

## The right to education for remand prisoners in Romanian penitentiaries: Bridging national law and European human rights

Il diritto all'istruzione per i detenuti in custodia cautelare in Romania: tra legge nazionale e diritti umani europei

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### Abstract

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This article examines the denial of the right to education to remand prisoners in Romanian penitentiaries, a practice contrary to the European Court of Human Rights (ECtHR) jurisprudence. It focuses on a recent ruling of the Bucharest District 5 Court, which compelled a prison to uphold this right based on ECtHR standards. The discussion highlights the legal landscape in Romania, relevant international recommendations, and advocates for formal recognition of this right for remand prisoners who have been indicted and transferred to penitentiary facilities.

**Keywords:** Right to education; Remand prisoners; Romanian penitentiaries; European Court of Human Rights.

### Sintesi

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Questo articolo esamina la negazione del diritto all'istruzione ai detenuti in custodia cautelare negli istituti penitenziari rumeni, una pratica contraria alla giurisprudenza della Corte Europea dei Diritti dell'Uomo (CEDU). La recente sentenza del Tribunale del Settore 5 di Bucarest, che si analizza nel Saggio, ha posto l'obbligo per un istituto di garantire il diritto all'istruzione in base agli standard della CEDU. La discussione evidenzia il quadro giuridico in Romania, le raccomandazioni internazionali pertinenti e sostiene il riconoscimento formale di questo diritto per i detenuti in custodia cautelare, imputati e trasferiti nelle strutture penitenziarie.

**Parole chiave:** diritto all'istruzione; detenuti in custodia cautelare; istituti penitenziari rumeni; Corte Europea dei Diritti dell'Uomo.

## 1. Introduction

In a recent case before the Bucharest District 5 Court, a remand prisoner detained at Rahova Penitentiary contested the administration's refusal to allow him to enroll in sixth grade classes despite multiple requests. The prison administration denied his access on the basis that only definitively convicted inmates may participate in formal educational programmes according to existing secondary legislation. The supervising judge initially upheld this denial, but on appeal, the court found the restriction disproportionate and unjustified in light of constitutional and human rights obligations and ordered the penitentiary to permit the prisoner's enrolment.

This article explores the recognized right to education for detained persons, focusing on remand prisoners in Romania. It first reviews pertinent international standards, such as the United Nations Nelson Mandela Rules and the European Convention on Human Rights, alongside Romania's constitutional and legislative framework. A separate theoretical framework and literature review situate the discussion within current research on prison education and human rights, outlining the main conceptual and comparative perspectives. Building on this foundation, the article analyses a recent national court case that directly addresses the denial of educational access to a remand prisoner, using it as a basis for assessing the legal and policy reforms needed to ensure equal and effective access to education for all detained persons.

This topic remains largely unexplored in both legal doctrine and criminological research. Compared to convicted prisoners, the rights of remand prisoners, particularly the right to education, have attracted limited academic and policy attention. Yet, denying access to education during often lengthy preventive detention raises important questions about human dignity, equality, and the state's obligations under international and domestic law.

In this sense, the Romanian case provides an illustrative and under-studied example of how legal distinctions between convicted and remand prisoners can lead to unequal protection of fundamental rights. The analysis can therefore serve as a useful point of reference in comparative research, offering both theoretical and practical insights into how states reconcile preventive detention with human rights standards. By addressing a gap in the literature and connecting domestic developments with European human rights law, this study aims to contribute to a broader understanding of the right to education for all persons deprived of liberty.

## 2. International standards

The global framework protecting the right to education for persons deprived of liberty is firmly anchored in Rule 77 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the "Nelson Mandela Rules"). Rule 77 states, "Provision shall be made for the further education of all prisoners capable of profiting thereby". It makes no distinctions between categories of prisoners, nor does it impose barriers based on the legal status of incarceration. The absence of a formal exclusion of remand prisoners supports the interpretation that the right to education must be affirmed for all individuals held in penitentiaries, regardless of procedural status.

