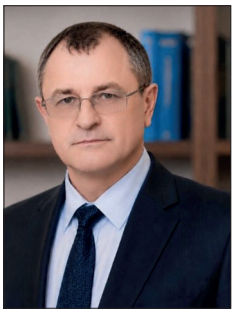
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PRIMARY LEGAL AID AS A MECHANISM FOR ENSURING PRISONERS' RIGHT TO EDUCATION

Abstract: *This article examines primary legal aid as a mechanism for securing prisoners' right to education in conditions of deprivation of liberty. Drawing on international standards, European practice and data from the Republic of Moldova, it explores the relationship between the formal recognition of the right to education and its actual implementation within the penitentiary system. The analysis demonstrates that, while the prison population exhibits significant educational vulnerability, it is often accompanied by a pronounced motivation to learn; however, access to educational programmes remains constrained by institutional, procedural and informational barriers. It is argued that primary legal aid performs a system-forming function, transforming an abstract legal guarantee into a practically attainable opportunity. The article concludes by emphasising the need to strengthen the advisory component of legal aid as part of a comprehensive framework for ensuring prisoners' educational rights.*

Keywords: *right to education, prisoners, penitentiary system, primary legal aid, social rights, access to information, procedural safeguards, international standards, Republic of Moldova, legal status of prisoners.*

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ASISTENȚA JURIDICĂ PRIMARĂ CA MECANISM DE ASIGURARE A DREPTULUI LA EDUCAȚIE PENTRU PERSOANELE CONDAMNATE

***Abstract**: Articolul examinează asistența juridică primară ca mecanism de asigurare în condițiile detenției a dreptului la educație al persoanelor private de libertate. Pe baza standardelor internaționale, practicilor europene și datelor din Republica Moldova, studiul analizează raportul dintre recunoașterea formală a dreptului la educație și realizarea efectivă a acestuia în cadrul sistemului penitenciar. Analiza demonstrează că deși populația penitenciară se caracterizează printr-un nivel ridicat de vulnerabilitate educațională, aceasta este însoțită frecvent de o motivație pronunțată pentru instruire; cu toate acestea, accesul la programele educaționale rămâne limitat de bariere instituționale, procedurale și informaționale. Se argumentează că asistența juridică primară îndeplinește o funcție sistemică, transformând o garanție juridică abstractă într-o posibilitate practic realizabilă. Articolul concluzionează asupra necesității consolidării componentei consultative a asistenței juridice ca parte a unui cadru complex destinat asigurării drepturilor educaționale ale persoanelor private de libertate.*

***Cuvinte-cheie:** dreptul la educație, persoane private de libertate, sistem penitenciar, asistență juridică primară, drepturi sociale, acces la informații, garanții procedurale, standarde internaționale, Republica Moldova, statutul juridic al deținuților.*

1. INTRODUCTION

The right to education is recognised as a fundamental human right at both universal and regional levels of international law. Article 2 of Protocol No. 1 to the European Convention on Human Rights provides that "no person shall be denied the right to education"[1]. Read in conjunction with the principle that fundamental rights and freedoms must be preserved in conditions of deprivation of liberty, this provision implies that individuals do not forfeit their right to education solely by virtue of imprisonment. On the contrary, international standards emphasise that, within the context of penitentiary isolation, education assumes particular importance as a means of personal development, social reintegration and respect for human dignity[2].

Notwithstanding the stable normative recognition of prisoners' right to education, its practical implementation across European penitentiary systems remains uneven. Analytical reports by the European Commission point to systemic barriers that hinder prisoners' access to educational programmes, among which insufficient awareness of available opportunities is particularly prominent[3]. As a result, the right to education often retains a largely declaratory character.

