



## Challenges and Prospects of Education in Correctional Facilities in Zambia: A study of Selected Prisons

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### ABSTRACT

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The study explored the challenges and prospects of education in correctional facilities in Zambia and examined its inclusiveness. Prisons Act, Chapter 97 of the Laws of Zambia states that every prisoner has the right to education and library facilities. Currently, most Prisoners are deprived of the right to education and library facilities. This means that there is lack of inclusive education in prison and yet the Zambian Law clearly mandates prison authorities to provide education to all prisoners. If this problem is not addressed, prisoners would continue to be marginalized in the face of well documented human rights opportunities.

The study was qualitative and used embedded case study approach with more than one unit of analysis; one correctional centre in Lusaka and two correctional facilities in Central province were used for both male and female inmates. The sample drawn using homogeneous purposive sampling involved 31 student prisoners; 3 senior officers from NGOs, 13 prison staff, 1 senior officer from Ministry of Home Affairs – 1 senior officer from MoGE and 1 from TEVETA giving the total of 44 respondents. Data was coded and categorized into themes. The findings indicated that education was not inclusive due to many challenges such as inadequate teaching, learning, and training materials and inadequate funding from government. There are prospects for education for prisoners, through government support in terms of funding though not adequate, the Prisons ACT chapter 97 mandating prisons to offer education, ECZ providing examinations, NGO and TEVETA support. The study revealed that prison education could be made more inclusive through collaborative support of Government and NGOs. The Ministry of Home Affairs should have clear policy guide lines on prison education. In view of the findings, the study recommended that government should increase budget allocation to prison education and implement prison education policy; Ministry of Education should take responsibility of prison education and collaborate with NGOs supporting prison education.

### Keywords:

Correctional facilities, Prison Education, Inclusive Education, Right to Education and Human Rights

### 1. BACKGROUND TO THE STUDY

The right to education which is fundamental to all human beings has been limited to inmates in some countries around the world including Zambia and yet there are constitutional provisions for inclusive education in prisons (UN, 2005; Cole, 2009; Hawley, 2011; GRZ, 2014, Constitution of

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Zambia, 2016). Suffice to say, there is need to provide equal opportunity as well to inmates to access education (Mundende and Namafe, 2019). Correctional facilities are supposed to be centres of rehabilitation where offenders are given new hope and encouragement to adopt a life style that would result in a second chance towards becoming responsible citizens. In Zambia, the Ministry of Home Affairs has committed itself to producing rehabilitation services to offenders as rehabilitation and correction are the key objectives towards a crime free society. For this reason, it is imperative to promote collective social responsibility for the rehabilitation and re-integration of offenders into the society as productive and law abiding citizens. It is important to note

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that Education is a basic human right even for the offenders. Rehabilitation can be achieved through combating illiteracy in correctional centres by providing educational programmes to offenders and increasing training facilities for developmental activities.