In a similar vein, the Council of Europe's Recommendation No. R (89) 12 on education in

prison (1989) provides a foundational policy framework reinforcing the right to education for all prisoners. The Preamble recognises education's crucial role in personal development and social reintegration, while acknowledging many prisoners' educational deficits. It highlights education's potential to humanise prison environments and improve detention conditions, thus facilitating reintegration. Though certain practical distinctions between convicted and remand prisoners may be justified, the overarching principle demands universal access. Core provisions include entitlement to diverse educational offerings – classroom subjects, vocational training, cultural and physical activities – as well as active administrative support, encouragement of prisoner participation, and ensuring adequate funding, equipment, and qualified staff.

Moreover, the European Prison Rules, revised in Recommendation Rec(2006)2, further specify the right to education in prisons through detailed obligations. Every prison must offer educational programmes comprehensive enough to meet individual needs and aspirations. Priority is accorded to prisoners with literacy and numeracy needs, young prisoners, and those with special requirements. Education should align with national educational and vocational systems and ideally be conducted under external institutions' auspices. The Rules also incorporate important safeguards for untried prisoners, ensuring their regime – including educational access – cannot be adversely affected by the possibility of conviction and granting them the right to participate in sentenced prisoners' activities upon request.

Finally, Article 2 of Protocol No. 1 to the European Convention on Human Rights unequivocally affirms that “No person shall be denied the right to education”. This provision imposes on States a negative obligation not to arbitrarily restrict access to education. The enjoyment of this right must be free from discrimination or unjustified limitation, including for incarcerated persons. The European Court of Human Rights has repeatedly reinforced that the right to education extends into the prison context.

Taken together, these standards consistently affirm education as a fundamental right and a vital instrument for rehabilitation, imposing clear duties on States and prison administrations to guarantee accessible, inclusive, and adequate education for all prisoners, including those on remand. This normative framework provides the necessary backdrop for evaluating Romanian law and practice concerning remand prisoners' educational rights.

### **3. Theoretical framework**

The right to education for persons deprived of liberty has been consistently recognised as both a human right and a rehabilitative necessity. From a human rights perspective, education in prison is an extension of the universal right to education, grounded in the principles of human dignity, equality, and reintegration. Coyle and Fair (2018) emphasise that imprisonment entails the deprivation of liberty, not the deprivation of other rights, and that prison systems must therefore ensure that all activities, including education, reflect respect for the individual's inherent dignity.

Similarly, Vorhaus (2014) argues that the right to education in prison cannot be viewed as a discretionary privilege but rather as an integral component of justice and rehabilitation. Education, he notes, helps sustain prisoners' moral agency and sense of self-worth, bridging the gap between punishment and reintegration. This philosophical stance underlines the positive obligations of the state to create meaningful educational opportunities within detention settings.

Empirical and policy research supports this view. Hawley, Murphy, and Souto-Otero (2013) show that participation in educational activities reduces recidivism, improves prison climate, and enhances post-release employment prospects. Their European Commission report also highlights that access remains uneven across member states, with significant disparities between convicted and remand prisoners.

In the same vein, Costelloe and Warner (2014) observe that although European penal policies increasingly recognise education as a fundamental right, its practical implementation is still shaped by political and administrative constraints. Dantas de Barros Filho, Leite, and Reis Monteiro (2023) reach similar conclusions in their comparative study of education policies in the world's largest prison systems, emphasising that formal recognition of the right to education often fails to translate into practical accessibility in some countries.

Behan (2014) further develops this perspective by framing prison education as a process of personal transformation. Drawing on the lived experiences of learners, he argues that education allows prisoners to construct new identities and regain control over their lives, a process essential for reintegration. This transformative dimension complements the rights-based argument by demonstrating that education serves not only legal and moral imperatives but also individual and societal goals.

Recent reviews confirm the growing relevance of these themes. Berglund, Bjursell, and Hugo (2025) identify a global expansion of research on prison education but also notes that most studies are qualitative and concentrated in English-speaking contexts, with limited comparative coverage across regions.