This issue acquires particular significance in states with limited penitentiary resources, including the Republic of Moldova. According to official data from the National Administration of Penitentiaries, between 2022 and 2024 the prison population ranged from approximately 4,700 to 5,000 individuals[4]. More than half of those detained have not

[1] Council of Europe (1952). *Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms*. Paris: Council of Europe [online] [quote 19.01.2026]. Available: https://www.coe.int/en/web/echr-toolkit/protocole-1

[2] United Nations (1990). *Basic Principles for the Treatment of Prisoners*. New York: United Nations. p.6 [online] [quote 19.01.2026]. Available: https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-treatment-prisoners

[3] Hawley J., Murphy I., & Souto-Otero M. (2013) *Prison education and training in Europe: Current state-of-play and challenges*. Brussels: European Commission [online] [quote 22.01.2026]. Available: https://www.antoniocasella.eu/nume/hawley_ue_education_may13.pdf

[4] Administrația Națională a Penitenciarelor (2025). *Date statistice privind persoanele condamnate deținute în*

completed secondary education, while the proportion of prisoners with higher education does not exceed 3%[5]. Findings from a sociological study involving 1,683 prisoners indicate a pronounced motivation to engage in learning: 77.04% of respondents expressed a desire to pursue education during their sentence[6]. These data point to the existence of a clear educational need which is not always adequately supported at the institutional level.

In academic literature, prisoners' right to education is commonly justified either in utilitarian terms - as a means of reducing recidivism and improving post-release employment prospects - or as an extension of the rehabilitative function of punishment. Such an approach, however, remains conceptually limited, as it ties the value of education primarily to the attainment of external social outcomes[7]. An alternative perspective regards education as an autonomous human right, grounded in the notion of human dignity and retaining its intrinsic value irrespective of its pragmatic effectiveness.

Even where education is recognised as an inalienable right of prisoners, the question of how it is to be effectively realised remains open. In this regard, primary legal aid - understood as a system of legal information, advice and guidance enabling individuals to navigate their rights and obligations - assumes particular importance. In conditions of deprivation of liberty, limited legal awareness and restricted access to information constitute independent barriers to the exercise of social rights, including the right to education. A prisoner who lacks knowledge of available educational opportunities, enrolment procedures or avenues for challenging refusals is, in practice, unable to exercise this right.

This article proceeds from the premise that primary legal aid performs a system-forming function within the mechanism for ensuring prisoners' right to education. It operates as a necessary link between the formal recognition of the right and its practical realisation within the penitentiary environment. The aim of the article is to analyse the role of primary legal aid as a mechanism for securing prisoners' right to education, with due regard to international standards and penitentiary practice, with particular reference to the Republic of Moldova.

2. RESEARCH METHODOLOGY

The methodological framework of the study is based on formal legal and comparative legal methods, the analysis of international standards and their implementation, as well as the examination of official statistical data and doctrinal sources. The use of empirical materials allows for a correlation between normative constructs and the actual conditions under which the right to education is exercised within the penitentiary system.

3. DISCUSSION AND FINDINGS

3.1. International Legal Standards on Prisoners' Right to Education

The right to education is enshrined in a range of universal and regional international instruments as an inalienable human right. The Universal Declaration of Human Rights affirms that everyone has the right to education directed towards the full development

instituțiile penitenciare (2022–2024). Chișinău: ANP [online] [quote 19.01.2026]. Available: https://anp.gov.md/raport-statistic-date-statistice

[5] Георгиева С. (2023) *Правовое обеспечение использования информационных технологий в образовании осужденных*: докторская диссертация по праву. Кишинев, 2024 [online] [quote 02.02.2026]. Available: https://msuir.usm.md/items/a785a1b4-f082-4760-a244-94fba3c6bbd3/full

[6] *Ibid.* p.152.

[7] Vorhaus J. (2014) Prisoners' right to education: A philosophical survey. *London Review of Education*, 12(2), 162-175 [online] [quote 15.02.2026]. Available: https://doi.org/10.1080/14748460.2014.939193

of the human personality and the strengthening of respect for human rights[8]. This provision is further elaborated in the International Covenant on Economic, Social and Cultural Rights, which imposes an obligation on states to ensure both the accessibility and the progressive realisation of different levels of education[9].

Within the European legal framework, the right to education is enshrined in Article 2 of Protocol No. 1 to the European Convention on Human Rights, which stipulates that "no person shall be denied the right to education"[10]. The European Court of Human Rights has consistently emphasised that this right must be guaranteed without discrimination and cannot be subject to arbitrary restriction. While states retain a margin of appreciation in organising their educational systems, any limitations must be proportionate and pursue a legitimate aim[11].