The introduction of prison education dates back to 1801 when New York State provided elementary education for inmates. In 1822, it was authorised by law to teaching prisoners principles of the Bible (Jones, 1992). Later 1825 there was creation of Boston prison Discipline society as espoused by Louis Dwight. This was the first National figure in American prison region. Dwight laid the foundation for rehabilitation concepts based on the complementary principle of work and education through his pioneering and Sabbath school (Kangisser, 1985; Jones, 1992). These early attempt at prison education both religious and secular obtained systematic and legal sanction with the establishment of the first school for public offenders in Maryland during 1830. The most significant legal recognition of academic education as being desirable in correctional institutions occurred with the passage of time in 1847 of the New York The State provided for the appointment of secular teachers, supervised by chaplain in the state prisons. Babette Spiegel, who believed in the essential good of education, was the first of many dedicated volunteers who shaped prison education (Jones, 1992). In 1847, a comprehensive prison Act prepared by a committee of the prison association was passed by the legislature of New York, and one of the provisions was that common school teachers should be appointed for proportionate in number and to the size of each prison. In the case of Zambia, the first Republican President Dr. Kenneth Kaunda recognised the importance of prison education at independence and introduced educational and training programmes for inmates. Prison education as advocated by Chapter 97 of the Laws of Zambia (Constitution of Zambia, 2016) mandates every prisoner to have an equal opportunity for education and library facilities. In 1973 prison education was introduced by first republican president through Adult Education Programmes. Essentially, Zambia was under the colonial government and after independence inheritance of most of the laws was inevitable such as treatment of prisoners in prison. It was believed that prisons were institutions for punishing law breakers and thus the prisoners were punished through various means and there were no rehabilitation plans for them. However, the Universal Declaration of Human rights of 1948 and other various International Protocols on the treatment of prisoners shaded more light on the dignity of a human being (UN, 2010). Zambia later became a signatory to human rights instrument and it was evident that human rights be protected, promoted and respected by all citizens and government leaders. It was with this motivational documentation on human rights that Dr. Kenneth David Kaunda launched Adult Literacy Programme at Maximum

Security Prison in July, 1973. There was now a move from focusing on punishment to focusing on rehabilitation and integration of prisoners into society. In addition, a deliberate Policy was put in place to ensure a robust and successful rehabilitation and reformation process of inmate through prison education. Later prison education was introduced gradually in other prisons though faced with many challenges.

Zambia like many countries that subscribe to the United Nations place education for prisoners as a critical and a significant agenda. The UN has approved conventions to which Member States agree on the rules for the Treatment of Prisoners. It has been stressed in the convention to provide equal educational opportunities to all humans including prisoners (Hawley, Murphy and Souto-otero, 2013:9).

### **1.2 Problem statement**

Education is a basic human right even for the offenders. Rehabilitation can be achieved through combating illiteracy in correctional centres by providing educational programmes to offenders and increasing training facilities for developmental activities. It has been observed that the lack of inclusive education for prisoners in Zambia is a matter of serious concern which if not addressed incarcerated persons will continue to be marginalized in the face of well documented human rights opportunities (Hawley, 2013; GRZ, 2014, Constitution of Zambia, 2016). The Auditors General's Report observed that some prisons in Zambia did not have any form of education or training programmes for prisoners (GRZ, 2014) in spite of the constitutional requirements under the Prisoners Act Chapter 97 of the Laws of Zambia that allowed them access to education and library facilities (Constitution of Zambia, 2016). Therefore, the lack of educational programmes in prisons creates a gap between the law that demands education for prisoners and the education implementing agencies.

### **1.3 Purpose of the Study**

The purpose of the study was to investigate challenges and prospects of providing education in correctional facilities in Zambia. The findings are fundamental in the implementation of prison education and addressing the existing gap between the law and implementation of inclusive education in correctional facilities in Zambia.

### **1.4 Objectives of the study**

The study was anchored on 3 research objectives.

- i) To explore the challenges in the provision of education in selected correctional facilities in Zambia.
- ii) To investigate prospects for education in selected correctional facilities in Zambia.

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- iii) To establish how prison education can be made more inclusive in Zambia.

## 1.5 Research questions

- i. What factors affect the provision of education for prisoners in Zambia?
- ii. What are the prospects of prison education in Zambia?
- iii. How can prison education be made more inclusive in Zambia?

## 1.6 Significance of the study

The study raises awareness to various stakeholders on the lack of inclusive education for prisoners for effective implementation of the prisoners Act Chapter 97 of the laws of Zambia. The findings may influence policy in the provision of education in prisons, as well as to add value to the scholarly research and literature on prison education.

## 1.7 Theoretical foundation

The theoretical foundation underpinning the study was guided by Katarina Tomaševski's 1998 right to education theory (Tomaševski, 2001). The theory stresses acceptability, availability, accessibility and adaptability of education. It emphasizes the right to education by all human beings and why education is important to all human beings. In addition the study is also anchored on United Nations Human Rights Charter which recognizes the rights to education for inmates.