The link between education and desistance from crime is reinforced by evidence that learning reduces reoffending. Recent empirical research supports this conclusion: Stickle and Sprick Schuster (2023) find that participation in prison education significantly reduces recidivism and increases post-release employment and earnings, particularly for individuals engaged in vocational or college-level programmes, while Farley and Pike (2016) report that engagement in learning activities builds self-efficacy and decreases disciplinary problems. These findings align with Rangel Torrijo and De Maeyer (2019), who describe education in prison as both a basic right and an essential tool for personal development and social inclusion.

At the same time, structural inequalities persist. Eizadirad (2021) highlights that remand prisoners often experience systematic exclusion from educational programmes due to their legal status and the temporary nature of their detention. His analysis points to the need for policies that ensure equal and continuous access to education regardless of procedural stage, reflecting the principle of non-discrimination embedded in international human rights law.

Taken together, these studies provide the theoretical foundation for the present analysis. They demonstrate that education in prison operates at the intersection of human rights law, penological theory, and social reintegration policy. From this perspective, denying remand prisoners access to education not only contravenes international standards but also undermines the rehabilitative function of detention and the overarching goals of justice and equality.

In Romania, there is no dedicated academic literature on remand prisoners' right to education. Existing discussions focus mainly on sentenced prisoners and on general features of prison education, leaving the remand context unexamined in scholarship and policy analysis. This absence magnifies the relevance of the present case-based

contribution, which documents a concrete rights conflict and situates it within European standards and empirical evidence.

## **4. Relevant domestic law**

### **4.1. Constitutional and legislative framework on the right to education**

Within the Romanian legal framework, the right to education is constitutionally guaranteed under Article 32 of the Constitution, which affirms that the right to education is secured through compulsory general education, high school, vocational training, higher education, and other forms of instruction and professional development.

At the time of the case under examination, the applicable legal framework was Law No. 1/2011 on the National Education, which enshrined lifelong learning as a legally guaranteed right (Article 13) and defined compulsory general education as including primary, lower secondary, and the first two years of upper secondary schooling (Article 16). Importantly, this law also mandated that schooling for minors and adults in correctional and penitentiary institutions be carried out respecting the national curriculum (Article 55).

Since 3 September 2023, the School Education Law No. 198/2023 has been in force, bringing modifications to the education system. It expands compulsory education to include preschool, primary, lower secondary, and high school (Article 13). The law further provides that the penitentiary system shall organise schooling for compulsory education levels and may also organise educational programmes stipulated by the law (Article 54). This legislative evolution reflects Romania's ongoing efforts to align its educational system with contemporary standards and expands educational opportunities, including for those deprived of liberty.

### **4.2. Education rights of convicted adult prisoners**

Convicted prisoners' access to education is governed by Law No. 254/2013 on the execution of sentences and custodial measures. Article 79 guarantees the right to education, allowing convicted persons to participate in school training courses organised in penitentiaries, subject to availability and a cooperation protocol with the Ministry of National Education, considering priorities, health, execution regime, and security measures. Article 90 further details that schooling in penitentiaries encompasses compulsory education and may include other forms as provided by law, organised under the joint authority of the Ministry of National Education and the Ministry of Justice, with salaried teachers appointed via local education authorities. Certificates do not specify incarceration as the study period, and related costs are borne by the Ministry of National Education and the National Administration of Penitentiaries.

### **4.3. Legal regime for adult remand prisoners during criminal investigation**

A fundamental distinction under Romanian law exists between remand prisoners held during the criminal investigation phase and those retained after formal indictment. During the investigation, detention is served in remand centres under the Ministry of Internal Affairs, specifically designed for this purpose. Only upon indictment are remand prisoners transferred to penitentiaries, where detention continues in dedicated sections subordinated

to the National Administration of Penitentiaries. These latter facilities may simultaneously house convicted prisoners and those awaiting trial in other cases. This distinction reflects differing organisational and security frameworks that impact the administration and accessibility of detainees' rights, including the right to education.

