



ExOCOP

## LESSONS LEARNED No. 3 The Seminar Reports

Learning Network Ex-Offender Community of Practice  
Directorate-General for Employment, Social Affairs and  
Inclusion  
European Commission

Bremen: 07. March 2012







## Imprint

**Published by:** Ex-Offender Community of Practice (ExOCOP)  
Technical Secretariat  
Richtweg 16-22  
D – 28195 Bremen

The Coordinator: Jürgen Hillmer  
[jhillmer@justiz.bremen.de](mailto:jhillmer@justiz.bremen.de)

<http://www.exocop.eu>

**Printed by:** Federal Ministry of Labour and Social Affairs  
Rochusstr. 1  
53123 Bonn

**Print run:** 150

May 2012

The print is funded by the Federal Ministry of Labour and Social Affairs and the European Social Fund.

This publication reflects the views only of the authors, and the European Commission cannot be held responsible for any use which may be made of the information contained therein.



## Content

	<b>Introduction</b>	<b>7</b>
	The Seminars	
<b>S1</b>	<b>Entrance</b>	<b>10</b>
	Background	11
	The workshops	15
	Diagnostics and Profiling	15
	Sentence Planning and Assessment	16
	Therapeutic Community	18
	Recommendations	19
<b>S2</b>	<b>Education, Training and Employment</b>	<b>20</b>
	Background	20
	The workshops	22
	Training in Prison	22
	E-learning	24
	Art in prison	25
	Staff Training	25
	Recommendations	26
<b>S3</b>	<b>Aftercare</b>	<b>27</b>
	Background	27
	The workshops	31
	Preparation for Release	31
	Aftercare and Resettlement	31
	Family Relationship and Resettlement	32

	Community Links	32
	Recommendations	32
<b>S4</b>	<b>Special Groups</b>	<b>34</b>
	Background	34
	The Workshops	40
	Women	40
	Juvenile Offenders	47
	Migrants	51
	Recommendations	58
<b>S5</b>	<b>Networking</b>	<b>61</b>
	Background	62
	The workshops	75
	Prison Work and Prison Industry	76
	Work with Employers	77
	Networking of Institutions	78
	Recommendations	79

## INTRODUCTION

### **ExOCOP seminars: background**

ExOCOP, the reintegration of offender's community of practice, grew out of a successful European experience of working together to improve the reintegration of ex-prisoners into their communities under the EQUAL Programme (2002 – 2007). This process includes the role of employment in reintegration. The ESF authorities in each participating Member State played a direct and active part in EQUAL and continue to do so in the current programme.

ExOCOP brings together the wealth of experience gained to date, and the strong relationships built up among individuals and organisations working in this field. It has also added new actors and new ideas. Its goal is to deepen partners' learning and enrich their practice, through building a knowledge base and a learning network which can facilitate the transfer of good practice and strategies for reintegration work at regional, national and European levels. It also aims to make united, concrete recommendations which will make reintegration more effective, and reduce re-offending across the EU.

Partners in ExOCOP include ESF Managing Authorities, representatives of the criminal justice systems of participating Member States, other ministries, NGOs at the national and Europe-wide levels, employers and employer organizations, European Professional Organisations and others.

The goal is to enhance the importance of strategies and actions to promote active labour market policies for vulnerable groups, and to implement the renewed Lisbon strategy and the social policy agenda through their promotion.

Conclusions and recommendations of the European Community of Practice (Ex-)Offenders must where possible be implemented, in order to improve the quality of governance of public policies, programmes and actions of European Structural Funds at OP level which meet the needs of social disadvantaged, excluded and unemployed (Ex-)Offenders.

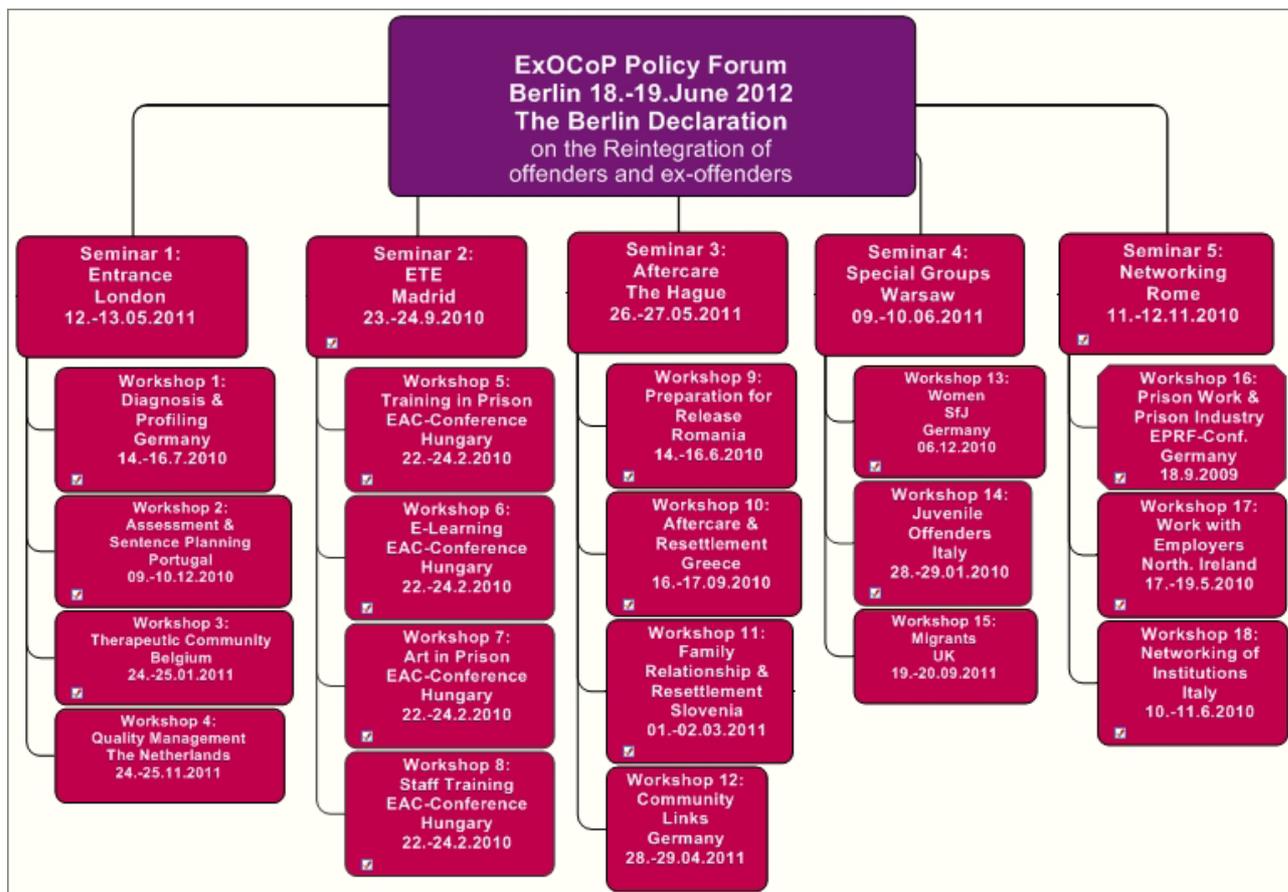
### **Working methods**

Seminars were designed to bring together the findings and recommendations of the ambitious programme of 18 workshops (see Lessons Learned 2: The Workshops). The workshops brought together experts – statutory, NGO, research amongst others – to explore specific topics related to the reintegration of offenders with particular relation to employment and employability. Through exchanging their knowledge, experience and ideas, participants worked to identify the many issues that are common to actors in this field across the EU. They also acknowledged differences in the legislative, structural, economic, social and cultural aspects of criminal justice systems, and saw how those systems relate to other ministries, outside criminal justice, which have a part to play in reintegration. This knowledge will be evaluated and disseminated through a range of learning strategies, ways of teaching and exchange.

The role of the seminars is to further develop the experience, ideas and good practice which partners brought to the workshops, and to receive and validate the recommendations which were agreed at them. In each Seminar, the results of 4-5 workshops are discussed and evaluated by representatives of prison administration, ESF managing authorities and policy makers. The possibilities of implementation have to be assessed. The goal of each seminar is to progress the work done at the workshops, finding synergies between related workshops and coming up with ideas on how best practice can be implemented and funded. The conclusions of the workshops and seminars

are brought together with the aim of producing recommendations and guidance which will help policy-makers across the EU implement concrete, effective, actions to improve reintegration and reduce offending. These recommendations form the Berlin Declaration on Resettlement of Offenders and Ex-Offenders.

**EXOCOP SEMINAR & WORKSHOP PROJECT PLAN:**



The papers of the workshops also provide some proposals for recommendations. The general recommendations are based on not only the actual and specific recommendations of the workshops, but also the good practice guidelines which were discussed at the workshops. Each paper aims to make these recommendations clear, simple, realistic and practical; and broad enough to be relevant to all the wide range of situations existing throughout the EU.

The Seminars collect the knowledge and experiences out of the workshops which belong topically. It refines the topic and tries to formulate further recommendations, especially on a policy level.

**Editorial Notes:**

Focus of the discussions and presentations in the particular Seminars is mostly on the national situation. Here, the situation and problematic is shown exemplarily - and the

attempts to implement the resettlement strategies. That way it is a good introduction into the background knowledge of the topic.

For this compilation, the 'original' reports have been edited and standardized. The Seminars had been led rather differently and produced reports which are highly varying. So the presentation in this compilation tries to bring the original reports into a more common format, but still there will be found the original format. You will find the original version on the ExOCOP-website. There you also find the presentations at the workshops and Seminars (<http://www.exocop.eu>). They have been produced by different authors (S1 Entrance by Craig Watt and Natalie Woodier (England); S2 ETE by Jürgen Hillmer (Germany) and Laura Martinez (Spain); S3 Aftercare by Leo Tigges (CEP) and Marieke Stam (the Netherlands); S4 by Agnieszka Bochniewicz and Katarzyna Miroslaw (Poland) and S5 Networking by Olwen Lyner (Northern Ireland) and Gianluca Calzolari (Italy)).

The Structure of the reports has been reshaped by the editor:

Part A: Overview /Background information

Relevant information about the topic and (national and/or European) implementation are given here. There is also information about the workshops the Seminar topic is referring to.