In relation to persons deprived of liberty, international standards proceed from the principle that fundamental rights and freedoms are retained, subject only to those restrictions that are inherently linked to the fact of detention. The Basic Principles for the Treatment of Prisoners affirm that all prisoners retain the human rights recognised in international law and have the right to participate in cultural and educational activities aimed at the full development of the human personality[12].

This approach has been further developed in European instruments. Recommendation No. R (89) 12 of the Committee of Ministers of the Council of Europe underscores that prison education should, as far as possible, be integrated into the general educational system and regarded as an essential component of penal policy[13]. Similarly, the European Prison Rules impose an obligation on prison authorities to provide access to educational programmes that support personal development and social integration[14].

In legal scholarship, the right to education is often characterised as an "enabling right", facilitating the realisation of other human rights, including participation in public life and access to employment[15]. Education thus extends beyond the mere transmission of knowledge, functioning as a means of expanding an individual's legal and social capacities. It is precisely this functional dimension that underpins its heightened significance in

[8] United Nations (1948). *Universal Declaration of Human Rights*. New York: United Nations. Art. 26 [online] [quote 15.02.2026]. Available: https://www.un.org/en/about-us/universal-declaration-of-human-rights

[9] United Nations (1966). *International Covenant on Economic, Social and Cultural Rights*. New York: United Nations. Art. 13 [online] [quote 15.02.2026]. Available: https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights

[10] Council of Europe (1952). *Protocol No. 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms*. Paris: Council of Europe [online] [quote 19.01.2026]. Available: https://www.coe.int/en/web/echr-toolkit/protocole-1

[11] Belgian Linguistic case (Case "relating to certain aspects of the laws on the use of languages in education in Belgium" vs. Belgium), 1474/62 et al., 23 July 1968, European Court of Human Rights [online] [quote 29.01.2026]. Available: https://hudoc.echr.coe.int/tur?i=001-57524

[12] United Nations (1990). *Basic Principles for the Treatment of Prisoners*. New York: United Nations. p. 5-6 [online] [quote 19.01.2026]. Available: https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-treatment-prisoners

[13] Council of Europe (1989). *Recommendation No. R (89) 12 of the Committee of Ministers to member states on education in prison*. Strasbourg: Council of Europe [online] [quote 02.02.2026]. Available: https://rm.coe.int/09000016804c858f

[14] Council of Europe (2006). *Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules*. Strasbourg: Council of Europe. Rule 28 [online] [quote 02.02.2026]. Available: https://search.coe.int/cm?i=09125948801f0827

[15] Beiter K. D. (2006) *The protection of the right to education by international law*. Leiden/Boston: Martinus Nijhoff Publishers [online] [quote 03.03.2026]. Available: https://www.researchgate.net/publication/311909233_The_Protection_of_the_Right_to_Education_by_International_Law_Including_a_Systematic_Analysis_of_Article_13_of_the_International_Covenant_on_Economic_Social_and_Cultural_Rights_Martinus_Nijhoff_2006_I

contexts where the exercise of other rights is substantially constrained, most notably in conditions of deprivation of liberty.

The rehabilitation of prisoners encompasses a range of measures, among which access to education occupies a central place. Educational engagement enables prisoners to improve their academic attainment, acquire vocational skills and develop attitudes conducive to law-abiding behaviour. In this sense, education operates not merely as an element of penitentiary policy but as a key mechanism of personal transformation within conditions of institutional isolation[16]. In the prison context, therefore, education assumes a dual function: it serves both as a tool of resocialisation and as a means of preserving personal autonomy and legal status.

Taken together, international standards establish a coherent normative framework in which the right to education is retained by prisoners and must be actively ensured by the state. Any restrictions on this right are permissible only insofar as they are inherent in the conditions of detention and must not be arbitrary. This framework provides the point of departure for analysing the practical conditions under which educational rights are realised within penitentiary systems.