## 2. LITERATURE REVIEW

### 2.1 Human rights

Human rights are understood as being those rights inherent to the human beings without distinction to race, colour, sex, language, religion, political, regional, social origin or other opinion or other status (UN, 1997:2-9). Human rights are integral to the promotion of peace and security, economic prosperity, and social equity and any restrictions to human rights should be explained by law. Human rights emphasize no discrimination regardless of committing a crime and imprisonment. Although prisoners have some form of restriction to certain freedom by law, they have freedom in various aspects including the right to education. Education in prisons serves equal importance as education in the community outside prison. In both cases of educational right, the aim is to facilitate the right to learn as a key to their human development (Erisman and Contardo, 2005:12; UN, 1997:11-30). Prisoners' restriction to access information about the community lead to aggressive attitude towards society upon release from prison, and education management in prison reduces recidivism. The right to education helps break the cycle of disparity and prepare prisoners for productive life after regaining their freedom from prison. These human rights are protected as legal rights in both local and International law, and the United Nations Standard Minimum Rules for the

Treatment of Prisoners stress the provision of education to prisons at the full development of the human personality (Muñoz 2009a:7; Erisman and Contardo, 2005:12; United Nations, 2004; United Nations, 2010). "Education as a right" (Muñoz 2009:8a) is enshrined in many international conventions that stress that all countries must institute educational rights for prisoners.

### 2.2 Upholding prisoner's right to education

In Zambian laws, the government respects and promotes the right to education of prisoners by ensuring that there are no regulatory structures that hinder or prevents the enjoyment of the right to education (MoE, 1996:3). Prisons Act, Chapter 97 of the Laws of Zambia, Section 227 and 229 promotes inclusive education for prisoners and provision of library facilities (GRZ, 2014, Hawley, Murphy and Souto-otero, 2013:9). In cases of a denial to freedom, a justification for such decisions is required by law (Taylor, Banner and Hartman, 2012:13). The government has an obligation under international law to respect, protect and promote human rights for all citizens (Taylor, Banner and Hartman, 2012:13-14, 72). The governments should be committed to improve education provision by ensuring that educational opportunities are equitably distributed at all levels because government is the custodian of human rights of all individuals, inclusive of the right to education (UNESCO 2002:63, MoE 1996:3). More so, academic attainment is regarded as a decisive factor that determines educational quality. United Nations Children's Fund (UNICEF, 2009; Mubita and Namafe, 2016) argue that in pursuing such attainment, learners have the right to learn in a safe and healthy environment and, thus, governments have a clear obligation to provide such environments through appropriate frameworks, guidance and legislation. Therefore, education for prisoners as a fundamental right has to be done in a safe and healthy environment if has to be meaningful (Mubita and Namafe, 2016).

Therefore, extending the benefits of educational opportunity means addressing constraints in terms of public resources (UNESCO 2002:63). Resources (funds) are cardinal to the well implementation of the education policy in any country. The sources of funding for prison education in this case, are largely dependent on national responsibility, specifically, Ministry of Home Affairs in the case of Zambia. It has been stressed by UNESCO (2002) that Governments as proponents and custodians of human rights must offer equal opportunities for access to education regardless of statuses of individuals. All prison authorities must create an opportunity for teaching and learning for all prisoners to gain skills and competencies as employees, entrepreneurs once integrated into the communities (MoE, 1996; Coyle, 2009).

In addition NGOs supplement government efforts in making prison education much more inclusive (Farr, 2006). NGOs focus their efforts on the welfare of the prisoners and create an enabling environment to the adherence of international

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human rights and the rule of law in the provision of education in prisons. NGOs also are helpful in capacity building of staff and educators in order to offer quality education (Czerwinski Konig and Zaichenko, 2015).