Part B: Conclusion / Recommendations of the Workshops referred to in the Seminar.

Part C: Conclusion / Recommendations of the Seminar

## SEMINAR 1: ENTRANCE



European Year of Volunteering 2011

Bremen

Justiz online

Ministry of JUSTICE  
National Offender Management Service

EXOCOP  
Reintegration

*Esf Transnational Learning Network*

*Ex Offenders Community of Practice (ExOCOP)*

# 'ENTRANCE'

## SEMINAR

**Friday 13<sup>th</sup> May 2011**

National Offender Management Service (NOMS)  
Conference Suite, Clive House, 70 Petty France,  
London.  
SW1H 9EX

In May 2011, as part of the Ex-Offenders Community of Practice (ExOCOP), a seminar was held in London, UK, which focused on questions of Entrance. 33 participants coming from six countries<sup>1</sup> presented an overview of the current situation and policy developments in their country.

---

<sup>1</sup> England, Germany, Portugal, Catalonia, Hungary, and Slovenia.

## **A Overview / Background information**

The context and focus of ExOCOP is the reintegration of (ex)prisoners and (ex)offenders. In view of the already high and in some countries still rising numbers of prisoners, and the correspondingly high reoffending rate, action across Europe is essential. Ex-offenders and prisoners are defined by a high degree of social exclusion. Their opportunity for reintegration is already severely limited by poor education, lack of qualifications and employment history, their criminal record, as well as a range of other problem areas common to people who have had contact with the criminal justice system.

In order to ensure a successful outcome for the overall project, close collaboration with decision makers in the fields of justice, labour, education, as well as with Third Sector representatives will be essential. It is also the aim of this European network to ensure that the structural fund is used in a way which makes best use of the available resources in order to reintegrate prisoners and ex-offenders, and to facilitate the social resettlement of this particularly disadvantaged group. To start this process there has to be a special focus on the entry situation in prison.

NOMS are leading on the Seminar: ENTRANCE, This seminar is delivered feedback from the following workshops, these were <sup>2</sup>:

### **1. *Diagnosis & Profiling***

The workshop 'Diagnosis and Profiling' focussed on the use of diagnostic procedures in the intake process. Different forms of use will be presented. Two examples will be given: One focussing on the diagnosis of vocational competencies and skills, the other showing the use of diagnostic procedures in the overall process of job placement.

### **2. *Assessment & Sentence Planning***

The workshop explored the purposes of sentencing (rehabilitation, prevent re-offending, public protection) and the causes of crime. It became very apparent that the offender assessment process has some limitations. The session also suggested assessment tools allow professionals to identify needs and risk factors, however, they don't present much information on what the professional does, how it is done and when to do it.

### **3. *Therapeutic Community***

The aim of the workshop that took place in Belgium was to discuss the role of Therapeutic Communities in the criminal justice system, to learn about existing practice and evidence, by bringing together experts and fieldworkers.

## **Seminar Presentations**

To instruct the audience about what is going on in the field, different presentations have been given. A special focus has been on the European Context and also especially on the UK policy perspectives, showing the embeddedness of the resettlement discussions and policies in a wider social and political context.

---

<sup>2</sup>

The workshop 4: Quality Management could not be presented at the seminar. See the report of this workshop in the Lessons Learned 2 - Workshop Reports.

### ***The Importance of European Learning Networks***

Lloyd Broad, Birmingham City Council.

Lloyd Broad defined learning networks as a group of people who share common values and beliefs and are engaged in learning from each other and by habituation. Most learning networks have a multi-disciplinary approach with experts from different backgrounds.

During the current economic climate it is difficult to balance the opportunities in learning networks against the investment in the UK Government priorities. Currently there is a low priority to share learning and opportunities across Europe due to looming budget cuts. Governments are coming increasingly under pressure to deal with situations that affect their population.

The EU currently runs 13 learning networks (with Birmingham Council).

It is easy to assume that we know everything about a topic and that there is little need for outside assistance. There must be a need to convince the “pessimistic policy leads across the EU” and engage with partners, sharing best practice so that it can assist the development of themselves, their partners and affect policy change and practice.

In 2013 ESF regulation will be introduced which will facilitate additional learning across Europe.

The payment by results model currently being rolled out in the UK MOJ does not take into account what was learned in order to achieve these results and consequently a lot of good practice can be lost. Despite popularity to stimulate new ideas and its potential to save money, there is no onus on the supplier of the service to declare what their experiences were. It should be important to share these experiences across practitioners and other stakeholders so that no best practice is lost.

There is no set and defined infrastructure to build a learning network, however it is advised that you keep the model simple and ensure that you capture and record your journey through your learning and provide clear evidence of how you spend your money and what it is used for. Networked learning can be practised in both formal and informal educational settings with a balance of recognised and assessed learning or on-the-job training.

In order to have a successful learning network, you must ensure that there is the following recipe:

- Partnerships (between agencies including a wide array of skills and experience involved)
- Structure (how you want the learning to evolve and what you intend to achieve)
- People involved (who are positive to change and are keen to learn and implement these changes and understand the long term benefit of using learning networks)

### ***The importance of Employment, Skills and Education across England & Wales Prisons***

Simon Boddis, Head of Offender Employment Skills & Services, NOMS.

Simon Boddis started by saying Policy and money are the key challenges – the financial situation is forcing NOMS to work differently, but also more closely with other government departments and providers.

The cost of re-offending in England and Wales is about £11 billion per year. This doesn't include costs to victims.

Why do we focus on employment and skills? 30% of offenders in our system have never worked at all – it would be interesting to see if these statistics were replicated across Europe.

Prisoners are very poorly educated, 40% are excluded from school as we have very target driven education systems and therefore teachers don't like failure and poor behaviour. 46% left school with no qualifications at all. Most say they want to stop offending but not sure how, and the biggest thing to stop them is not having a job as with that comes money, structure etc. They have significant barriers to getting a job, no qualifications being one of the biggest (3 times more likely than general population to not have any qualifications at all).

Finding employment and getting qualifications are the two biggest things that would help get a job. If you combine employment and accommodation, these are the drivers for reducing re-offending. There is evidence of the association between employment and reducing re-offending but it is quite difficult to prove that.

**Resettlement Survey:** evidence was produced for a lower re-offending rate for those who had a job to go to, but attitudes towards whether they want to work is also a key driver – this drives policy.

In England and Wales the Prison Service used to do everything ourselves, such as teaching. NOMS now commissions services and co-commissions with other government organisations. This way, services provided in prison are from the experts, and are similar to what people would access in the community. We also improve access to money and mainstream services with this approach.

**Green Paper:** a substantial emphasis on employment for offenders and the 'working prison' went into our recent green paper. We employ prison industries: 10,000 prisoners make sales of about £60,000 a year, and the government wants to increase the working week from 20 to 40 hrs so that prisoners are seen to be working normal working hours and get used to a standard working week and an active days' work.

This is however very ambitious, as there is no money identified for this, and therefore this needs to be self funded, so therefore NOMS needs to double the sales to £120 million and also need more workshop space, staff, and transformational changes. At the moment prison industries is an integral department within NOMS, but we are now looking to see if this functions better as a management model, perhaps a separate trading arm? It definitely needs to change and become more commercialised and work with greater flexibility.

The key is getting extra work, but it needs to be real work. NOMS aims to get the private sector more involved in the work we do, we need them to invest in prison workshops to help expansion and change.

The new coalition government is also focussing on a localism policy, freeing up Prison governors to do more work for themselves and for their communities.

**Learning and skills:** this was previously under the remit of NOMS, but is now commissioned by The Skills Funding Agency in the UK which is major provider of adult learning across the country. NOMS have just completed a major review and the emphasis on employability is huge now, therefore education is seen to be necessary.

**Work programme:** the Department of Work and Pensions (DWP) run the benefit system for the community; NOMS are working with them to enable prisoners to have benefits and have immediate access to the work programme upon their release (whereas currently they leave prison and don't get any benefits for weeks and wait a long time to get onto work programme).

### ***NOMS Overview***

Tony Challinor, Head of the Commercial Development Unit in NOMS.

In his introduction he stated that a lot is happening for the UK Ministry of Justice and NOMS at this current time, maybe mirrored across Europe as a lot is driven by economic crisis. One of the good things is that change has to happen. NOMS is losing between 20-30% of its budget, with significant downsizing and they have already restructured the top tier of directors. It's good as it gets us thinking. Also about a year ago, there was an election and a coalition government was formed. Now it seems this was also a good thing, resulting in radical ideas which politically seem to be well driven, needs are being solved and this is all very positive for reducing re-offending.

A competition process is currently running across all prison and probation services. After the UK election, NOMS started processes for community payback (sentences in community) which over the next 3 years will also be going out to competition.

The UK coalition government released a green paper, to which there were two strands. The first is that we want to change our sentencing framework: fewer custodial sentences and more fines due to good evidence that community penalties stop re-offending. The second is radically changing the way we do things, for example we previously made interventions and programmes with evaluation built in, but not looking specifically if these impact on re-offending. Instead we are now doing payment by results (PBR), which will see providers only being base on an agreed positive outcome. For example, if the outcome is reducing re-offending by x amount they then get paid x amount of money.

By 2015 it is aimed that everything in the prison and probation services will be done like this, no huge departments anymore, just smaller centres and individuals running things how they think it should work and being rewarded for excellent outcomes.

EU projects such as ExOCOP are vitally important as we all need to develop more options and for development based on 'what works'.

Over the next two consecutive years we will be running about 6 PBR pilots, one is at Doncaster; this prison will be a test. Serco is the provider and will be an open book to show what is being done and what they achieve. They will run in a 2 year cohort and then after a 6 month data entry period to follow up offenders after the intervention, payments are then made, based on the results.

The plan is to expand this model to the public sector, which could prove problematic if the burden of their failure were to fall on us. The public sector also lacks the scope to employ more people, develop new practices, and so on. We are also looking at social finance, at those willing to invest in helping society by reducing numbers of offenders, talking to some of these organisations and equity investors and banks and will put them on a framework by autumn so that when a prison or probation area want to put money in and work more, they can have the opportunity to approach external organisations.

