontinue your participation in this research. Withdrawing

your consent will have no adverse effects on you. The information obtained will be deleted in this case.

Privacy and pseudo-anonymity

By participating, you agree that your collected data will be processed pseudo-anonymously and confidentially. All in pursuit of this master's thesis and with a view toward scientific publications. The interview will be recorded (audio recording) for smoother data processing. The recording will never be shared with third parties and will be destroyed after processing. Pseudo-anonymity will be ensured for all respondents by anonymizing their identity and position. I, as a master student, my supervisor Prof. Dorien Brosens and Silke Marynissen are the only persons who have insight into the collected data during the entire study.

Permission

By completing this informed consent, copying it (ctrl+c), pasting it into an email (ctrl+v) and emailing it back to Kiara Stevens, you are stating that you are aware of the nature of the study and are giving permission to participate. If you would like additional information or if you have any concerns/in case of problems, you can send an email to kiara.stevens@vub.be .

I, the undersigned _____, hereby declare that, as a participant in a research at the Vrije Universiteit Brussel:

1. I have read the informed consent and am thereby informed about the research.
2. I had the opportunity to ask my questions and they have been answered to my satisfaction.
3. I understand that my participation is completely voluntary.
4. I give permission to the researcher to record the interview and keep the recording until processing is completed.
5. I give permission to the researcher to process and report my results in a pseudo-anonymous manner.
6. I know that I can withdraw and refuse my consent and participation in the interview at any time.
7. I am aware that I can obtain a copy of the research results.
8. I received a copy of the informed consent.

I have read and approved this document at (place) on (date).

Name and first name:

Email address (if you want to receive a copy of the research results):

Name and signature master student:

Kiara Stevens



5. Presentation about the FORINER-project



Het denken onderwerpt zich niet.

FORINER-PROJECT

PROVIDING DISTANCE EDUCATION TO FOREIGN NATIONAL PRISONERS ACROSS EUROPE



PARTICIPATION & LEARNING IN DETENTION RESEARCH GROUP



FOREIGN NATIONAL PRISONERS ACROSS EUROPE

Countries with the smallest % of FNPs (2019)

- Romania (1,2 %)
- Bulgaria (2 %)
- Latvia (3,4 %)
- Poland (3,5 %)
- Lithuania (4,6 %)

On average:
22.1% foreign national prisoners

Countries with the largest % of FNPs (2019)

- Liechtenstein (93.8 %)
- Malta (79 %)
- Luxembourg (70.2 %)
- Estonia (63,2 %)
- Greece (58,9 %)



ISSUES FACED BY FOREIGN NATIONAL PRISONERS

Problems in maintaining contact with family members	Immigration and resettlement problems	Language barriers
<ul style="list-style-type: none"> ➢ Psychological and emotional wellbeing ➢ Long distance between prisoners & their family ➢ Too expensive phone calls ➢ Difference in time zone <p style="font-size: 0.8em; margin-top: 10px;">➔ Increased risk of depression, self-harm and suicidal behaviour</p>	<ul style="list-style-type: none"> ➢ Do not hold the nationality of the reporting country ➢ Little or no support ➢ Uncertainty about reportation, releasment or transfer 	<ul style="list-style-type: none"> ➢ Daily prison life ➢ Misunderstanding between FNPs – prison staff – other prisoners ➢ Educational opportunities



FORINER-project | 3



WHAT ABOUT THE FORINER-PROJECT?

- Launched in 2016
- Certified learning courses for FNPs
- To fulfill the right to education for FNPs
- To pursue the European Prison Rules

"Every prison shall seek to provide all prisoners with access to educational programmes which are as comprehensive as possible and which meet their individual needs while taking into account their aspirations".

"As far as practicable, the education of prisoners shall be integrated with the educational and vocational training system of the country so that after their release they may continue their education and vocational training without difficulty".