### 2.3 Understanding inclusive education as a means to implement prison education

Inclusive education previously focused on learners with disabilities. However there is an evolutionary nature of the concept with a shift from a narrow perception based on special education or main streaming children with special educational needs towards a broader understanding of an education system that addresses the needs of all the learners (UNESCO, 2008). Inclusive education is the constant process of increasing access, participation and success of all the learners. Simui, (2016), argued that, "...unfortunately in Zambia, we have labeled integration as inclusive schooling". Furthermore, The Council of Europe Recommendations on inclusive education in prison states that prisoners' education should be similar to all age-groups in the outside world, and the scope of learning opportunities should be as broad as possible (Council of Europe, 1990:13). The European Prison Rules direct that every prison institution provides all prisoners with access to educational programmes, which are all-inclusive as possible and meet their individual needs while taking into consideration prisoner's aspirations (Hawley, Murphy and Souto-otero., 2013:12; GRZ, 2014:10-11). Therefore, inclusive education does not embrace only schooling and the way schooling is organized and provided, but must also be concerned with the essential and broader changes necessary to improve the living conditions of all learners in which education plays a major role (D'Alessio, 2007, Mubita and Namafe, 2016).

## 3. METHODOLOGY

### 3.1 Research design

The study was qualitative, and used embedded case study focusing on more than one unit of analysis in which case the units of analysis included one correctional facility in Lusaka and two correctional facilities in Central Province involving male and female inmates.

### 3.2 Research instruments, Data collection procedure and Sampling procedure

The researcher used homogenous purposive sampling technique which is suitable in obtaining data from participants who have the knowledge and information on the subject (Saunders, Lewis and Thornhill, 2016; Kothari, 2004). Data were obtained from Prison Headquarters in Kabwe, Ministry of General Education, Ministry of Home Affairs, the Auditor General's Office (AGO) and prisoners. The total number of participants was 44. The study used face-to-face interviews, focus group discussions, observation and documentary reviews. Interviews are very useful in

qualitative study as they ask purposeful questions. This demands carefully listening on the part of the interviewer to the answers in order to explore these further. Saunders, Lewis and Thornhill, (2016) observed that, the use of interviews could help the researcher gather valid and reliable data that are relevant to the research questions and research objectives.

### 3.4 Data analysis

Data analysis started in the field. The data collected was coded and categorized into emerging themes according to the thematic approach of data analysis.

## 4. FINDINGS OF THE STUDY

Findings are presented based on the research questions

### 4.1 What challenges affect the provision of education for prisoners in Zambia?

The researcher interviewed officers in correctional facilities and student prisoners who indicated that they were challenges in implementing educational programmes in prison, which included lack of teaching, learning and training materials, inadequate library facilities and inadequate budget allocation towards prison education. The students noted that they knew the importance of education and that they were very much eager to learn. The study indicated that the students were constrained by limited educational resources such as qualified teaching staff. One female teacher prisoner narrated as follows:

*"I am a teacher by profession and I feel bad to see potential students not being provided with the kind of education they deserve due to lack of teaching materials in prison."*(Prisoner teacher response)

*"It does not make any difference to attend a class without writing anything or to stay without going to class, because I will not have any reference to make and at the end of the day a student and a nonstudent are the same".* She added that, *"most of my female folks want to enroll but lack of learning materials discourages them to do so and you are aware, each prisoner has a lot to think about and they feel thinking about where to get books and pens can be an extra psychological burden to them, they would rather do away with education"* (Prisoner teacher response).

An officer from a correctional facility in Lusaka commented as follows:

*"Students do not borrow books because they have no time to read books in the cells, by the time they go back to the cells; there is no enough light for them to read".* Besides, he added, *"cells are congested when all prisoners come back and so it is very difficult for them to make good use of the books"* (ZPS staff response).