## **B Conclusions / Recommendations of the Workshops referred to in the Seminar**

### ***Seminar objectives and overview of the workshop themes***

Craig Watt, International Programme Manager, NOMS

The purpose of the Entrance Seminar was to discuss the outcomes of three workshops, which were fed into the afternoon session. A fourth workshop was scheduled; however, owing to time constraints this was not delivered. This workshop in question focused on quality management. This and the additional four seminars will feed into the final Policy Forum, distilling important recommendations from them.

**1. Entrance:** This is the start of the journey, looking at common starting points for ex-offender policy across Europe and the effects of policy change. We looked particularly at examples of good practice and promising practice, and also at successful offender management processes. We will be reinforcing good practice and discussing what we have learned within the four themes of the workshops.

**2. The Diagnosis and profiling workshop** delivered by our German project partners, focused on diagnostic procedures in the intake process, different forms of use were presented and two case studies were presented, one on the diagnosis of educational competence and skills and use of diagnostic procedures in the overall process of job placement.

**3. The assessment and sentence planning** workshop was delivered by our Portuguese project partners in Lisbon. This workshop explored the importance of the rehabilitation processes to prevent re-offending and public protection. It was apparent that offender assessment processes have some limitations. At times assessments present risk but didn't advise the professionals on what they should do about this and why.

The therapeutic community workshop, was run by colleagues from Belgium who unfortunately could not attend; we thought we could do it via video technology, but this was not an option, It was agreed that we would invite a colleague from HMP Grendon to present a generic session on therapeutic communities.

**Outcomes of the day:** A seminar report will be prepared which will assist in providing recommendations for the Policy Forum. It is therefore very important to draw information from this seminar about what we need to insert into this report and for the policy forum. The Seminars intention is to support the re-development and re-shape current policy across Europe.

### ***Diagnosis & Profiling: Workshop overview***

Session Facilitator: Eduard Matt, Senate of Justice and Constitution - Technical Secretariat – ExOCOP

Eduard Matt began by talking about the case of diagnosis and profiling within Germany. Upon intake into the Criminal Justice System offenders are risk and needs assessed; for example to consider what their individual needs are and subsequently what is necessary for their individual resettlement and further desistance from crime. They also look at the educational and vocational background of the offender and what support may be needed in order for them to fit with labour market requirements upon release. When an offender enters prison, a sentence plan is developed and any essential measures for ETE and treatment are planned for.

S1: Entrance

With regards to diagnosis and profiling, there are different procedures across the diversity of EU Member States; for example different practical and legal frameworks. For example, in England and Wales they have the OASys system, which has been both adapted and considered by other countries such as Croatia and in addition The Netherlands is just one example of a country that has developed its own version of risk assessment (RISc). A lot of countries have self-made diagnosis systems.

Seven areas need be taken into account across the resettlement process, these being:

- Education and work (school, vocational training, qualification, employment, skills and competences)
- Judicial background (open proceedings, probation, fines, etc.)
- Finances (debts, bank account, social transfers, child support etc.)
- Accommodation
- Health (physical and mental) / addiction / drug misuse, alcohol / anti social
- Social relationships; family, children; and
- Behaviour and attitudes concerning offending

He presented a German case study which was a special test for competencies and skills in vocational work. This also included a practical test to examine and support career orientated responsibilities (the programme hamet2). The tool involves tests to check performance such as routine and speed, awareness and understanding of symmetry and accuracy and measurement precision.

He also presented another case study from Belgium was noted 'Development of strategies and methods for the integration of offenders in society' (DESMOS - an ESF project). This project has took a systematic approach starting with an evaluation of the needs of the labour market and followed by a survey of possible future employers to determine their needs and their willingness to employ ex-offenders. DESMOS 2 then followed this, which looks into more detail with regards to diagnostics and assessment, special training and work placements.

When considering problems and recommendations in diagnosis and profiling, Eduard talked about data and information flow and the importance of the data on offenders being transferred to other institutions such as probation and NGO's after release. This ensures the sentence plan and resettlement flows through from custody into the community. Sentence planning and quality management are key to ensuring these processes work and are efficient.

Finally Eduard Matt proposed that there needs to be systematic data concerning the use of diagnostics and profiling across European prisons and probation services ensuring that the educational and vocational dimension are included.

### ***Workshop Assessment & Sentence Planning***

Session Facilitators: José Ricardo Nunes, Director of the Training Centre, Centro de Competências para a Implementação e Gestão de Programas, Portugal; Alison Bellair & Philip Howard, NOMS.

This workshop was delivered in September 2010, in 2 Portuguese prisons, one in Lisbon prison which is the oldest in Portugal.

It is important to say that that the individual throughout any assessment is seen a whole person. Within assessments we try to estimate if someone has a problem and has the capabilities of resolving this.

#### *Assessment in Spain:*

Social and Labour inclusion area, they have an employment agency and work with several enterprises who gave job offers. They don't take part in the first assessment in the penitentiary centre.

Competency based interview – understand competence, personal skills that stand out and would be useful for work. Looking for what they can do better for their job position. These competencies can be affected by specific behaviours.

Competence can be basic medium or high level, the company tell us what competencies they want the people to have to be able to carry out this position and we try and fit them. To assess the inmate we use the Coding based interview

#### *OASys:*

The OASys system used across England & Wales is the starting point for managing offenders. It assesses how likely someone is to re-offend and in particular identify and classify the offender related needs. More importantly it also assesses the risk of serious harm to self or others. It's general so can be used to instigate need for further assessment e.g. sex offenders and domestic violence offenders. Assessment must be linked to risk management plan and sentence plan. This helps staff measure change during an offender's sentence.

OASys was developed in the late 1990s, after significant concerns were raised that there was no standardised approach in the way offenders were assessed and managed. The UK looked at several systems, some of which were clinical assessment tools and actuarial tools and were also influenced a lot by the literature of what works and psychology of criminal conduct which gave an indication of what initial psychodynamic factors would be needed in OASys. We also spoke with practitioners to see what they would want from an assessment system.

NOMS carried out several pilots in 2001 with the final verified version rolled out by 2004.

However, further refinements were made to OASys in 2009, e.g. a scoring system. Also plenty of work done on how OASys can be used to target programmes and identify people with personality disorders and so on. And the data has fed through to evaluation and there is now a published evaluation on the UK MoJ website on ETS.

It builds upon what works:

- Risk principles;
- Identifying risk factors and criminogenic needs;
- Responsivity principle
  - Assessing the likelihood of re-offending, since 2009, we have two predictors, a general one and a violence one
  - OASys in practice – used at different stages of offender process;
- Pre sentence reports (at the start – ‘entrance’);
- Start of offender's sentence in custody and community, where a pre sentence report has been done it is then reviewed;

S1: Entrance

- Review sentence and assessment plan regularly, keep them progressing against a sentence plan and also there are often changes in individual circumstance and therefore we need to keep monitoring the risk they pose;
- Decision points, e.g. used when there is a change from a secure prison to an open prison or deciding about releasing someone;
- And also do an assessment once someone finishes their sentence. Important for an offender engagement point of view so the probation officer can sit with them and go through how far they have come and what they have achieved.

Reviewing risk – NOMS sees the risk of re-offending and risk of harm reducing as critical factors. We know static factors don't change but we can focus on dynamic factors which can change, e.g. changes in behaviour rather than simply just keeping an intervention. Staff has been trained in doing OASys assessment in prison and community. Try to make sure there is consistency between prison and probation assessors as there are obviously key differences in experiences in prison and probation.

Several questions were raised during this session; one in particular was around the technical differences between **predictors** and **need**. It was agreed that need areas are areas where you may intervene, but the predictors are more like questions on specific areas of the offender. Predictors tell likelihood that offender will re-offend; the criminogenic needs tell you that if you look at these, you could possibly reduce the likelihood of them re-offending.

It was also stated that if you were to implement an assessment system similar to OASys across the EU Member States, there is a need to embed a culture of risk assessment with practitioners.

### ***Workshop: Therapeutic Community***

Session Facilitator: Richard Shuker, Head of Psychology, HMP Grendon

A democratic therapeutic community provides long term intervention for prisoners with offending behaviour needs. These needs can have many risk areas such as emotional and psychological needs that cannot be addressed during shorter Offending Behaviour Programmes across the estate. Prisoners will usually spend at least 12-18 months in a therapeutic community in order to see the benefit of them.

The concept of a democratic therapeutic community is to provide an environment where staff and prisoners work together on a number of issues and prisoners are empowered as part of the decision making process. Although in other jails there is much consultation about offender services in which prisoners are invited to express their views, this is a more holistic approach across the jail and invites opinions from across the establishment. These decisions can affect everything including the delivery of the whole core day.

In prisons, the core day is based around a therapy group in which prisoners are expected to talk openly about their behaviour and offences amongst other prisoners. Prisoners give each other feedback about this time and how prisoners interact with each other.

Although these groups and forums are self regulating (with a prisoner usually chairing the meeting and voting on certain issues), there are rules that are mandatory for example no drugs or violence.

All decision-making that affects the community is decided through a voting system throughout the community. Although staff in therapeutic communities have ultimate veto rights on decision making, they must explain their decision to the community of prisoners if the decision is against their view.

Staffing in these establishments are based on a multi disciplinary team such as prison officers, psychologists and psychotherapists and probation officers and all have a role in the TC. They are vetted based on suitability and are considered highly stressful roles due to the difference in a therapeutic community to a regular prison.

Referrals to and from a TC are based on a selection criteria and it is linked to a prisoners OASys plan. The prisoner will work with his probation officer to ensure that proper throughcare during therapy is maintained.

It is acknowledged that the cost per prisoner place at a therapeutic community is high and therefore prisons must be aware of the cost prior to building a new community.

For more information about Democratic Therapeutic communities, please visit PSO2400<sup>3</sup> and also refer to the Therapeutic Communities workshop final report in the Lessons Learned 2: Workshops Reports.

### **C Conclusions / Recommendations of the Seminar and workshops?**

This report has produced the following recommendations, these are:

- 1) There is a need for systematic needs assessment systems in prisons which prisoners undertake during their first few days in prison. This would be a streamlined way to define the needs of the new prisoner and assist in formulating a sentence plan and identifying the most appropriate services to meet their sentence and resettlement requirements.
- 2) The sentence plan should be adapted to the progress the inmate makes being in prison. Needs assessment could be reviewed at differing stages depending on the length of sentence.
- 3) The assessment system and the subsequent plan for the offender should be available within the establishment as well as within the community. Reintegration plans should continue into the community and probation support must continue where the support in prison left off.
- 4) The creation of a positive climate in prison for learning and development as well as for treatment is of utmost importance. This will contribute to reducing trends in subculture development whilst in the prison and significantly aid resettlement and reintegration on release.