FORINER

Co-funded by the Erasmus+ Programme of the European Union

VUB PALD PARTICIPATION & LEARNING IN DETENTION RESEARCH GROUP

FORINER-project | 5

15 PILOT PROJECTS ACROSS EUROPE

Aim: Testing how countries can provide distance education for citizens detained abroad.

- 15 pilot projects (January – July 2017)
- Education is provided by their home country, but received in the country in which they are in prison.



VUB VRIJE UNIVERSITEIT BRUSSEL

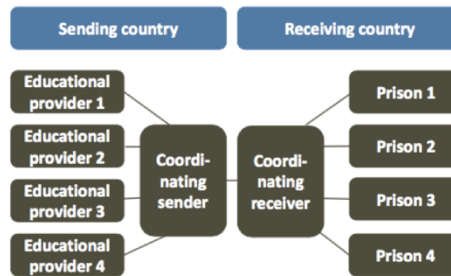
REALISATION OF THE PILOT PROJECTS

➤ 9 European countries involved

Sending countries	Receiving countries
<ul style="list-style-type: none"> - Germany - Greece - Lithuania - Romania - The Netherlands - The United Kingdom 	<ul style="list-style-type: none"> - Malta - Norway - Belgium



A FRAMEWORK FOR PROVIDING DISTANCE EDUCATION

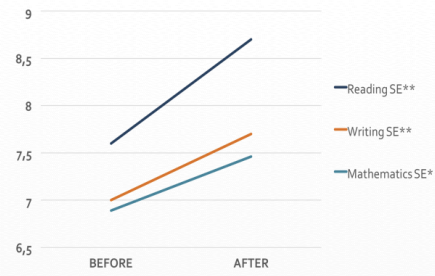


THE GENERAL FLOW BETWEEN PARTNERS

1. Finding potential students
2. Sending course materials and homework(assignments) to the students
3. Sending homework assignments back to the sending partner
4. Providing feedback to the student

THE RESULTS OF THE FORINER-PROJECT

- Courses served their needs
- Courses contributed to a better life after release



- Significant increase of self-efficacy in reading and writing

➔ **Educational courses make prison life less dehumanizing, enhances normalization of prison life & allows prisoners to build social & human capital.**



SUSTAINING, SCALING UP

Pilot projects and their challenges

- Difficulties in development, despite the great interest and enthusiasm in the cooperation between European countries to exchange education across borders.
- A lot of trial and error: new local and cross-border networks needed to be built.
- Ministries & embassies and the privacy reasons

The potential of the FORINER-project

- 1/5 prisoners with a foreign citizenship in the reporting country
- Positive outcomes

Why has nothing changed during the past years?

RECOMMENDATIONS ON EUROPEAN AND NATIONAL LEVEL

Recommendation 1:

Providing a framework to ensure that **each Member State** accepts **responsibility** both for the education of FNPs and its own citizens who are detained abroad.

Recommendation 2:

Issue guidelines for its country's **embassies** in other EU Member States on how to deal with education for FNPs.

Recommendation 3:

Install **national coordinating structures** which are responsible for both distance education to FNPs and its own citizens who are detained abroad.

ANY QUESTIONS?