Under Law No. 254/2013, the legal regime for remand prisoners during the criminal investigation stage incorporates several provisions applicable to preventive detainees more generally. Article 110 stipulates that while many rights afforded to remand prisoners are correspondingly applied to those detained during the investigation phase, certain exceptions exist. Crucially, the right to education as detailed in Article 79 of the same law is explicitly excluded for remand prisoners held in detention centres during investigation. This exclusion effectively denies access to educational rights to such detainees, marking a significant distinction from the rights of those transferred to penitentiaries after formal indictment.

The Romanian Constitutional Court (Decision no. 582/2018) ruled on a constitutional challenge raised in relation to Article 110(1)(c) of Law no. 254/2013, which excludes the right to education for remand prisoners during the criminal investigation phase, while this right is granted to convicted prisoners. The claimant argued that this legal distinction violates constitutional provisions on equality and the right to education, as the situations of remand prisoners and convicted persons are objectively similar in terms of educational rights. The Court acknowledged the fundamental importance of the right to education as enshrined in the Romanian Constitution, emphasizing its role in personal development and societal values.

However, the Court ruled the exception as unfounded, finding no constitutional violation in the differentiated treatment. It reasoned that the legal regimes for remand prisoners and convicted persons have distinct purposes: preventive detention aims to ensure proper conduct of criminal proceedings and prevent obstruction of justice, while sentences are punitive measures imposed after conviction. The Court emphasized that differences in legal treatment are justified by the differing nature and objectives of these regimes, in accordance with constitutional equality principles and European Court of Human Rights jurisprudence. The Court also recognized the necessity of certain restrictions on remand prisoners' rights, including education, to safeguard the integrity of the criminal process. Therefore, the constitutional challenge to Article 110(1)(c) was rejected, confirming the law's validity.

In contrast, the separate opinion articulated dissenting views regarding the Court's majority decision in Constitutional Court Decision no. 582/2018, asserting that the exception of unconstitutionality to Article 110(1)(c) of Law no. 254/2013 should have been upheld. The opinion underscored that the legal provision denying remand prisoners the right to participate in educational activities – reserved instead only for those definitively sentenced – violates constitutional guarantees of equality before the law and the right to education. It emphasized that from a legal and factual standpoint, remand prisoners and convicted persons are in objectively similar situations concerning their entitlement to education during detention. The dissenting judges argued that the differentiated treatment lacks an objective and reasonable justification, failing to meet the standards of proportionality and legitimacy demanded by constitutional and international human rights principles. They further noted the adverse impact of this exclusion, especially considering that preventive detention can last up to five years, thus substantially affecting detainees' educational rights without appropriate justification. This view asserted that the penal and preventive detention regimes do not differ sufficiently to warrant the restriction of educational rights exclusively to convicted individuals, advocating for equal access to education for remand prisoners.

#### **4.4. Education rights of adult remand prisoners during trial phase**

Remand prisoners during the trial phase are legally permitted to engage in educational, moral-religious, cultural, therapeutic, psychological counselling, social assistance, and vocational training activities, subject to supervision and security conditions as prescribed by implementing regulations. Article 122 of Law No. 254/2013 confirms this broad right to participate in such activities, reflecting a formal recognition of the educational dimension within the penal detention context.

However, the implementing regulations, particularly Government Decision No. 157/2016 on the approval of the Regulation for the application of Law No. 254/2013 and the Order No. 1322/C/2017 (the 2017 Regulation on the organisation and conduct of educational, psychological, and social assistance programmes under the National Administration of Penitentiaries), impose significant practical limitations. Article 272 of Government Decision No. 157/2016 restricts remand prisoners' participation in annually planned educational activities such as schooling or vocational training, allowing participation only in national evaluation sessions and the baccalaureate exams. Correspondingly, Article 66 of the 2017 Regulation reiterates that schooling is principally designed for sentenced prisoners, with remand prisoners eligible solely to take national evaluation and baccalaureate exams. This regulatory framework functions as a significant constraint on the realisation of educational rights for remand prisoners during trial, highlighting a dissonance between legal provisions and practical implementation.