3.2. Theoretical Approaches to Prison Education: Utilitarian and Intrinsic Models

In academic discourse, prisoners' right to education is commonly examined through two competing interpretative models: the utilitarian and the intrinsic (value-based) approach. The utilitarian model justifies educational provision in prisons primarily by reference to its social outcomes. Education is viewed as a means of reducing recidivism, improving post-release employability and alleviating the broader social burden on the state. Within this framework, its value is assessed through measurable indicators such as reoffending rates, labour market integration and economic efficiency.

By contrast, the intrinsic model emphasises the autonomous value of education as a human right. It proceeds from the premise that the right to education persists irrespective of considerations of efficiency or measurable outcomes. Even in the absence of immediate reductions in recidivism, the very provision of educational opportunities reflects recognition of the individual as a subject capable of development. From this perspective, education is less about external indicators and more closely linked to human dignity and the capacity for self-transformation.

As Vorhaus[17] observes, reducing education to an instrument of crime prevention renders it normatively fragile: in the absence of rapid or statistically demonstrable results, such programmes become particularly vulnerable to reduction or elimination. This approach shifts the focus away from education as a fundamental right towards its conditional utility.

At the same time, it is neither feasible nor desirable to disregard the social dimension of education within the penitentiary system. Empirical data from the Republic of Moldova indicate a clear demand for education among prisoners. According to a study involving 1,683 respondents, 77.04% expressed a willingness to engage in education during their sentence[18]. This finding underscores that the need for education extends beyond

[16] Mahlangu V. P. (2024) *Examining the supervision of student prisoners in distance e-learning*. International Journal of Social and Educational Innovation (IJSEIro), 11(22), 115-130 [online] [quote 03.03.2026]. Available: https://www.researchgate.net/profile/Fatima-Belkhir/publication/384864418_Vol_23_No_6_June_2024/links/670aaa32ab024170996e43d3/Vol-23-No-6-June-2024.pdf#page=480

[17] Vorhaus J. (2014) Prisoners' right to education: A philosophical survey. *London Review of Education*, 12(2), 162-175 [online] [quote 15.02.2026]. Available: https://doi.org/10.1080/14748460.2014.939193

[18] Георгиева С. (2023) *Правовое обеспечение использования информационных технологий в образовании осужденных*: докторская диссертация по праву. Кишинев, 2024 [online] [quote 02.02.2026]. Available: https://msuir.usm.md/items/a785a1b4-f082-4760-a244-94fba3c6bbd3/full

formal legal recognition and has a tangible, practical dimension.

From an analytical standpoint, the utilitarian and intrinsic models should not be seen as mutually exclusive but rather as offering distinct emphases in the conceptualisation of prison education policy. The former highlights social utility and rehabilitative outcomes, while the latter foregrounds the normative autonomy of the right and its grounding in human dignity. For the purposes of this study, it is essential to proceed from the premise that, even where the social effectiveness of educational programmes is acknowledged, their normative value cannot be made contingent upon statistically measurable results.

Such an approach allows for a transition to the examination of the practical conditions under which educational rights are realised in penitentiary settings, as well as the identification of institutional mechanisms capable of ensuring their effective implementation.

3.3. Institutional and Procedural Barriers to the Realisation of Educational Rights in European Practice

Despite the formal recognition of prisoners' right to education in international law, its practical realisation across European states remains uneven. As noted in a European Commission analytical report on education and training in prison, actual access to educational programmes varies significantly depending on national policies, institutional resources and the degree to which prison education is integrated into the general education system[19]. Research indicates that, even where the right is formally recognised, its implementation may be constrained by a range of institutional factors. In many jurisdictions, educational provision remains secondary to concerns of security and regime maintenance. Limited funding, shortages of qualified teaching staff, outdated curricula and insufficient coordination with external educational institutions all hinder the effective realisation of established standards[20].

Procedural constraints also play a significant role. Access to educational programmes is frequently contingent upon factors such as the prisoner's security classification, disciplinary status, length of sentence or other criteria defined by internal institutional regulations. Such practices broaden the scope of administrative discretion and may result in unequal access to education.