6. Interview guideline

<p>Introduction</p>	<p>Good morning/evening, my name is Kiara Stevens, master student in Adult Educational Sciences at the VUB (Belgium). First of all, I would like to say thank you for your participation in this research. As you could read in the informed consent, this research is about distance education to foreign national prisoners. Especially about how a cooperation across European countries can help to achieve this. The goal of these interviews with experts such as yourself, is to detect the possibilities and barriers which are present in the current cooperation between European countries around distance education for foreign national prisoners that is offered by their home country.</p> <p>This research builds further on the European FORINER-project, a European project that aimed to build an educational network for foreign national prisoners. First, I will give a short presentation about the most important elements, experiences and results of the FORINER-project. After this presentation, I will ask you some questions regarding the outcomes of the FORINER-project and about the European cooperation concerning the organisation of an education network for foreign national prisoners.</p> <p>You already gave your permission to record this interview through the informed consent, but I would like to ask you once again if it is okay that this interview will be recorded? The recording will be used for a detailed transcription of the interview and will be deleted after processing. In any case, you always have the right to quit the interview without providing any reason. Everything you say will be processed anonymously. This expert interview will take around 60-90 minutes of your time.</p> <p>Do you have any further questions?</p>
<p>Get to know questions</p>	<p>Before starting the presentation, I would like to ask you some questions about yourself.</p> <p>→ Can you introduce yourself?</p> <ol style="list-style-type: none"> a. What is your role within the prison world? b. For how long are you performing this role? c. To which extent do you know the FORINER-project?
<p>Presentation FORINER-project</p>	<p>After the presentation, the first question that I am going to ask you is: What are the three most remarkable things you heard during the presentation?</p>

	Presentation is given
The current situation	<p>Introduction: This interview exists of three parts. First, we will discuss the current situation towards distance education to foreign national prisoners. Afterwards the future prospects in organizing a European educational network for foreign national prisoners will be discussed. And last but not least, we will talk about the ideal situation regarding distance education for foreign national prisoners.</p> <p>1. As I said before the presentation, my first question is: What are the three most remarkable things you remember about the presentation?</p> <p>a. What do you think about the FORINER-project as a possible educational network?</p> <p>b. How does, in your opinion, the current cooperation between European countries to provide distance education to FNPs look like?</p> <p>c. What are successes regarding collaboration on European level on education for foreign national prisoners?</p> <p>d. What barriers do you think hinder the establishment of a European collaboration on education for foreign national prisoners?</p> <p>→ Lack of financial resources/funding?</p> <p>→ No willingness of organisations?</p> <p>→ Lack of involvement of embassies?</p> <p>→ Different views on distance education for FNPs between collaborating countries?</p> <p>→ Linguistic differences?</p> <p>→ Cultural differences?</p> <p>→ Mental differences?</p> <p>→ Changing positions internally?</p> <p>→ Listening and passing information between local – national –</p>

	<p>European level? – communication performances</p> <p>→ COVID-situation?</p>
<p>Future prospects in organizing an education network for FNPs</p>	<p>Introduction: The second part of this interview will be about the future prospects in organizing a European educational network for foreign national prisoners.</p> <p>1. What elements have changed related to distance education for foreign national prisoners in recent years?</p> <p>a. What is the European policy position towards education for FNPs nowadays?</p> <p>→ What elements of the FORINER-project do you find useful for the future implementation of a European educational network?</p> <p>→ In what ways did the FORINER-project bring about any change regarding the importance given to education to FNPs?</p> <p>→ What steps have been taken on policy level towards the implementation of an education network for FNPs?</p> <p>2. What do you think about the European cooperation between countries regarding an educational network for foreign national prisoners?</p> <p>a. To what extent are European countries informed about the various governmental procedures of other countries?</p> <p>b. In what way do you think a constructive dialogue can be created between all partners, both at local/national and European level?</p> <p>→ How can sustainable interaction be established where the different levels (local, national and European) keep each other informed about decisions and taken steps?</p> <p>3. I already showed you some recommendations that were formulated at the end of the European FORINER-project. You can see them again on the slide. I would like to know your opinion/experience about the possibilities of these recommendations.</p>

Which recommendation do you think is the most accessible?

→ Recommendation 1 & 2: Providing a framework to ensure that each Member State accepts responsibility both for the education of FNPs and its own citizens who are detained abroad.

- a. What is your opinion about this recommendation?
→ What do you think about the intrinsic quality of this recommendation (degree of realism, policy attractiveness, accessibility ...)?
- b. Why do you think this recommendation has not been implemented yet?
→ What are current barriers to make this happen?
→ What should be done to realise this recommendation?
- c. In what way do you think Member States would accept this responsibility?
- d. What role can national governments play in providing such a framework?
- e. What role can the European Commission take in providing such a framework?