#### **4.5. Status and educational provisions for detained minors**

The status of minors in custody, particularly those who have been sentenced, differs substantively from adults in that minors serve educational measures rather than punitive sentences. According to Article 161 of Law no. 254/2013, every interned minor has the right to education tailored to their needs and abilities, as well as access to appropriate vocational training. This education is provided by qualified teaching staff, either in classes affiliated with public schools or within educational institutions operating on-site at detention centres. Minors are required to attend compulsory general education courses in accordance with the law.

However, during criminal proceedings, Article 117 of Law No. 254/2013 stipulates that many provisions applicable to detained adults similarly apply to remand minors, with notable exceptions. Among these is the obligation to attend compulsory schooling as detailed in Article 161, which governs the education of sentenced minors. According to Article 123, remand minors during trial are held separately from adults in detention centres or specialized pre-trial arrest facilities. However, as with adult remand prisoners, access to education during detention for remand minors is not effectively ensured, with their educational participation largely limited except for specific circumstances such as national evaluation sessions or final exams. Thus, the educational rights of remand minors during detention remain similarly restricted as those of adult remand prisoners.

### **5. Case study**

This case concerns Judgment no. 1109/2023 of 5 May 2023, issued by the Bucharest District 5 Court. The petitioner, an adult detained at Rahova Penitentiary, submitted a request on 6 March 2023 to the supervising judge, arguing that his right to education under Article 79 of Law No. 254/2013 was being infringed. Despite repeated applications to

enroll in sixth grade courses, the prison administration refused him permission, prompting him to formally contest the refusal.

The supervising judge at Rahova Penitentiary rejected his complaint. He reasoned that, under Order No. 1322/C/2017, only persons who are definitively sentenced may be included in school education programmes in prison. The petitioner, being in pre-trial detention at the relevant time, therefore did not qualify. The judge's decision was duly challenged by the petitioner within the legal term before the Bucharest District 5 Court.

The case records established that the petitioner had been held in preventive detention since December 24, 2021, based on an arrest warrant issued by the Bucharest Tribunal. He spent the initial period in the arrest center, and from February 2022 onward, he was transferred between Rahova and Jilava prisons, held under a combination of preventive arrest and, from January 12, 2023, an execution warrant for a separate conviction. The petitioner specifically requested registration for sixth grade classes on two separate occasions, both of which were refused by the prison, citing the legal framework that restricts access to formal education in prison to definitively convicted inmates.

The court restated that only persons serving a final sentence in prison are entitled under the law and secondary legislation to be enrolled in formal educational activities organized within penitentiaries.

However, the court also considered Article 20(2) of the Romanian Constitution, which grants precedence to international human rights instruments over conflicting domestic law (except where domestic law provides more favorable protections), and Article 2 of Protocol No. 1 to the European Convention on Human Rights, which safeguards the right to education. Referring to European Court of Human Rights jurisprudence – most notably, the case of *Velyo Velevev v. Bulgaria* – the court recalled that while the ECHR does not oblige states to organize education in prisons under all circumstances, any restrictions must be foreseeable, pursue a legitimate aim, and be proportionate. In the present case, the court determined that the sole ground for refusing the petitioner was his preventive detention status, which lasted over a year, and that excluding him from education on this basis failed the proportionality and legitimacy tests required by the Convention.

Applying these principles, the court admitted the petitioner's appeal, recognized a violation of his right to education under Article 2 of Protocol No. 1 ECHR, annulled the prior judge's decision, and ordered Rahova Penitentiary to enroll the petitioner in the requested school courses. The court stated that the mere existence of a preventive detention warrant could not, especially given the lengthy period of detention, justify the ongoing denial of educational access for a detainee with a clear and demonstrable interest in continuing his studies. This decision was final.