---

<sup>3</sup>

See: Prison Service Order 2400: Democratic Therapeutic Communities. London 2004  
[\[http://pso.hmprisonservice.gov.uk/pso\\_2400\\_democratic\\_therapeutic\\_communities.doc\]](http://pso.hmprisonservice.gov.uk/pso_2400_democratic_therapeutic_communities.doc)

## SEMINAR 2: EDUCATION, TRAINING AND EMPLOYMENT



In September 2010, as part of the Ex-Offenders Community of Practice (ExOCOP), a seminar was held in Madrid, Spain, which focused on questions of Education, Training and Employment. 50 participants coming from seven countries<sup>4</sup> presented an overview of the current situation and policy developments in their country.

### A Overview / Background information

#### Vocational Education and Training (VET)

Vocational Education and Training (VET) provides learners with the skills, knowledge and competences required to participate in the labour market. VET policy is integrated as a part of the Lisbon strategy, in which VET must play an active and key role in furthering lifelong learning policies and supplying a highly skilled workforce. Cooperation at European level on strengthening the provision of VET has been facilitated through the Copenhagen Process, which aims to improve the quality and attractiveness of VET, to encourage individuals to make use of the wide range of vocational learning opportunities available and to create a European area of VET promoting mutual trust between the key players. The process is reviewed every two years and the latest review of the Process resulted in the adoption of the Bordeaux Communiqué on enhanced cooperation in vocational education and training in 2008. This Communiqué defines four priorities for cooperation between 2008 and 2010 and introduces the new objective of strengthening the links between VET and the labour market.

The four priorities set in Bordeaux for the period 2009-2010 are:

1. Implementing the tools and schemes for promoting cooperation in the field of VET – with a particular focus on: i) establishing National Qualifications Frameworks on the basis of learning outcomes, ii) the European Credit system for Vocational Education and Training, and iii) the European Quality Assurance Reference Framework.
2. Heightening the quality and attractiveness of VET systems – by promoting the attractiveness of VET and by promoting excellence and quality.
3. Improving the links between VET and the labour market – by i) Developing forward-planning tools focusing on jobs and skills in line with the Council Resolution on "New skills for new jobs"; ii) Ensuring the involvement of the social partners, iii) Improving guidance and counselling (throughout life) to ease the transition from training to work; iv) Promoting

<sup>4</sup> England, Germany, Portugal, Spain, Catalonia, Hungary, Northern Ireland and Romania.

adult training, in particular in the workplace with special attention to SMEs; v) Developing validation and recognition of non-formal and informal learning outcomes; vi) Increasing mobility; and vii) Increasing the role of higher education in VET.

4. Strengthening cooperation arrangements – by i) Increasing the efficiency of mutual learning activities; ii) Strengthening linkages between VET, school education, higher education and adult training; and iii) Consolidating exchanges and cooperation with third countries and international organisations, such as the OECD, the Council of Europe, the ILO and UNESCO.

The next Copenhagen process review will be held in Bruges in 2010. Accessing rewarding employment is a key factor in enabling offenders to move away from crime. Furthermore, prisoners themselves tend to give priority to support in overcoming their employment and skills needs, rather than their needs in terms of health and family problems. Surveys among inmates also show that the majority want to start an education in prison and most members of this group have a preference for vocational subjects. Vocationally oriented courses therefore have an important role to play in supporting offenders.

Many countries offer the possibility to earn money from paid work in prison, which may act as a disincentive to prisoners from taking up training opportunities. Prison work could be a way of enabling prisoners to obtain skills, rather than a way of 'filling their time'. Nevertheless, where prisoners do undertake work in prison, it is often menial and low-skilled, yet takes priority over education.

It therefore seems that prison schools should offer more in the way of complete or partial vocational training programmes. A step towards realising this is the criminal justice sector's improvement of the prison work programme (prison workshops). For inmates wishing to take up vocational training, it is important that the prison work programme is a well functioning training establishment with qualified personnel to perform this task. There should be a link between work and training, so that students can learn theory in the school and conduct practice in the prison workshops. There is therefore a case for prison work to have a better link with employment outside of prison, not least to give prisoners a better chance of obtaining employment on release.

Where provision for vocational education and training, or work experience does exist, it is vital that this has a strong link to the local labour market, for prisoners who will return to the local area on release. Employer involvement is equally important and can help to change attitudes towards hiring a person with a criminal record. Nevertheless, the offender may be in a prison outside of the area where they will live on release and indeed in the case of foreign prisoners may be returning to another country. Such prisoners therefore need access to training which provides generic skills of use on the labour market.

Basic themes in the field of education, training and employment are:

Cost-effectiveness	Prison as a positive learning environment	Content: Specific subject areas	Guidance, validation, learner plans etc
Vocational training and the labour market	E-learning & distance learning	Teacher training	Release-transition-reintegration
Characteristics and categories of offenders	Effects of European funding	Evaluation, indicators etc	Public opinion

The Seminar referred to the Workshops:

- Training in Prison
- E-Learning
- Art in Prison
- Staff Training

## **B Conclusions / Recommendations of the Workshops referred to**

### ***Notes/Conclusions from the workshop: Training in prison***

The situation in prison faces some challenges which influence prison education: Overcrowding, financial constraints and an increased diversity of the prison population. Most of the prisoners have low educational and vocational skills. But there is a focus on physical work by them, not on white collar work. But the labour market does not have that much offers in this segment of the work. There is also a small group of prisoners with some qualification. For this group the topic higher education is relevant.

Education and training is seen as a vital element of the rehabilitation package. It gives day structure, empowers the person and leads to vocational and social integration and to a reduced recidivism. For good implementation there is a need for a holistic, multi-disciplinary approach. Here, different aspects play a role: There is a need to make greater links between prisons and the 'outside'. Qualifications and training should be usable outside prison. They should be labour-market oriented. They should be done and certified the same way as outside. They should be integral part of national education and training provision. There is an importance of a broad curriculum. Vocational training in prison alone is not enough, it is more successful if there are ways to coach people in the transition to the community, a seamless transition into work on release. A follow-up support is of importance.

It is important to modernise educational and vocational training in prison. There are different areas for development and improvement: Vocational training should be relevant to the needs of the labour market. There should be new tools and methods in prison,

transferred from mainstream education and training (for example, e-learning). There should also be a validation of non-formal and informal learning. Many prisoners did have very negative school experiences, but they can learn via other ways. That way, links between non-formal/informal/work-based learning and formal qualifications is needed. To improve the situation training of prison staff and educators is an important aspect. There should also be some awareness-raising among key officials and the public to reform the situation.

Some crucial points in the discussion are: The question of motivation - what brings prisoners on the road to learning, what motivates them? Due to their problematic situation, basic skill training is also needed. Vocational training should be accompanied by support for social problems. Also prisoners should be trained to use modern technology. It is also important to find out 'what employers want' to link what is done in prison with the outside world. There should also be no problems in the recognition of qualifications done in prisons outside. To implement this topic, some EU level policies / tools could be relevant, e.g. EQF, validation, ECVET.

To implement ETE in Prison, there has to be a recognition that ex-offenders also need to access vocational training. To do it, one has also often to arrange cooperation between external providers and the prison. To have a good connection to the labour market, full engagement of the private sector is needed. NGOs should be involved to a greater degree at project and network level. And there is the necessity to change public opinions of prison education and training.

Due to projects funded in EU programmes, there have been on a pilot basis, important support for innovation in education and training measures in prison as well as the coaching in aftercare (in job placement).

The awareness of these projects and their success can help to promote commitment at local and national level. There is a need to raise awareness among governors, directors and other officials of benefits of participating in the programmes and to the sustainability of these approaches after the projects ends. To foster sustainability it is crucial to disseminate outcomes of projects. A platform for exchange of good practices / community of practice among different stakeholders is needed.

For the future, vocational training needs to be made more attractive, to avoid drop-outs. Prison education and training could move towards a focus on learning outcomes in order to take the benefit from EQF / ECVET. To foster that development, some further approaches are needed: an individual needs analysis / learning pathways to address individual needs, due to the fact that prisoners are not a homogeneous group.

On the funding side, there is a need for better communication between all involved. There should be more links between programmes to adopt them to the special needs of particular offenders or prisons. Another way to develop synergies between projects is, e.g. through thematic networking.

There is also some need and importance of research in this field, both quality-controlled scientific analysis and practical, applicable guidelines and analysis on effectiveness of training methods, use of qualifications for vocational integration, on local labour market integration strategies, on the implementation of projects itself, but also in relation to the reduction of reoffending. The findings of the studies should also be disseminated in a more effective way. Some priorities for future research could be the topics like cost-benefit, or 'public value' analysis, comparative analyses and longitudinal studies, research into implementation of programmes, research into follow-up after release.

That way, the effects of rehabilitation could be better evaluated.

### ***Conclusions from the workshop: e-learning<sup>5</sup>***

Different aspects are seen as important topics for the implementation of the approach:

#### Security

The important step for the future is to build the confidence across prison systems that the security-related issues can be resolved. One way to achieve this might be through 'buddying' or peer mentoring – where leaders in prisons who have this experience can work with those who still need to be convinced.

#### Pedagogical developments

The future developments fall into two strands. First there are the skills that teachers need to become facilitators of learning, and therefore supporting adults to achieve more radical development than might at first appear. There is a need to think about, plan and develop new professional development programmes for teachers as a result. Second, and perhaps more easily solved, is the development of materials and content for students to learn, but this does provide the opportunity to produce new approaches that are tailored to adult learners.

#### Professional development of other staff

The first issue was the implications for prison staff and possible new skills and roles for them resulting from the widespread introduction of e-learning opportunities. These include supporting the development of ICT skills, as well as offering new opportunities to increase cooperation across the prison and between prisons, on a number of fronts, including education, training, work and so on. Prisons also need good technical support structures to ensure that problems are dealt with efficiently and effectively.