→ Recommendation 3: Issue guidelines for its country's embassies in other EU Member States on how to deal with education for FNPs.

- a. What is your opinion about this recommendation?
→ What do you think about the intrinsic quality of this recommendation (degree of realism, policy attractiveness, accessibility...)?
- b. Why do you think this recommendation has not been implemented yet?
→ What are current barriers to make this happen?
→ What should be done to realise this recommendation?

	<p>c. What role can embassies play in the educational network for foreign national prisoners?</p> <p>d. In what ways can embassies from different countries support each other?</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>→ Recommendation 4: Install national coordinating structures which are responsible for both distance education to FNPs and its own citizens who are detained abroad.</p> </div> <p>a. What is your opinion about this recommendation? → What do you think about the intrinsic quality of this recommendation (degree of realism, policy attractiveness, accessibility...)?</p> <p>b. Why do you think this recommendation has not been implemented yet? → What are current barriers to make this happen? → What should be done to realise this recommendation?</p> <p>c. How does a national coordinating structure look like according to you? → How do you see the cooperation between sending and receiving countries (e.g. communication performances)? → What elements are important to consider for sending countries? → What elements are important to consider for receiving countries? → In what ways can act a national coordinating structure as a regulator in controlling the sending and receiving partners?</p> <p>d. What actors should be involved in these national coordinating structures?</p>
<p>The ideal situation regarding distance education for FNPs</p>	<p>Introduction: In the last part of this interview, we will talk about the ideal situation regarding distance education for foreign national prisoners.</p> <p>4. What is your ideal scenario for distance education to foreign national prisoners?</p> <p>a. What is according to you the next step towards the long-term cooperation to provide a European educational network for FNPs?</p>

	<p>b. As a final question, what is your personal opinion towards education for FNPs after participating in this interview?</p>
Conclusion	<p>Those were my questions, but before heading to stop this interview, I would like to ask if you have any further suggestions, or if you would like to share/add some last things to your given answers?</p> <p>Thank you for all the interesting answers and information, and thank you for your time. If you would like to read my dissertation after submitting, I can send it to you by mail?</p>

7. Coding schedule

Main label	Partial label	Sub-label	Sub-sub-label
FORINER-project	Outcomes	Strengths	Idea Organisation/ structure
		Challenges	Lack of digital opportunities Education inadequate for nationals No future plans Difficulties finding partners Too ambitious Easier for receiving country
Changes on national/ European level	Taken steps during past years	Importance given Change due to FORINER COVID Increasing interest in digitalisation	
Necessary conditions and challenges in European cooperation	Cohesive view on cooperation	Common ambition Mutual gains Professional organisation Cooperation on personal level Meaningful process	
	Overly optimistic expectations	Complexity	Underestimating challenges Solutions not matching real needs
		Evidence base	Insufficient objectives: <ul style="list-style-type: none"> • Costs • Time • Benefits • Risks
		Stakeholders	Ineffective interaction Neglecting different points of view

		Behaviour & incentives	Short term political & budgetary cycles
		Challenge & accountability	Short-term recognition
	Inadequate policymaking	Fragmented governance Implementation within national political administration Incompetence	
		Changing positions	Lack of detailed implementation Losing priority of decisions
	Differences	Linguistic differences	Difficult communication
		Cultural differences	Different political mindsets
		Mental differences	Negative stereotypes/ reservations
	Common culture of cooperation	Similar administrative culture	Different management & organisational styles Understanding procedures of each other
		Common basis for public problem-solving	Bottom-up participation
	Ideal scenario	Next steps	Creating a network New FORINER-project, follow-up
Specific elements		Digitalisation Proper transfer to ensure reintegration More focus on education in prison Authority Ministry of Education	
Recommendations		Necessary conditions Challenges General opinion	