## 6. Discussion

The Judgment no. 1109/2023 of the Bucharest District 5 Court underscores a fundamental principle consistent with international human rights law: prisoners, including those on remand, retain all fundamental rights guaranteed by the ECHR, except for the right to liberty. The right to education, enshrined in Article 2 of Protocol No. 1, remains especially significant in this context. The Court's decision echoes the ECtHR's ruling in *Velyo Velevev v. Bulgaria*, which found that the arbitrary exclusion of a remand prisoner from prison education violated human rights standards. This case reaffirms that restrictions on

educational access in detention must pursue legitimate aims, be foreseeable, and proportionate; failure to meet these criteria constitutes a violation of fundamental rights.

While the jurisprudence of the ECtHR acknowledges that States are not obliged to provide all forms of education or training within prisons, denial of access to existing educational programmes – particularly where detainees demonstrably wish to continue their studies – may amount to breaches of Article 2 of Protocol No. 1. The Romanian court's application of this principle represents progressive judicial recognition that preventive detention, which may extend for several years, should not systematically deprive detainees of educational rights, particularly when exclusion is based on a rigid legal interpretation that ignores individual circumstances and rehabilitation objectives.

The case also highlights the broader rehabilitative philosophy underpinning modern penal systems, as embodied in international standards such as the Nelson Mandela and European Prison Rules, which promote educational opportunities as essential to successful reintegration post-release. Access to education within detention benefits both personal development and societal interests by reducing recidivism and fostering social inclusion. This judgment thus challenges systemic obstacles that restrict educational access for remand prisoners and sets a precedent for reforms aimed at achieving equitable treatment of all detainees, consistent with constitutional principles and human rights obligations.

Across European and international frameworks, education in prison is framed as both a right and a core element of humane detention. The Council of Europe instruments emphasise universal access and equivalence with community provision (Council of Europe, 1989, 2006), while the Nelson Mandela Rules identify education as integral to dignity and reintegration (United Nations, 2015). From a human-rights perspective, imprisonment entails the restriction of liberty but not the deprivation of other fundamental rights. Education in detention should therefore be organised, as far as possible, in line with the standards applied in the community.

Empirical and policy analyses show that, in practice, access to prison education remains uneven across jurisdictions. Implementation continues to depend heavily on domestic legislation, institutional priorities, and available resources. As discussed in the theoretical framework, comparative studies reveal that while most systems formally recognise education as a right, participation often remains limited by procedural status, security classifications, or administrative discretion.

In legal terms, any restriction on educational access must meet strict conditions of lawfulness, legitimacy, and proportionality. Denying participation in existing educational programmes without adequate justification may therefore raise issues of compliance with human-rights standards. This reasoning is increasingly reflected in national jurisprudence, where courts have begun to question the legality of restrictions based solely on procedural status. The judgment of the Bucharest District 5 Court follows this approach, finding such exclusions based solely on procedural status disproportionate and ordering that the detainee be granted access to education.

From a penological perspective, research consistently highlights the rehabilitative and preventive value of education in detention. As summarised in the theoretical framework, participation in learning activities is linked to lower rates of reoffending, better institutional behaviour, and improved reintegration prospects after release. Education also supports the preservation of personal agency and dignity, fostering a sense of identity and purpose that is essential to rehabilitation. Ensuring equal access to these opportunities, regardless of detention status, strengthens both the legal and the practical foundations of a humane and

effective correctional system.

Overall, the comparative evidence and theoretical perspectives converge on a consistent conclusion: where education is available in prisons, access should not depend on the procedural status of the detainee unless a specific and proportionate justification can be demonstrated. Aligning domestic policy with European human-rights standards and empirical evidence would strengthen both the legitimacy and effectiveness of the national detention systems.

While accepting limitations on education access during the criminal investigation phase, when detainees are held in remand centres under distinct security and administrative regimes, it is imperative that remand prisoners transferred to penitentiaries following indictment be allowed full access to schooling alongside convicted inmates. To realize this aim, amendments to relevant secondary legislation are necessary to clarify and guarantee educational rights for remand prisoners post-indictment.