#### Prisoners as e-learners

There was considerable consensus that this approach offered prisoners much greater opportunity to acquire up-to-date skills for re-integrating into their communities and finding work. It also improves prisoners' access to learning programmes, equal to those available to everyone outside prisons, bringing them much more in touch with mainstream systems.

But this is not a total solution for every situation or every learner. Strong assessment systems are needed to identify the right solutions for learners, including whether ICT-based learning is appropriate for them. Equally there were concerns about the possible isolation of students through the reduction of classroom-based activities – something to be avoided with a population already isolated from some aspects of society.

The important point from the presentations is that e-learning is not necessarily self-study, and probably works best in learning centres, where students can pursue individual courses of study, but supported by their tutors, their 'remote' subject specialists, and in some cases peer mentors.

One key development for the future is to consider how to produce much better research evidence, as well as data on the key approaches, outcomes achieved and impact on prisoners, associated with this approach.

---

<sup>5</sup> A second workshop on this topic took place in Ghent, Belgium, in October 2010.

### **Conclusion of the Workshop – Arts and Cultural Creativity (MR. KEVIN WARNER)**

First of all a refreshment of the Council of Europe Recommendations (1): the European prison rules (2006) and the council of Europe recommendations (2): *education in prison* (1990) was done. Participants consistently referred to great benefits available from arts and creative activities in prisons. However, a parallel theme in the workshop was the tendency in some prison systems to underestimate the value and role of the arts, and to marginalise such activity within prison regimes. Many in the workshop stressed the accessibility of the arts in a range of ways. There was a firm view that there is not a specific art for prisons or other institutions, that the public in prison should have the same access to art as the public outside.

Future needs:

- The significant possibilities (covering educational, training, artistic, regime and therapeutic functions) need to be highlighted and given more recognition within prison systems.
- There is a need to improve the dissemination and visibility of the high-quality art work done in prisons, including through research and by means of examples of good practice, so that policy can be influenced.
- As with all who work in prisons, those working in any way in the arts field should be given adequate guidance upon commencement, and enabled to continue their own professional development through exchanges of experience with others, such as via networks, national or international seminars, etc.
- Much good can be lost when programmes or projects are terminated. There is a need to ensure prisoners can have access to opportunities in the arts and can continue involvement in creative activities that benefit them, within prison during sentences, and in the community after release if this is what they wish.
- Adequate resources need to be provided for the arts in prison, bearing in mind that materials and equipment in some activities can be expensive.
- There is a need to build strategies so that all stakeholders who can contribute to developing arts in prisons, including prison staff, can do so.
- Research is needed to demonstrate the benefits of facilitating arts in prisons. In addition, there is a need to establish collections of quality art work in different media from prisons across Europe.

### **Conclusion of the Workshop - Staff Training (MR. JOSEPH GIORDMAINA)**

This workshop started reviewing the report entitled *Education in prison* (which covered subjects including: the aims of prison education; the place of education in the prison system; methods in adult education; vocational training; creative and cultural activities; and the relationship between education in the prison system and society at large) and the 17 recommendations of the Council of Europe.

There was also an overview of the report entitled *Nordic prison education, a lifelong learning perspective* (2009). In this report the question of inmates' right to education etc. has been reviewed in the five Nordic countries. Besides, the role of the teacher, the qualification of the teacher and many models for education in prisons were shown.

The situation in Germany was also discussed: **LMS eLiS** (eLearning in Prison), Dr. Pfeffer-Hoffmann mentioned that this is taking place in 11 federal states in Germany with more than 40 prisons participating, and comprises 160 courses. These relate to basic education and vocational training as well as further education for prison staff.

With regard to **BLiS** - *Blended Learning im Strafvollzug* (Blended Learning in Prison), The first focus of the project is on improving staff competences in Blended Learning, as well as counseling and training for teachers and multipliers in penal institutions. The second focus of the project is on developing teaching and learning material covering the topics of democracy, diversity and tolerance.

In the third place, a paper described the Grundtvig project 'Developing Training Programmes for Qualified Teachers to Teach in Prison' (TTIP) (<http://www.ttip.info/>) was presented. This project aimed to develop teacher training for service in prisons which could then be introduced throughout Europe. The project aims to create a training course to qualify teachers to teach in prison. In the end, there was an overview of the main sections of the course developed as a product of this research.

### **C Conclusions / Recommendations of the Seminar**

Some of the recommendations and issues:

- Education Budget Resources are often limited – education is not always a priority in prisons - but it should have.
- ICT is a core part of any educational programme, but remains a difficulty in prisons.
- A library or database of the material produced in this field so as to be able to use the material produced in an effective way, by all. All projects should be put online and made available to all to download and use in their country.
- There should be labour market oriented qualification in prisons.
- There should be used the same standards in qualification inside prison as outside.
- The training should fit the prisoners' needs.
- To improve education and training in prison, staff training is also necessary.
- To improve the situation, networking with the local economy is needed.
- Policy makers/education administrators should be in close contact with/aware of what is taking place in the prison/ prison classrooms.
- Funding for research and not only for the production of 'products'. Research is a product as well. Individual as well as small group funding should be considered.
- Training in dealing with challenging students and situations.

**SEMINAR 3: AFTERCARE**

In May 2011, as part of the Ex-Offenders Community of Practice (ExOCOP), a seminar was held in The Hague, The Netherlands, which focused on questions of Aftercare. 43 participants coming from twelve countries<sup>6</sup> presented an overview of the current situation and policy developments in their country.

**A Overview / Background Information**

In recent decades, a tremendous discussion on aftercare has developed: How an offender is transferred from prison to liberty came to be the focus of both research and practice. The 'old' strategy – not to feel responsible for the transition, to see ones work ending at the release of the inmate - has been changed. A high return rate amongst prisoners began to be taken into account, and the fact that most of them have no qualifications and no

---

<sup>6</sup> England, Germany, Portugal, Catalonia, Hungary, Romania, Netherlands, Italy, Greece, Poland, Northern Ireland and Slovenia.

S3: Aftercare

opportunity on the labour market. Many of them face further problems (drugs, behaviour problems, mental illness, debts, housing and others). The overall experience, that released persons will come back soon, that there is a very high recidivism in the first weeks and months after release, that many persons cannot cope (without assistance) with the new situation of liberty, led to new concepts of coaching: an aftercare approach.

To work on this situation there have been developments in different fields:

- In educational and vocational qualifications in prison, strategies of improving vocational skills but also social skills in prison which anticipate the time after release.
- In improving the preparation for release, to coach the inmates on their way from prison to liberty, to cope with the difficulties of working with different organisations in preparing for release, to structure the way out; and
- To take care of them and to coach them in time after release, to offer jobs and other opportunities for day structure.

So there are developments towards a seamless coaching (through-the-gate continuity; end-to-end service), a link to the services in the community, a multi-agency approach, the provision of aftercare-services; ways of facilitating post-release access to labour markets and many further strategies to improve the transition.

Resettlement and Labour Market Integration of (ex-) prisoners is obviously a complex task that cannot be solved by prisons (alone). It requires joint thinking, cooperative action and shared responsibilities within structured networks that bridge the gap between prisons and external actors, like employers, social services, job centres, probation services and others.

Placement services in prison are well accepted among (ex)prisoners and do have good results in helping them to find a job or follow-up training. However, multiple individual and social problems frequently make it difficult for them to keep their job and to stay employed. Therefore, aftercare services are required that

- support both ex-prisoners and employers to stabilize post-release employment and/or
- provide support to “try it again” in case of unavoidable employment break-offs

For the prison, it is of interest to see what the result of the work done in prison is. Is it helpful for the released person to begin on a path towards vocational and social integration?

The main focus is on the transition from prison to the community. There have been many projects to develop new strategies to organise that transition, to offer support or to organise a seamless coaching. In some countries, especially in England & Wales, there has been nationwide implementation of new ways of dealing with this situation (OASys; NOMS). In other countries, like the Netherlands, Denmark, Greece, Slovenia, Romania, there are policies to implement comparable structures on a nationwide level. The topic has become a European one.

At the Seminar, different approaches from different countries have been presented (cf. the website <http://www.exocop.eu>). In this report, we will focus on the Netherlands approach.

In 2009 saw the implementation of a new organisational procedure for the release of prisoners, one which worked in cooperation with the local communities. The concept is laid out in an official flyer:<sup>7</sup>

### **Comprehensive Approach to Aftercare**

**Each year, approximately 33,000 formerly detained citizens return to society. Many revert back to criminal behaviour after detention. The Research and Documentation Centre (WODC) established several years ago that approximately 70 percent of adult former detainees reoffend within six years. Recidivism is a major cause of nuisance and insecurity. It also entails considerable costs, both for citizens and for governments and social institutions.**

#### **Basic provisions for former detainees**

Until recently, many former detainees returned to society unprepared, without having the necessary basic provisions at their disposal, such as:

- Valid proof of identity,
- Income,
- A debt rescheduling plan,
- Accommodation,
- Suitable addiction or psychiatric care.

Research shows that the risk of recidivism increases if these basic provisions are lacking.

#### **Joint approach**

The Ministry of Justice and the Association of Netherlands Municipalities (VNG) want to achieve that at least eighty percent of formerly detained citizens have the necessary basic provisions at their disposal when they are discharged from detention. This joint ambition has been laid down in the Working Together (*Samen aan de slag!*) (June 2007) administrative agreement and elaborated in the Cooperation Model Aftercare for Adult (formerly) Detained Citizens, Municipalities – Ministry of Justice (*Samenwerkingsmodel Nazorg volwassen (ex-) gedetineerde burgers, gemeenten – Justitie*) (July 2009). Its implementation will make a significant contribution to the social participation of former detainees and reducing recidivism. The Prison System, the municipalities and their social partners are working on this within the context of the Comprehensive Approach to Aftercare programme.

#### **Good communication and cooperation**

Aftercare meaning, in the strict sense of the word, care after detention is primarily a responsibility of the municipality. After all, the municipality has a duty of care towards all of its citizens. Detained, and formerly detained, citizens need some extra support in order to be able to function properly in society again. It is important for municipalities to know at an early stage when a detainee is released and what sort of problems he has. This will enable [the municipalities] to set up an aftercare process that will prevent the former detainee from reverting back to criminal behaviour. This can only be realised if there is good communication and cooperation with the Prison System.