The informational dimension is of particular importance. In conditions of institutional isolation, prisoners often have limited awareness of available educational opportunities, application procedures and selection criteria[21]. The absence of transparent procedures and insufficient dissemination of information increases prisoners' dependence on administrative decisions, thereby diminishing their agency in exercising the right to education. This issue reflects not only institutional constraints but also a broader lack of understanding of how educational practices operate within the realities of the penitentiary environment.

Despite the widely acknowledged positive potential of prison education programmes, a significant gap remains in the academic literature concerning their long-term effectiveness after release. Most studies focus on outcomes achieved during incarceration - such as recidivism rates, programme implementation challenges or pre- and post-education

[19] Hawley J., Murphy I., & Souto-Otero M. (2013) *Prison education and training in Europe: Current state-of-play and challenges*. Brussels: European Commission [online] [quote 22.01.2026]. Available: https://www.antoniocasella.eu/nume/hawley_ue_education_may13.pdf

[20] Hawley J., Murphy I., & Souto-Otero M. (2013) *Prison education and training in Europe: Current state-of-play and challenges*. Brussels: European Commission [online] [quote 22.01.2026]. Available: https://www.antoniocasella.eu/nume/hawley_ue_education_may13.pdf

[21] *Ibid.*

assessments - while the lived experiences of former participants in the post-release period remain underexplored. This limited focus impedes a comprehensive understanding of the processes of personal transformation and the sustainability of achieved outcomes[22]. Accordingly, the underdevelopment of the post-penitentiary dimension is closely linked to the lack of transparency and information at the stage of implementing educational rights within prison.

In this sense, the informational aspect assumes a systemic character: restricted access to information about educational opportunities not only affects participation in programmes but also hampers the development of a comprehensive evidence base regarding their long-term effectiveness.

Council of Europe recommendations emphasise that education in prisons should be aligned as closely as possible with mainstream educational standards and treated as an integral component of penal policy[23]. In practice, however, educational activities may still be regarded as optional and remain dependent on the managerial priorities of individual institutions.

Overall, European practice reveals a complex interplay of institutional, procedural and informational constraints affecting access to education in prison. The issue lies not in the absence of formal legal recognition, but in the difficulty of translating that recognition into effective practice within administrative systems where considerations of security and control often prevail.

3.4. Educational Vulnerability and Access to Education in the Penitentiary System of the Republic of Moldova

An analysis of the situation in the Republic of Moldova allows for a more precise assessment of the institutional constraints identified in the European context and their impact on the realisation of prisoners' educational rights.

According to data from the National Administration of Penitentiaries, the educational profile of the prison population as of 1 January 2026 reflects a persistent pattern of educational vulnerability. A significant proportion of prisoners have a low level of formal education: 86 individuals are illiterate, 162 have only primary education, and 2,850 have not completed lower secondary (gymnasium-level) education. A further 941 prisoners have completed upper secondary education, 712 possess vocational qualifications, 47 have incomplete higher education, and only 138 hold a university degree[24].

These figures indicate that more than 60% of prisoners do not possess a full secondary education, highlighting both the scale and the structural nature of the educational deficit within the penitentiary system. The proportion of individuals with higher education remains marginal - less than 3% of the total prison population. The presence of prisoners with only primary education or no literacy skills at all underscores that this is not an isolated issue but a systemic and enduring educational gap[25].

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[22] Sala R. C., Arcenal M. A., Cordevilla R. P., & Dela Peña H. V. (2026). *Alternative Learning System (ALS) as a tool for social reintegration: Former inmate learners' perspective*. International Journal on Social and Education Sciences (IJonSES), 8(1), 31-40 [online] [quote 19.11.2025]. Available: https://doi.org/10.46328/ijonses.5868

[23] Council of Europe (1989). *Recommendation No. R (89) 12 of the Committee of Ministers to member states on education in prison*. Strasbourg: Council of Europe.[online] [quote 02.02.2026]. Available: https://rm.coe.int/09000016804c858f ; Consiliul Europei (2006). Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules. Strasbourg: Council of Europe. Rule 28 [online] [quote 02.02.2026]. Available: https://search.coe.int/cm?i=09125948801f0827

[24] Administrația Națională a Penitenciarelor, 2025 [online] [quote 22.01.2026]. Available: https://drive.google.com/drive/folders/1XbWJ7emR_lmtwt0dts5Ggqson7-nhQnf?dmr=1&ec=wgc-drive-globalnav-goto

[25] Георгиева С. (2023) *Правовое обеспечение использования информационных технологий в образовании*

From this perspective, the right to education within the Moldovan penitentiary system cannot be regarded as optional; rather, it assumes structural importance. The issue extends beyond the provision of additional educational opportunities to include the partial remediation of pre-existing social and educational disadvantages.

