



German Prison Act: Section 3 - Prison Regime

- (1) Life in penal institutions should be approximated as far as possible to general living conditions.
- (2) Any detrimental effects of imprisonment shall be counteracted.
- (3) Imprisonment shall be so designed as to help the prisoner to reintegrate himself into life at liberty.

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Web Access and E-Learning in the Prison Cell-

Well targeted measure for a successful resocialisation or just a newly opened security gap?

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The reform of Germany's federal system that came into force on 1 September 2006 handed over the helm of competence for the penitentiary law to the German *Länder* (federal states). Since that time prison cells in Germany do not look alike anymore. There are significant differences, in particular as regards the inmates' everyday life. Currently, there is, for example, a lively debate on whether and to what extent inmates should gain access to new media, web and opportunities for education. And, following up on this, on what importance is placed on these access possibilities for their future successful reintegration into society.

Over the last decades, the view has increasingly prevailed within criminal law that the resocialisation of offenders is the overriding aim of the penal system. From a long-term perspective, it serves best to protect the public. The legal task to protect the society from further offences (§ 2 S. 2 StVollzG [German Prison Act]) is therefore subordinated to the task of inmates' resocialisation, i.e. it also represents the best way to accomplish it.¹

Probably the most important precondition for a successful reintegration is the fact that offenders should not completely lose contact to the outside world while in custody. § 3 StVollzG therefore obligates the German law enforcement authorities to approximate life in penal institutions as far as possible to general living conditions, to counteract any detrimental effects of imprisonment and to so design imprisonment as to help the prisoner to reintegrate himself into life at liberty.

But what instruments do prison facilities actually have at their disposal to perform that task?

Example „Internet“

The Internet is a firmly established part of our everyday life: Be it looking for a flat or a job, conducting online banking or dealing with public authorities – today, it is much easier to handle these jobs online than on other ways.

Furthermore, these days, the Internet is the undisputed number one information medium and it is also becoming more and more relevant as an instrument for maintaining social contacts.

The increasing importance of the Internet – as well as of other modern communication technologies, hence, makes the skills in dealing with these new forms of media an essential prerequisite for the successful survival in both our social, professional and private life.

Insofar as adapted to the framework conditions, implementing digital media in prison can therefore represent an important step for successful reintegration. But until today hardly anyone of the about 70.000 inmates in Germany is permitted not even sporadic access to these media. And this while the issue is clearly not about granting inmates free access to all popular media channels, but about introducing a small selection of useful and future-oriented web and media applications. The principle of approximation and the right to freedom of information form the legal framework for this objective.

Today, knowing how to use the Internet is a necessary social skill, confirms Prof. Bernd Maelicke, jurist and founder of the German Institute for Social Economy. Although the Internet, as well as many other things, brings with it both opportunities and risks, he considers a penal institution that still doesn't offer any possibility of web access to its inmates as to be no longer acceptable.² Especially since due to the fast-paced development of the digital society even people, who felt like they belong to it when entering prison, are soon left behind without any further possibility of accessing these media. And in what condition get all the more those people released who were arrested in the times before Google, smartphones and apps? They won't be able to handle important areas of life. Thus, their opportunities for employment and for a successful social rehabilitation decrease.³

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Legal academic Florian Knauer who did his PhD on "Prison and Internet" formulates his position on the topic as follows: "The question is not whether the Internet will enter prison, but when and how it will enter prison."⁴ And the *Arbeitskreis kritischer Strafvollzug* (Working Group Critical Reflection on the Prison Regime) actually considers free access to the Internet to be a fundamental right that applies to prisoners as to everyone else. Hence, they call for "Free access to the Internet as a human right also in prison"⁵.

E-learning as educational pathway in prison

Education is a second sector that can make a decisive contribution to successful resocialisation. Most of the inmates are so called "educational losers". Their educational background remains a long way behind the average of the rest of the population. Their experiences with traditional ways of education were usually negative.⁶

This is confirmed by a few impressive statistics taken from a Bavarian survey conducted in 2012: It shows that more than one half of the juvenile offenders in Bavaria have no graduation at all thus no professional education. In the job market these unskilled workers are seen as unemployables. Overall, only half of the adult and less than one fifth of the juvenile offenders in Bavaria have completed a professional training.⁷

„Imprisonment as a chance?!“ was, building upon this statistic findings, the provocative title of the 56th national meeting of the prison teaching staff in May of this year. The teachers here shared the view that prisoners are generally willing to learn. Moreover, they have plenty of time and few distractions. It is therefore important to procure them experiences of achievement and performance through qualification measures.⁸

According to the experts, an ideal way to educate prisoners is offered by e-learning programmes. Accessing education via PC and new media is particularly appealing to young inmates. On top, it allows them to learn at their own pace and considerably extends the number of courses made available by each individual facility.

E-learning in prison: elis

A flagship programme regarding this educational pathway, that was rewarded for its excellent results only last December, is the German programme BLiS (BLiS - Blended Learning in Prison). Blended learning hereby refers to the mingling of the 'classic' method of learning through teaching staff and e-learning. Key instrument of BLiS is elis (e-learning in prison), a learning platform, that offers almost 200 interactive and multimedia learning programmes for school and professional trainings as well as for the training on media, social, and everyday competences. elis has been specially developed for the needs of teaching and learning in prison.

The learning platform is technically and pedagogically maintained by the German *Institut für Bildung in der Informationsgesellschaft* (Institute for Education in the Information Society), an affiliated institute of the Technical University of Berlin. Currently, 45 prison facilities of 9 German Länder and Austria use elis. Further federal states and individual prison facilities, inter alia from other German-speaking countries, have expressed their interest in a future participation.

Counter-argument „Security“?

There are still many voices that bring up security concerns against the even tightly controlled and secured introduction of internet and e-learning in prisons. But the fact is, that these have long since become obsolete given the development of new technologies. Looking at those European penal systems who currently play a pioneering role in already having implemented corresponding measures, these succeed very well in meeting the required security standards. Cases of serious misuse have not been reported so far. Smart security mechanisms relying on new technologies ensure full control at any time.

Index of the sources quoted:

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