It would also be useful to align processes prior, during and after detention. The effectiveness of the efforts of *other* organisations that are involved in aftercare for (formerly) detained citizens, such as UWV WERKbedrijf and providers of psychiatric and addiction care, will also benefit from good communication and cooperation between municipalities and the Prison System.

<sup>7</sup>

See also: <http://www.wodc.nl>

### **Care during detention**

During detention, the Prison System is primarily responsible for (after)care. The Prison System makes significant investments in this respect. Social Services Employees (MMD employees) have been appointed at all institutions. They screen new detainees for the five basic provisions for successful reintegration. In doing so, they also chart any ongoing care processes. This is important, because the better the integration process during detention aligns with these care processes, the higher the chance of success. Additional time will be allocated in the day programme of detainees for reintegration activities as of the autumn of 2010.

The Prison System is not the only party active in this field, but also affords municipalities and social partners the opportunity to work together with detained citizens on their reintegration (the so-called import model). In order to facilitate the above, the detained citizen is placed as much as possible in his own region during the last phase of his detention. MMD employees keep the municipality to which the detainee returns informed of the detainee's situation. This is done by means of the Digital Platform for Alignment of Aftercare (*Digitaal Platform Aansluiting Nazorg* or DPAN).

This working method promotes the comprehensive approach to the aftercare for (formerly) detained citizens and the continuity of care before, during and after detention. In this connection, good communication and cooperation with municipalities and social partners is of essential importance to the Prison System as well.

### **Towards a comprehensive approach**

Significant progress has been made recently in the realisation of a comprehensive approach to the aftercare to (formerly) detained citizens.

- The VNG and the Ministry of Justice have jointly published a practical manual for the implementation of the Aftercare Cooperation Model. Correctional institutions and municipalities throughout the country are busy implementing the above. Both the VNG and the
- Prison Systems support this process with an aftercare implementation advisor.
- Regional network advisors are also active in the Prison System. They advise correctional institutions and municipalities during the daily implementation of aftercare.
- The aim is to have agreements between municipalities, correctional institutions and social partners concerning the structural approach to aftercare, preferably at the level of the Safety House, concluded towards the end of 2010.
- The Prison System intends to have the screening of detainees for the five basic provisions in order in at least eighty percent of the cases at the end of 2010. At that time, the exchange of information or concerning the living areas between the Prison System and the municipalities will have to progress well as well.
- In order to properly process this information, many municipalities (now more than 400) have set up a – local or regional – aftercare coordination point. The Ministry of Justice has made additional funds available to strengthen the municipal coordination of aftercare in 2010 and 2011.
- Pilots are being carried out at several locations throughout the country in order to develop effective aftercare instruments in practice. It concerns, inter alia, pilots in the field of guidance towards work, debt rescheduling and continuity of care.
- The WODC has developed a Monitor of Aftercare for Former Prisoners that charts the results of the aftercare efforts of the Ministry of Justice and the municipality. The WODC is

investigating whether it is possible in time to link these findings to those of the WODC Recidivism Monitor.

The common goals are: decrease of number of criminal offences and misdemeanours, increase in public safety, the breaking of criminal careers, to work more efficiently and more effectively.

Different institutions are consequently involved in the whole procedure: Prisons, municipalities, housing companies, health care organisations, social security institute and public employment service; association for debt relief assistance and social banking, the police, Public Prosecution Department, probation and after care services, child care and protection boards, prison services, probation service, victim support agency, various institutions for addiction and psychiatric treatment, various institutions for welfare and social services and others.

There is a strong emphasis on the point that aftercare, rehabilitation and integration are common tasks of justice, municipalities and social institutions. And it is a way to organise this task as a common work of prison and municipality. Social integration is fostered; there is no denial of responsibility. There are contact persons in prison and in the municipality who are responsible for organising the process, for the information flow.

During preparation for release the prison informs the community about the release of one of their citizens. They also give details about possible problem areas (housing, debts etc.). Together with the responsible person in the municipality there will be first attempts to solve or to work on the problem areas when the person is still in prison. On the day of release there should be some plan and preparation for the reintegration process in the community, all the things that could be clarified before release should be solved and a better transition from prison to community established. The contact person in the municipality knows in advance who is coming, he had first contact with the released person in prison. S/he organises also other services for support.

The first experiences show a successful implementation: There are contact persons now in all prisons in nearly all municipalities. The first experiences show also that the goal of reducing recidivism will be successful.

## **B Conclusions / Recommendations of the Workshops referred to**

### ***WS: Preparation for Release***

- 1) Develop a national social reintegration strategy for prisoners.
- 2) Involve the prison and probation services and in particular the prisoners themselves in making individual detention and reintegration plans. If possible, start with implementing this plan three months before release.
- 3) Prison system should involve, early on, local authorities and support community links. Cooperation and commitment (enforced, if necessary) of NGOs and public institutions is essential.

### ***WS: Aftercare and Resettlement***

- 1) There should be more balance between investment in the community (pre and aftercare) and investment in the penal system. Imprisonment should be used less frequently and alternatives, such as electronic monitoring and conditional sentence, should be applied more frequently.
- 2) Social reintegration is not a linear and consensual process; rather, it advances through conflicts and ambiguities. It is therefore important to build stronger links between community and prison on three levels:

S3: Aftercare

- at the inter-personal level, i.e. between ex-offenders and the different people they come in contact with (consultants, colleagues, parents, etc)

- at the social level, i.e. regarding the social attitudes towards ex-offenders

- at the institutional level , i.e. resistance by the agents of the criminal justice system to introduce changes and reforms into penal policy (see, legislation on penal records).

3) More attention needs to be given to the long term support to ex-offenders. Providing a house or work is not enough: we also need to enable ex-offenders to keep their house and work.

**WS: Family Relationship and Resettlement**

1) Start campaigns to raise awareness of the (negative) impact of imprisonment on families and children.

2) Prisons should be managed to sustain links with relatives and the wider community. The important role of the family should be recognized by legislation, and prison staff should be trained in this subject. Each prison should employ a staff member with a special focus on children, as well as contain children friendly visiting facilities.

3) Research is needed to explore how countries across Europe address issues facing the families of prisoners.

**WS: Community Links**

1) Resettlement occurs in the community. It is therefore important to build community's resources and enable access to prisons.

2) Prison must be seen as a transition point: reducing recidivism is part of an offender's life journey.

3) The public needs to have confidence in long term sustainable solutions. Restorative justice and solutions (including alternative sanctions) achieve this by delivering justice and solving community problems.

4) Activities aimed at reducing recidivism need to be evaluated over the long term and international comparisons need to be made. This is especially important in evaluating the impact of desistance theory and the role of motivational and positive relationships

**C Conclusions / Recommendations of the Seminar**

Recommendations on basic principles for aftercare and resettlement for the European Policy Forum, Berlin 2012

- Custody often reduces an offender's capacity to cope socially. It is therefore preferable that wherever possible, alternatives to prison sentences (such as community service, conditional sanctions) and restorative justice options are available and used.

- Public safety, reducing offending and promoting individual welfare is served by a timely preparation for release from prison. Because of the complexity and deep rootedness of the problems, aftercare can only be achieved by involving relevant partners, such as probation service, municipalities, debt relief agencies, health care institutes, and housing corporations.

- Bringing organizations together and agreeing on each other's roles, responsibilities and contribution requires a systematic, integral approach in which one of the partners takes initiative and coordinates the intense cooperation on aftercare and resettlement on different levels (policy and practice).

- Politicians and policy makers need to be aware of the number of prisoners returning to society on a yearly basis, their criminogenic and social problems and the possible effect in terms of public safety and participation as a result of a comprehensive approach on aftercare and resettlement.
- Aftercare policy and practice should focus primarily on addressing the issues which contribute to the risk of relapse, i.e. lack of ID, lack of income, lack of housing, lack of health care, lack of social skills, lack of a social network and debts. As most prisoners face multiple issues, a holistic approach should be followed instead of a single problem approach.
- Prisoners are primarily responsible for their resettlement process. The partners in aftercare and resettlement, such as prison service, probation service and municipalities can support the prisoner and supervise this process.
- Personal motivation is a prerequisite for prisoners in any attempt to stop reoffending, overcome their various issues and participate as effective members of society. Professionals in the prison, probation services and other partners in aftercare have an important role in supporting detainees in this process and in developing and maintaining motivation.
- An important condition in achieving a multi-agency, holistic approach to aftercare and resettlement is the assignment of each prisoner to a case manager (during the prison sentence and after release). A case manager is responsible for the prisoner during detention and provides support during the resettlement process.
- It is important that prisoners are assessed early in their sentence in order to identify key issues that need to be addressed, such as income, housing, identity papers, health, debts, social skills, family. This is an important first stage in the development of an effective detention and reintegration plan. This plan must be developed with the active participation of the prisoner.
- Prisons should facilitate contact between offenders and key partners who will play a role in their aftercare resettlement during their stay in prison (professional aftercare partners, volunteer organizations, family and children). Prison programmes need to be flexible and modern forms of communication such as internet access and video conferencing should be used to support the aftercare and resettlement process.
- Experience and research show that a prison sentence is often as a transition point in an offender's life journey and in the process of reducing re-offending. As desistance is a long term process for the majority of the offenders, they need to be supported structurally, also after release.
- Imprisonment has a huge impact on prisoners' families and children. Short term effects can be loss of income and housing as well as discontinuity in parenting. Long-term effects include a higher risk of becoming an offender, mental health issues and social exclusion. To minimize these effects, judicial and local civil authorities need to be aware of the impact and arrange support for the families involved. It is also desirable that in every prison special attention is given to prisoners who have the responsibility and care for children under the age of 18. This means that every prison should have a child-friendly visiting facility and that special education programmes should be available for children of detained parents.
- There needs to be recognition that the community itself has a responsibility in the reintegration of ex-offenders. A strategic approach is necessary. The community comprises many different partners so their roles need to be defined.

## SEMINAR 4: SPECIAL GROUPS



In June 2011, as part of the Ex-Offenders Community of Practice (ExOCO<sup>P</sup>), a seminar was held in Popowo, Poland, which focused on questions of Special Groups (Youth, Women, and Foreigners). 52 participants coming from eight countries<sup>8</sup> presented an overview of the current situation and policy developments in their country.