At the same time, the implementation of this right takes place under conditions of limited institutional capacity. The organisation of educational programmes depends on staffing levels, material resources, cooperation with external educational institutions and administrative decision-making within the prison system. Access to education may be contingent upon factors such as the regime of detention, the prisoner's disciplinary status or other criteria shaped by internal institutional practice.

The informational dimension is particularly significant. Findings from a sociological study involving 1,683 prisoners indicate that 77.04% express a willingness to pursue education during their sentence[26]. At the same time, approximately one fifth of respondents reported insufficient awareness of the specific educational opportunities available within their institution. These data reveal a gap between educational motivation and access to information regarding the mechanisms through which such motivation can be realised.

In this context, educational policy within the Moldovan penitentiary system operates at the intersection of three interrelated factors: the objective educational vulnerability of the prison population, a pronounced demand for learning, and institutional constraints affecting access to programmes. Consequently, the issue of implementing the right to education acquires not only a resource dimension but also a procedural and informational one.

It is precisely within this latter dimension that the need arises to examine mechanisms capable of ensuring prisoners' access to information about their rights, the procedures governing their exercise and the avenues available for challenging refusals or restrictions. In this regard, primary legal aid emerges as a key institutional instrument.

3.5. Primary Legal Aid as a Mechanism for Ensuring Prisoners' Educational Rights

Primary legal aid may be understood as a mechanism of legal information and advice designed to ensure that individuals are able to understand the content of their rights, the procedures for their exercise and the means of their protection. Unlike qualified legal assistance, which is primarily oriented towards representation in judicial proceedings, primary legal aid performs a preventive and orientational function, reducing legal uncertainty before a dispute arises.

In the academic literature, it is emphasised that the model of state-guaranteed legal aid in the Republic of Moldova is based on a distinction between primary and qualified levels, with the advisory component recognised as an autonomous element of the system of access to justice[27]. This structural differentiation is of particular importance in the context of social rights, the realisation of which depends less on judicial representation than on timely legal information and procedural awareness.

With regard to prisoners' right to education, the significance of primary legal aid

осужденных: докторская диссертация по праву. Кишинев, 2024 [online] [quote 02.02.2026]. Available: https://msuir.usm.md/items/a785a1b4-f082-4760-a244-94fba3c6bbd3/full

[26] Георгиева С. (2023) *Правовое обеспечение использования информационных технологий в образовании осужденных*: докторская диссертация по праву. Кишинев, 2024 [online] [quote 02.02.2026]. Available: https://msuir.usm.md/items/a785a1b4-f082-4760-a244-94fba3c6bbd3/full

[27] Сухов В. (2023) Модель предоставления юридической помощи, гарантированной государством, в Республике Молдова: нормативное регулирование и проблемы функционирования. *Studia Universitatis Moldaviae*, № 3(163), 168-176 [online] [quote 19.11.2025]. Available: https://social.studiamsu.md/wp-content/uploads/2023/05/22_V_Suhov.pdf

lies in its capacity to remove informational and procedural barriers characteristic of the penitentiary environment. In conditions of institutional isolation, prisoners often have limited access to independent sources of legal information. Legal advice concerning eligibility criteria for educational programmes, application procedures, grounds for refusal and mechanisms of appeal becomes a decisive factor in the effective exercise of the right.

The systemic role of primary legal aid consists in transforming an abstract legal guarantee into a practically attainable opportunity. While the intrinsic model of education emphasises the autonomy of the right irrespective of its utilitarian outcomes, primary legal aid enables individuals to exercise that right within specific administrative procedures.