An ex-prisoner commented as follows:

*"I am an Ex-prisoner and I understand very well the educational conditions in prison. During my prison sentence,*



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*I was a prisoner teacher teaching fellow prisoners and later, I was upgraded to the rank of head teacher to do administrative work for the academic students and ZPS. It was very difficult to learn on the part of the students and to teach on the part of the teacher with very limited resources and sometimes nothing at all.*" (PRISCCA staff response)

### 4.2 What are the prospects of prison education for prisoners in Zambia?

The study identified the prospects of prison education offered to prisoners as Prisons Act Chapter 97 of the laws of Zambia, prospects offered by TEVETA, prospects offered by NGOs and finally prospects offered by ECZ. The researcher interviewed staff at the Ministry of Home Affairs who acknowledged that they were aware of the law and tried to promote education in prisons. The interviewee pointed out that in an effort to uphold the prospects of prison education for prisoners, the MoHA allocates funds under the National Budget every year specifically for prison education. He explained that the curriculum was not different from the one used outside prison, hence the students wrote the same examination provided by TEVETA and ECZ. The staff at TEVETA said,

*"Prison centers are some of the institutions that are approved by TEVETA to offer training in various Technical Education, Vocational and Entrepreneurship Training Courses. However, the training facilities in some institutions are not available."*

### 4.3 How can prison education be made more inclusive in Zambia?

The researcher interviewed the prison staff, Ministry of Home Affairs staff, Ministry of General Education staff, TEVETA staff and NGOs on how prison education could be made more inclusive in Zambia. The respondents said that, prison education was conducted under very difficult circumstances. They also indicated that government must consider prison education very important for the future well-being of society. An officer from the Maximum Correctional facility commented as follows:

*"Prison education can be made more inclusive only if the Ministry of General Education (MoGE) takes the full responsibility in the affairs of education in prisons. MoGE should ensure that correctional facilities have adequate teaching and learning materials. They should also be sending Educational Standard Officers occasionally to monitor how education is being conducted."* (ZPS staff response).

*An officer from MoHA commented as follows:*

*"We are aware that some prisoners perform teacher's role but the fact is that prison education is informal. There is no monitoring and Educational Standard Officers only come in when running examinations and providing examination centers in prisons only.*

*However, there is need for the MoGE to actively take the leading role in delivering prison education."* (STO response)

An ex-prisoner serving under an NGO commented as follows:

*"I was a prisoner and after serving the sentence I started contributing to society positively and encouraging other prisoners to reform. The government must formalize prison education. Formalization of prison education by providing infrastructure, adequate teaching, learning materials and qualified personnel to teach in prison."* (PRISCCA staff response)

*Another participant from Lusaka correctional facility said the following:*

*"It is unfortunate for the Zambian government to consider prison education informal. Most of the prisons in Zambia provide primary to secondary education under the discretion of the officer in charge of a particular prison. However, tertiary education is not offered. There is need for proper policy direction on tertiary education in correctional facilities in Zambia."* (PFF staff response).

## 5. DISCUSSIONS OF FINDINGS

The discussion is based on the research objectives. The first objective was to explore the challenges in the provision of education in selected prisons in Zambia. The study established that there were challenges which included lack of adequate funding, lack of teaching, learning and training materials as well as lack of library facilities. The findings which stressed lack of the teaching and learning materials in this study are similar to the findings of Ndunge, Kyalo, MuIwa, Matuta & Rutere (2014) who conducted a study on *Physical Learning Environment of Prisoners* in Kenya. This study which revealed that effective participation in education in prisons had been hindered by lack of qualified teachers, lack of facilities and teaching and learning materials. This was also in tandem with Mubita et. al (2022) who noted that lack of adequate funding, lack of teaching, learning and training materials as well as lack of library facilities affected students during school experience. In view of the findings, the researcher evoked the right to education theory advanced by Tomasevski Katarina (Tomasevski, 2001) adopted in this study. The findings are supported by the theory in the sense that the components of the theory clearly advocates for availability of qualified teachers for effective delivery of education to the learners and that the education system must be non-discriminatory and accessible to all. The study also established that the environments in prisons were not safe and secure for learning. The learning spaces were not ideal in terms of learning because they were atmosphere was tense, lack of good furniture, noisy and so on. This is in tandem with Mubita and Namafe (2016) in their article titled 'Safety and Health Issues at Sefula Secondary School of Western

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Zambia' where he proposed that learning has to take place in a safe and healthy environment if it has to be meaningful.