Notably, Article 2 of Protocol No. 1 does not obligate Contracting States to create educational facilities where none currently exist. However, the present case concerns the refusal of access to an existing educational institution within the penitentiary. This distinction implies that excluding remand prisoners – once transferred to penitentiaries – from established educational programmes available to convicted persons constitutes an unwarranted restriction. Indicted remand prisoners, therefore, must be permitted to attend prison educational programmes alongside sentenced inmates, reinforcing principles of equality and supporting rehabilitation goals.

## **7. Conclusions**

This article has examined the right to education for persons deprived of liberty, particularly focusing on remand prisoners in Romania. Through an analysis of international human rights standards, domestic legal frameworks, and a recent key court decision, it highlights persistent gaps between formal rights and actual access to education for remand detainees. The Romanian judiciary's growing recognition that prolonged preventive detention should not deprive inmates of educational opportunities reflects progressive alignment with constitutional and international obligations.

At the same time, the comparative and theoretical perspectives discussed in this study indicate that such gaps are not unique to Romania but reflect broader patterns across Europe, where remand prisoners often remain at the margins of educational policy and research. The lack of Romanian academic literature on this issue underscores both the novelty and the importance of examining it systematically. International studies consistently show that access to education in detention supports rehabilitation, reduces recidivism, and reinforces the principles of equality and human dignity that underpin human-rights law. Situating the Romanian case within this wider context therefore helps clarify how preventive detention interacts with the right to education and highlights the need for coherent policies that align legal frameworks with practice.

Bridging these findings with the national context shows that translating legal recognition into effective practice remains a central challenge in Romania. Significant obstacles persist, particularly the legal and regulatory distinctions that continue to exclude remand prisoners from existing educational programmes within penitentiaries. Legislative reforms are therefore imperative to clarify and secure the educational rights of remand prisoners,

particularly post-indictment, including amendments to secondary legislation governing penitentiary administration. The case analysed in this article demonstrates both the challenges and the potential for rights-based judicial intervention to advance equality in detention. Ensuring equitable educational access not only upholds fundamental human rights but also advances rehabilitative goals that contribute to successful reintegration and societal benefit.

## Reference list

- Behan, C. (2014). Learning to escape: Prison education, rehabilitation and the potential for transformation. *Journal of Prison Education and Reentry*, 1(1), 20–31.
- Berglund, J., Bjursell, C., & Hugo, M. (2025). Research on education in prisons: A scoping review. *International Journal of Lifelong Education*, 44(4), 436–449. <https://doi.org/10.1080/02601370.2025.2465740>
- Bucharest District 5 Court. (2023, May 5). Judgment no. 1109/2023 (RJ 4e35g2gg9) [Judecătoria Sectorului 5 București, Hotărâre nr. 1109/2023]. Rejust.
- Costelloe, A., & Warner, K. (2014). Prison education across Europe: Policy, practice, politics. *London Review of Education*, 12(2), 175–183. <https://doi.org/10.18546/LRE.12.2.03>
- Council of Europe. (1989). *Recommendation No. R (89) 12 on education in prison*. <https://rm.coe.int/09000016804c858f>
- Council of Europe. (2006). *European Prison Rules*. Council of Europe Publishing. <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>
- Coyle, A., & Fair, H. (2018). *A human rights approach to prison management: Handbook for prison staff* (3rd ed.). Institute for Criminal Policy Research. <https://eprints.bbk.ac.uk/id/eprint/23369/1/handbook%203rd%20ed%20english%20v5%20web.pdf>
- Dantas de Barros Filho, A., Leite, C., & Reis Monteiro, A. M. (2023). Education policies in prisons: An analysis focused on the 10 largest prison populations. *Revista Brasileira de Educação*, 28, e280070. <https://doi.org/10.1590/S1413-24782023280070>
- Eizadirad, A. (2021). A literature review on access to education for the remand and incarcerated population in Ontario. *Edication.org*. <https://edication.org/wp-content/uploads/2021/05/2021-A-Literature-Review-on-Access-to-Education-for-the-Remand-and-Incarcerated-Population-in-Ontario.pdf>
- European Convention on Human Rights (1950). *Protocol No. 1, Article 2*. Council of Europe. [https://www.echr.coe.int/documents/d/echr/convention\\_eng](https://www.echr.coe.int/documents/d/echr/convention_eng)
- European Court of Human Rights (2014). *Velyo Velev v. Bulgaria* (Application no. 16032/07), judgment of 27 May 2014. <https://hudoc.echr.coe.int/eng?i=001-144131>
- Farley, H., & Pike, A. (2016). Engaging prisoners in education: Reducing risk and recidivism. *Advancing Corrections: Journal of the International Corrections and Prisons Association*, 1(1), 65–73.