### A Overview / Background Information

The international seminar entitled: "Education, Training and Employment of Offenders" was held on 9 and 10 June 2011, in Popowo, by initiative of the (Re-) Integration of (Ex-) Offenders Community of Practice (ExOCO<sup>P</sup>) and the Prison Service Central Management in Warsaw. The meeting aimed to develop recommendations for the European Commission with relation to education, training and employment of convicts with a special focus on work with sensitive groups such as women, juveniles, national minorities and foreigners.

The key component of the discussion was the exchange of experiences and presentation of forms of work conducted with persons deprived of liberty, assuming new development opportunities in collaboration with the scientific environment, non-governmental organisations and institutions cooperating with the prison system. Aid programmes from nearly 10 countries were presented.

Executing the penalty of deprivation of liberty, the prison system is obliged not only to safely and humanly isolate offenders, but also to bear responsibility for application of complex and efficient measures aimed at the rehabilitation of an individual that will no longer pose any threat to society. This task is extremely difficult and determines the necessity to undertake a number of actions. Moreover, there are no proper programmes ensuring continuity of actions after a convict leaves a penal institution and support in getting employed and obtaining social benefits, as well as control of ex-offenders after they leave prison.

---

<sup>8</sup> England, Germany, Poland, Spain/Catalonia, Northern Ireland, Hungary, Romania and Slovenia.

The Prison Service uses several sources to finance readjustment actions. One of such sources is the EU funds.

Within the period from 2004 to 2007, the following EQUAL Community Initiative projects were executed in Poland:

- project named: "*New way for ex-offenders*" ("*Nowa droga dla byłych więźniów*") – Prison Service Central Management,
- project named: "*The Return to freedom coalition*" ("*Koalicja – Powrót do wolności*"), Polish Association for Legal Education in Warsaw – District Inspectorate of Prison Service in Warsaw,
- project named: "*Black sheep – condemned to nature protection*" ("*Czarna owca – skazani na ochronę przyrody*"), Programme of the United Nations for Development in Warsaw – District Inspectorate of Prison Service in Wrocław,
- project named: "*Getting out of the woods*" ("*Wyjść na prostą*"), the OIC Polish Foundation of Opportunities Industrialization Centres in Lublin – District Inspectorate of Prison Service in Lublin,

Presently, programmes within the framework of the Human Capital Operational Programme for the years 2007–2013 are being executed. The abovementioned projects focus on supporting persons serving a penalty of deprivation of liberty, for the purpose of prevention of social exclusion thereof by training occupational and social skills aimed at facilitating the return to society after the penalty of deprivation of liberty is completed. The support provided to such persons is also oriented at the creation of comprehensive solutions at nationwide and supra-regional levels in order to: eliminate barriers in access to employment, improve social integration, promote geographical and occupational mobility.

The project entitled "Enhancement of professional qualifications of penitentiary service officers and employees of the Prison Service performing the tasks related to the 'Prison Labour Clubs'" ("*Podniesienie kwalifikacji zawodowych funkcjonariuszy i pracowników Służby Więziennej realizujących zadania związane z przywieziennymi 'Klubami Pracy*") is going to be a basis to prepare a specialised personnel in 45 penitentiary units to conduct trainings regarding occupational integration and to improve efficiency of the actions relative to social and occupational reintegration, as well as to enhance efficiency of the readjustment actions.

The project named: "Penitentiary career advisor" ("*Penitencjarny doradca zawodowy*") enabled to establish in 15 selected penitentiary units the position of career advisor who helps convicts to plan and organise their professional life within the period of preparation to complete the penalty of deprivation of liberty.

An important component of the system shall be the preparation and implementation of the manual of actions executed by the penitentiary career advisors in order to introduce and consolidate the objective performance at a broad national level.

Another project is named: "Training and integration cycle enhancing professional qualifications of persons deprived of liberty and preparing them to return to the labour market after completion of serving the penalty of deprivation of liberty" ("*Cykl szkoleniowo-aktywizacyjny służący podniesieniu kwalifikacji zawodowych osób pozbawionych wolności oraz przygotowaniu ich do powrotu na rynek pracy po zakończeniu odbywania kary pozbawienia wolności*"). All actions within the project framework are based on the implementation in 128 penitentiary units of a comprehensive and integrated training and integration cycle, i.e. professional trainings and consolidating actions, such as trainings on how to understand the labour market, counselling regarding civil law, labour law,

S4: Special Groups

economic and administrative law. It is a follow-up project of the modified actions taken during the EQUAL Community Initiative project.

Moreover, the project "Social and occupational integration of convicted disabled persons and persons convicted to the penalty of deprivation of liberty according to Article 209 § 1 or 207 § 1 of the Polish Penal Code" ("Aktywizacja społeczno zawodowa skazanych niepełnosprawnych oraz osób skazanych na karę pozbawienia wolności na podstawie art. 209 § 1 lub 207 § 1 Kodeksu karnego") is ongoing. The actions taken in the course of the project execution focus on preparation for professional life and employment of disabled convicts or persons deprived of liberty due to failure to pay alimony or demonstration of cruelty to relatives or other persons. Such actions are conducted in 15 selected units. In the course of the project its beneficiaries, having completed an occupational training, undergo 6-month apprenticeships at particular areas.

The total number of occupational trainings conducted in the framework of the projects was 1234. Nearly 23 thousand convicts used the support offered by the projects; 83 of them were disabled. 423 convicts were employed during the period of imprisonment. Moreover, 172 persons were employed to perform actions within the organisational units of the Prison Service; 15 of them were penitentiary career advisors. 72 multimedia classrooms were created and fully equipped to serve the purpose of education of convicted persons. What is more, for the benefit of the organisational units of the Prison Service, the following equipment was purchased: 1007 computer sets, 132 multimedia beamers, 44 cameras, 44 television sets and over 6.5 thousand various tools to be used in training. Within the period from August 2008 to June 2010, the total amount spent and eligible was PLN 41,601,321, constituting nearly 30% of the total allocated funds within the human capital operational programme for the purpose of the Prison Service.

In 2012, a support programme addressed to the Polish prison system within the framework of the Norwegian Financial Mechanism for the years 2009–2014 is to be implemented. It shall be devoted to the education of offenders in integration and occupational trainings including ecology, animal-assisted therapy, establishment of playgrounds in visiting rooms at penitentiary units and enhancement of skills and competence of the Prison Service employees (language courses, interpersonal conduct training, specialist training for penitentiary unit staff facilitating group work with offenders, as well as creation and implementation of information and communication technology systems supporting the penitentiary unit management system).

In Poland, the key legal act upon which the penitentiary system operates is the Act of 6 June 1997<sup>9</sup> – Executive Penal Code (hereinafter: the "EPC") including an aggregate of legal standards that regulate execution of penalties, legal measures, security measures, probation measures, court fees in criminal cases as well as provisional detention, as adjudicated by competent court. The Executive Penal Code specifies kinds and types of penal institutions, systems of penalty execution, methods of convicts' classification, rights and obligations of the incarcerated, contacts with society, as well as education, employment, healthcare, and moreover, it includes provisions governing the treatment of especially sensitive categories such as women, juveniles and pregnant women, as well as mothers staying at penal institutions with their children. The Executive Penal Code was a basis for the Minister of Justice to issue ordinances that specify in detail the procedure and rules of treatment of persons deprived of liberty and provisionally detained. There are also valid ordinances issued by competent ministers, as well as orders and instructions of the Director General of the Prison Service. The Executive Penal Code, as well as the special provisions issued thereupon, takes into account all provisions of international

---

<sup>9</sup> Executive Penal Code, Act of 6 June 1997, Journal of Laws [Dz.U.] No. 90, item 557,

conventions that Poland ratified and adopted when accessing the European Union, such as:

- United Nations Minimum Rules for the Treatment of Prisoners of 1957,
- International Covenant on Civil and Political Rights,
- United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- European Convention on Human Rights,
- European Prison Rules of 2006<sup>10</sup>.

Upon entering into force of the valid executive penal law, the legal standard was imposed on all areas of treatment of women deprived of liberty, being subject to the recommendations specified in the Draft Report of the Committee on Women's Rights and Equal Opportunities of the European Parliament on the situation of women in prison and the impact of the imprisonment of parents on social and family life (2007/2116(INI)) (I. Dybalska, 2009, p. 27–28).

In Poland, there are 157 penitentiary units, out of which 70 are detentions on remand and 87 – penal institutions. They report to 15 District Inspectorates of Prison Service.

As far as the risk factor is concerned, Poland belonged to countries of low crime rates for decades. However, the political transformation period resulted in a dynamic increase of criminality. According to the police statistics, there are over one million crimes committed in Poland every year. Since the year 1980, criminality has been gradually increasing. In 1980<sup>11</sup>, the police recorded 124,292 crimes and 240,887 suspects, while in 2010 there were 1,515,157 crimes and 516,154 suspects. It is clear that within the said period, criminality rate increased by nearly one million. Also the number of persons suspected of committing a crime has grown in proportion to the growing number of crimes. Within the last three decades, numerous changes and amendments have been introduced to the legal system that directly affect the criminality status, however also the criminality tendency has changed. The first change was a consequence of adoption of the act of 12 July 1995 upon which the value of a stolen property or inflicted damage so far qualifying an act as a crime was increased tenfold. As a result, some acts of that kind were transferred to the category of petty offences. Another change was related to the strict ban on possession of any amount of drugs<sup>12</sup>, which contributed to increase of the total number of crimes. Another change was the criminalization of driving a vehicle under influence of alcohol or any other intoxicating substance, according to Article 178a § 1, 2 of the Polish Penal Code<sup>13</sup> (hereinafter: the "PPC"). According to the regulation in question, persons not sober or in a state of intoxication driving on a public road commit a crime. The change in question resulted in a sudden decrease of the number of petty offences and a simultaneous increase of the number of crimes.

---

<sup>10</sup> United Nations Organisational Standards Related to the System of Justice in Criminal Cases – Contacts with society and care after release from prison – rules 80–81.

The currently valid European Prison Rules were adopted by the Committee of Ministers for Member States of the Council of Europe on 11 January 2006.