The second objective was to investigate prospects for education in selected Prisons in Zambia. The study established that there are prospects of education for prisoners. The Prisons Act Chapter 97 of the Laws of Zambia spells out the right to education and access to library facilities of Zambian prisoners. The provision of the same curriculum and accessibility of tertiary education by prisoners is depended upon Prisons Act which calls for effective implementation through public support. Additionally, findings, affirmed that TEVETA aims at preparing students not only for knowledge gain but also for employment opportunities as well as entrepreneurship development (Hawley, 2011). The findings from NGOs are in support with TEVETA, ZPS and ECZ that looks at the future of ex- prisoners through the support of prison education. These findings concur with Fontebo (2013) study which revealed that some correctional facilities lacked infrastructure, educational and training facilities and a few available were those supported by NGOs. Some correctional facilities were solely dependent on NGOs for their educational support. Some NGOs wanted to see that every prisoner was included in the educational programmes so as to prepare them for future endeavours as members of society. This is in line with Tomasevski Katarina's theory (Tomasevski, 2001) which emphasizes that education should be adaptable to the needs of society.

The third objective was to establish how prison education could be made more inclusive in Zambia. The MoHA, MoGE and NGOs held strong views on how prison education could be made more inclusive in Zambia. Although the findings reveal that MoGE was not fully involved in the planning of prison education, their involvement could improve its inclusiveness. The MoHA that has the mandate to foresee the running of education in correctional centres expressed the need to increase budgetary allocation to education in correctional facilities in Zambia. From the findings, the study established that the government which is the main provider of education has an obligation to ensure that its entire citizenly access the same education regardless of their social status in society.

### 6. CONCLUSION

The study revealed and concluded that there were many educational challenges in correctional facilities which included lack of adequate funding from government, insufficient teaching and learning materials, inadequate equipment and training materials and lack of library facilities. The conclusions from the findings from government officers, NGOs as well as documentary review show that the Prison Act Chapter 97 of the Laws of Zambia gives prisoners the right to education and access to library facilities but facilities

are not provided. Prospects for education in correctional facilities appear high as civil society organisations, government departments and others stand ready to support education in correctional facilities. Finally, it was concluded from the views of ZPS, MoGE, TEVETA, MoHA and NGOs that education in correctional facilities would be more inclusive once the government as well as NGOs work together to build adequate infrastructure such as classrooms, desks, libraries, laboratory and workshops for skills training. In addition, MoGE should be fully involved in the delivery of education correctional facilities in Zambia.

### 7. RECOMMENDATIONS

- a) The Ministry of Home Affairs should increase funding for education in correctional facilities as the current funding was rather too low to support meaningful educational activities.
- b) The Ministry of Education and the Ministry of Home Affairs should consider presenting Chapter 97 of the Laws of Zambia to Parliament for amendment to include a statement "clause" that "prison education must be formal". This would strengthen MoGE and its agencies such as TEVETA, HEA, and ECZ to provide all necessary action required for running education in correctional centres.
- c) Education policy must state clearly that prison education is formal and must ensure all Zambian attain quality education as this is a driving force in achieving the vision 2030 of becoming a middle income industrial nation.
- d) Government of the Republic of Zambia should work with local and international Non-governmental Organisations to improve educational infrastructure in correctional centres such as classrooms, desks, library, laboratories and workshops for skills training.

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