- Government of Romania (2016). *Government Decision No. 157/2016 approving the Regulation for the implementation of Law No. 254/2013* [Hotărâre nr. 157/2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013]. Official Gazette of Romania, Part I. <https://legislatie.just.ro/Public/DetaliiDocumentAfis/177386>
- Hawley, J., Murphy, I., & Souto-Otero, M. (2013). *Prison education and training in Europe: Current state-of-play and challenges*. European Commission.
- Ministry of Justice (2017). *Order No. 1.322/C of 25 April 2017 approving the Regulation on the organisation and conduct of educational, psychological, and social assistance activities and programmes in the detention facilities under the subordination of the National Administration of Penitentiaries* [Ordin nr. 1.322/C din 25 aprilie 2017 pentru aprobarea Regulamentului privind organizarea și desfășurarea activităților și programelor educative, de asistență psihologică și asistență socială din locurile de deținere aflate în subordinea Administrației Naționale a Penitenciarelor]. Official Gazette of Romania, Part I. <https://legislatie.just.ro/Public/DetaliiDocumentAfis/302102>
- Parliament of Romania (1991). *Constitution of Romania* [Constituția României]. Official Gazette of Romania, Part I. <https://legislatie.just.ro/Public/DetaliiDocument/1413>
- Parliament of Romania. (2011) *National Education Law No. 1/2011* [Legea educației naționale nr. 1/2011]. Official Gazette of Romania, Part I. <https://legislatie.just.ro/Public/DetaliiDocument/259001>
- Parliament of Romania (2013). *Law No. 254/2013 on the execution of sentences and custodial measures* [Legea nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal]. Official Gazette of Romania, Part I. <https://legislatie.just.ro/Public/DetaliiDocument/150699>
- Parliament of Romania (2023). *School Education Law No. 198/2023* [Legea învățământului preuniversitar nr. 198/2023]. Official Gazette of Romania, Part I. <https://legislatie.just.ro/public/DetaliiDocument/271896>
- Rangel Torrijo, H., & De Maeyer, M. (2019). Education in prison: A basic right and an essential tool. *International Review of Education*, 65, 671–685. <https://doi.org/10.1007/s11159-019-09809-x>
- Romanian Constitutional Court (2018). *Decision no. 582 of 20 September 2018 on the exception of unconstitutionality of Article 110(1)(c) of Law No. 254/2013* [Decizia nr. 582 din 20 septembrie 2018 privind excepția de neconstituționalitate a dispozițiilor art. 110 alin. (1) lit. c) din Legea nr. 254/2013]. Official Gazette of Romania, Part I. <https://legislatie.just.ro/public/DetaliiDocument/206358>
- Stickle, B., & Sprick Schuster, S. (2023). Are schools in prison worth it? The effects and economic returns of prison schooling. *American Journal of Criminal Justice*, 48(3), 654–676. <https://doi.org/10.1007/s12103-023-09747-3>
- United Nations (2015). *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules), *General Assembly resolution 70/175*. United Nations. <https://docs.un.org/en/A/RES/70/175>
- Vorhaus, J. (2014). Prisoners' right to education: A philosophical survey. *London Review of Education*, 12(2), 162–174. <https://doi.org/10.18546/LRE.12.2.02>