In the Republic of Moldova, the advisory component of the state-guaranteed legal aid system demonstrates a degree of institutional stability. In 2024, 16,999 instances of primary legal aid were recorded, accounting for approximately 28% of the total volume of services provided[28]. The system includes 141 paralegals, and the number of consultations delivered exceeds 125,000[29].

Of particular relevance to the present study is the introduction of a pilot mechanism for the provision of legal aid in several penitentiary institutions - Penitentiary no. 4 (Cricova), no. 7 (Rusca) and no. 9 (Pruncul) - implemented in cooperation with the National Council for State-Guaranteed Legal Aid and supported by international partners[30]. The adoption of remote consultation formats indicates the practical integration of primary legal aid into the penitentiary system and confirms its institutional potential in ensuring prisoners' social rights. In 2025, 109 prisoners received primary legal aid through this mechanism[31].

Thus, in the context under consideration, primary legal aid operates not as a subsidiary element but as a structural mechanism for ensuring educational rights. Its significance lies primarily in its capacity to compensate for informational asymmetry and to provide procedural support for the right to education in conditions of deprivation of liberty.

3.6. Functional Importance of Primary Legal Aid in the Penitentiary Environment

In the authors' view, the functional importance of primary legal aid is reflected in its ability to transform a general normative guarantee into a practically enforceable right. Within the penitentiary environment, the realisation of the right to education depends not only on the availability of educational programmes but also on the prisoner's understanding of how to access and utilise them.

First, primary legal aid performs an informational function. It provides clarification of the content of the right to education, conditions of access to educational programmes, selection criteria and application procedures. In circumstances where access to external sources of information is limited, such advisory support reduces prisoners' dependence

[28] Consiliul Național pentru Asistență Juridică Garantată de Stat (2025). *Raport anual de activitate pentru anul* 2024. Chișinău: CNAJGS [online] [quote 05.03.2026]. Available: https://cnajgs.md/uploads/asset/file/ro/2805/Raport_anual_de_activitate_al_CNAJGS_2024_final.pdf

[29] Consiliul Național pentru Asistență Juridică Garantată de Stat (2026). *Raport anual de activitate pentru anul* 2025. Chișinău: CNAJGS [online] [quote 05.03.2026]. Available: https://cnajgs.md/uploads/asset/file/ro/3232/Raport_anual_de_activitate_2025.pdf

[30] Consiliul Național pentru Asistență Juridică Garantată de Stat (2025). *Raport anual de activitate pentru anul* 2024. Chișinău: CNAJGS [online] [quote 05.03.2026]. Available: https://cnajgs.md/uploads/asset/file/ro/2805/Raport_anual_de_activitate_al_CNAJGS_2024_final.pdf

[31] Consiliul Național pentru Asistență Juridică Garantată de Stat (2026). *Raport anual de activitate pentru anul*2025. Chișinău: CNAJGS [online] [quote 05.03.2026]. Available: https://cnajgs.md/uploads/asset/file/ro/3232/Raport_anual_de_activitate_2025.pdf

on the internal interpretation of rules by prison authorities.

Second, it enhances procedural awareness. Prisoners receive guidance on how to challenge refusals to access educational programmes, including applicable time limits and competent review bodies. In this way, they acquire the capacity to make effective use of legally established mechanisms of protection.

Third, primary legal aid fulfils a preventive function. Legal advice helps to avert conflict situations arising from misunderstandings of procedures or conditions for participation in educational programmes. This reduces the likelihood of formal refusals based not on the absence of a right but on procedural non-compliance.

Taken together, these functions form a compensatory mechanism aimed at overcoming the informational and procedural constraints characteristic of the penitentiary environment. While educational policy determines the substantive content of the right, primary legal aid ensures its procedural realisability.

This mechanism is of particular importance in circumstances where a significant proportion of prisoners have low levels of education and limited experience in interacting with administrative structures. In such cases, explanatory and guidance-based support becomes a necessary condition for ensuring equal access to educational opportunities. The introduction of remote consultation formats in penitentiary institutions further expands prisoners' access to primary legal aid, reducing the dependence of educational rights on territorial and regime-related constraints.

Accordingly, primary legal aid performs not an auxiliary but a structural role in the system of implementing prisoners' educational rights, ensuring the practical applicability of formally recognised guarantees.

3.7. Primary Legal Aid as an Element of Structural Modernisation of the Penitentiary System

Viewing primary legal aid solely as a tool of individual legal advice fails to capture its full significance within the penitentiary system. In a broader institutional sense, this mechanism has the potential to influence the nature of interaction between prisoners and prison authorities, fostering a more transparent and procedurally oriented model of rights implementation.

European recommendations emphasise the importance of ensuring that prisoners have access to clear and comprehensible information about their rights and the means of exercising them[32]. Within this framework, legal information is understood not as an additional service but as an element of good governance in the field of penal administration. Comparative practice suggests that the sustainability of such mechanisms depends on their normative grounding and on the institutional independence of legal aid providers[33].

In the national context, the development of the advisory segment of legal aid and its gradual integration into the penitentiary system reflect a shift towards a more comprehensive model for ensuring social rights. In this respect, the significance of primary legal aid extends beyond the resolution of individual cases: it contributes to the creation of an environment in which the right to education becomes part of a predictable and procedur-

[32] Council of Europe (1989). *Recommendation No. R (89) 12 of the Committee of Ministers to member states on education in prison*. Strasbourg: Council of Europe [online] [quote 02.02.2026]. Available: https://rm.coe.int/09000016804c858f ; Consiliul Europei. (2006). *Recommendation Rec (2006)2 of the Committee of Ministers to member states on the European Prison Rules*. Strasbourg: Council of Europe. Rule 28 [online] [quote 02.02.2026]. Available: https://search.coe.int/cm?i=09125948801f0827

[33] Hawley J., Murphy I., & Souto-Otero M. (2013) *Prison education and training in Europe: Current state-of-play and challenges*. Brussels: European Commission [online] [quote 22.01.2026]. Available: https://www.antoniocasella.eu/nume/hawley_ue_education_may13.pdf

ally structured practice.

Such an approach presupposes the further development of normative and organisational mechanisms governing interaction between penitentiary authorities and legal aid providers. In the longer term, primary legal aid may be regarded as a component of an institutional guarantee aimed at strengthening the legal status of prisoners and reducing the dependence of their social rights on administrative discretion.

Accordingly, within the penitentiary system, primary legal aid acquires the character of an element of structural modernisation in the execution of sentences, oriented towards ensuring the effective, rather than merely formal, realisation of legally enshrined rights.

4. CONCLUSIONS

The analysis undertaken confirms that prisoners' right to education within the European legal space rests on a stable normative foundation and is understood as an integral component of human dignity and social reintegration. International standards impose an obligation on states to ensure access to educational programmes in conditions of deprivation of liberty; however, the practical realisation of this right depends on the institutional and procedural mechanisms operating at the national level.

The Moldovan context illustrates a combination of objective educational vulnerability within the prison population and a pronounced demand for learning among prisoners. Statistical data on educational attainment and motivation indicate that educational policy within the penitentiary system cannot be treated as a secondary aspect of the custodial regime. At the same time, access to educational programmes is mediated through administrative procedures that require legal awareness and an understanding of the mechanisms for exercising the relevant rights.

In this context, primary legal aid emerges as a structural component in ensuring the right to education. Its function is not to substitute educational policy but to shape a procedural environment in which prisoners are able to make use of the opportunities available to them. Legal advice and information thus facilitate the transformation of a normative guarantee into a practically realisable right, particularly in conditions where access to external sources of information is limited.

The development of the advisory segment of state-guaranteed legal aid in the Republic of Moldova, including the introduction of mechanisms for delivering primary legal aid within penitentiary institutions, reflects a broader trend towards strengthening institutional guarantees of prisoners' social rights. Further progress in this area is likely to depend on the formalisation of stable procedures governing interaction between legal aid providers and penitentiary authorities, as well as on expanding access to legal information.

Accordingly, primary legal aid may be regarded as an element of a comprehensive framework for ensuring educational rights in conditions of deprivation of liberty, contributing to their effective realisation and to the strengthening of prisoners' legal status within the penitentiary system.

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