<sup>11</sup> Statistics of the Citizens' Militia, statistics of the Polish National Police – Temida III, [www.sw.gov.pl](http://www.sw.gov.pl)

<sup>12</sup> Introduced upon amendment to the Act on Prevention of Drug Addiction of 24 April 1997 (Journal of Laws [Dz.U.] of 2003, No. 24, item 198)

<sup>13</sup> Of 6 June 1997 (Journal of Laws [Dz.U.] No. 88, item 553).

## S4: Special Groups

It is generally known that the increase of criminality within the period in question was also the result of a sudden stratification of society, the fall of efficiency of the police work, the increase of external migration, unemployment, easy access to firearms, the increase of the number of valuable objects held by citizens (B. Hołyst, 1999, J. Błachut, A. Gaberle, K. Krajewski, 2006). Searching for the reasons for the criminality dynamics, one can also refer to such factors as weakening of social control, feeling of marginalisation of large social groups, normative chaos and progressing stratification of society (A. Siemaszko, 1999).

Also changes in the prison population, affected by amnesties that were proclaimed, should be considered. Acts on amnesty are usually limited to specific categories of crimes (only amnesties of the most serious crimes and felonies) and include diverse conditions, depending on the severity of the adjudicated penalty (remittance of less severe penalties, mitigation of severe penalties) and the social status of perpetrators (more advance amnesty to women taking care of children or the elderly and no amnesty to habitual offenders) (A. Marek, 2007). In Poland, the first amnesty was proclaimed in 1918; after the year 1980, amnesty has been proclaimed five times – the first one on 22 July 1983, and the last one – in 1989.

Over the years, the Polish penitentiary system has been transformed. The prison system has taken numerous actions aimed at the improvement of penitentiary work and making it more efficient.

Table 1. Imprisonment rates in selected European countries

Country	Population	Imprisonment rate
England and Wales	85,495	155
Austria	8,671	103
Belarus	36,533	381
Belgium	10,501	97
Bulgaria	9,071	120
Czech Republic	21,983	208
Denmark	3,967	71
Finland	3,231	60
France	59,655	96
Spain	75,959	164
Greece	11,547	102
Lithuania	7,055	314
Latvia	8,655	260
Germany	72,052	88
Norway	3,602	73
Poland	80,728	211
Portugal	11,547	109
Romania	28,016	131
Russia	806,100	568

Slovakia	10,044	185
Sweden	7,286	78
Turkey	124,074	168
Ukraine	154,027	338
Hungary	15,373	153
Italy	68,121	112

Source: International Centre for Prison Studies 2011

Among the countries under analysis, the greatest prison population is reported in Russia (806,100), Ukraine (154,027) and Turkey (124,074), and the lowest - in Norway (3,602) and Finland (3,231). As far as the imprisonment rate in the countries neighbouring to Poland is concerned, out of the 7 countries subject to analysis Poland is placed at the fourth position with the rate of 218. At the top of the list of the countries with the highest imprisonment rate are the countries from the former eastern bloc: Russia (568), Belarus (381), Ukraine (338) and Lithuania (314). The rate for Poland is nearly 2.5 times higher than the rate for Germany in the case of which the lowest imprisonment rate was reported (88). One must also pay attention to the fact that in Czech Republic the rate is quite high (208) whereas the prison population is relatively low: approx 21,983 prisoners.

In order to present the dynamics and changeability of the prison population we use below the statistical data for the years 2005-2010 in Poland.

Table 2. Convicts according to the classification groups in the years 2005–2010 (as at 31.12)

Year	Total	Of which women	Convicts according to classification groups			
			Juveniles	Persons serving a penalty for the first time	Habitual offenders	Military detainees
2005	66,180	1,579	3,092	33,593	29,495	1
2006	70,630	1,862	2,991	36,047	31,591	1
2007	72,714	1,933	2,897	37,151	32,665	1
2008	70,359	1,952	2,521	35,280	32,558	0
2009	70,814	2,124	2,377	35,716	32,721	0
2010	68,325	2,077	2,085	32,923	33,317	0

Source: Data of the Prison Service Central Management

The above data confirm that the population of convicts in Poland ranged from 66,180 in 2005 to 72,714 in 2007. Within the last analysed year, the population significantly

S4: Special Groups

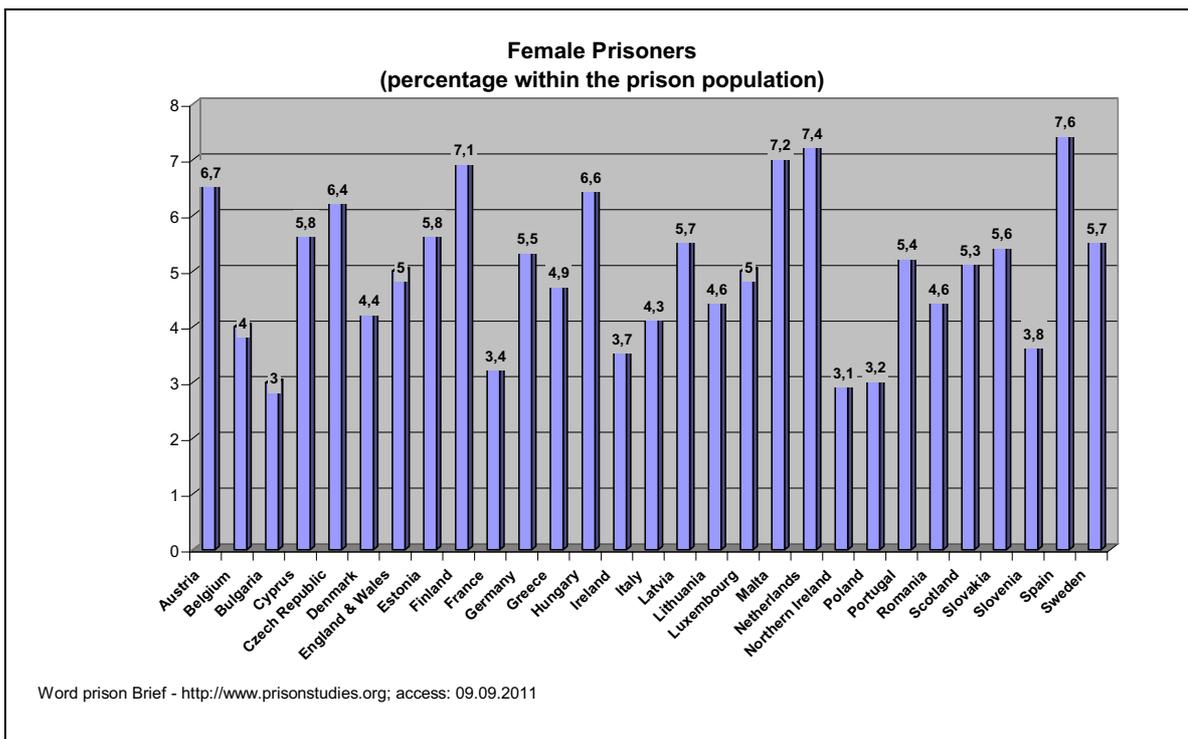
decreased in relation to the previous year. However, one must stress that in spite of a fall of the women's population, a major increase was reported in comparison with the first analysed year.

Taking into account the classification group criterion, within the analysed years, the greatest population was composed of prisoners serving a penalty for the first time, the second greatest group was the group of habitual offenders (in the last year the population grew), and the lowest was the group of juveniles - in the last year the population fell by 292 persons (12%).

**B Conclusions / Recommendations of the Workshops referred to**

**Workshop: WOMEN**

Women deprived of liberty in the analysed countries constitute a minor percent of the general population of prisoners. Taking into account the particular factors one must conclude that they differ from one another. The analysis of data from particular countries leads to a conclusion that the greatest population of women is in the EU27 is in Spain. The respective share of the total population amounts to 7.6%. The population in question is similar in The Netherlands (7.4%). The lowest percentage of convicted women was reported in Poland (3.2%) and Bulgaria (3.0%).



Among the criteria of classification of the convicted in Poland, gender plays the pivotal role (Article 82§2 of the Executive Penal Code). Pursuant to Article 87§1 of the EPC, women serve the penalty of deprivation of liberty in separation from men. In practice, women serve the penalty of deprivation of liberty in separate penal institutions or in separated wards of penal institutions. Women are separated from men also during work, training and any other tasks. Paragraph 2 of the abovementioned Article imposes an obligation to

place women in half-open penal institutions, if the degree of demoralization or security issues do not require placement in a penal institution of another kind.

Presently, there are 22 penitentiary units in Poland for women deprived of liberty. There are 4 penal institutions: in Grudziądz, Czersk, Krzywaniec and Lubliniec, and 4 detentions on remand: in Ostróda, Leszno, Kamień Pomorski and Nisko. Moreover, in 14 units for men, wards for women have been isolated. This enables women to stay close to their families. The smallest women's ward – for 17 women – is located in the detention on remand in Koszalin, and the biggest one – for 426 women – in the detention on remand in Warsaw-Grochów. The biggest unit for women is the Penal Institution No. 1 in Grudziądz, with 517 places for women (I. Dybalska, 2009, p. 30).

Table 3. Structure of incarcerated women according to their legal status in the years 2005-2010 (as at 31.12)

Year	Total number of women and men	Of which women	% rate of imprisoned women in relation to the general number of incarcerated	Provisionally detained	Convicted	Penalised
2005	82,955	2,359	2.84	666	1,660	33
2006	88,647	2,668	3.00	683	1,958	27
2007	87,776	2,598	2.96	524	2,054	20
2008	83,152	2,542	3.05	416	2,097	29
2009*	84,003	2,697	3.2	438	2,236	23
2010	80,728	2,597	3.2	354	2,213	30

Source: Data of the Prison Service Central Management

\*Data as at 4 January 2010

The above data present the general size of the population of incarcerated women and changes of the legal situation structure. In 2010, in relation to 2005, population of women slightly increased. For many years, women have constituted approx. 3% of the total number of the incarcerated. However, one must pay attention to the fact that the number of women provisionally detained has been falling, except for the year 2009 in which a slight increase was observed. In 2010, the population was by almost 50% lower than in the first year under analysis. Moreover, the population of women serving a penalty of deprivation of liberty substantially grew. Penalised women constituted the lowest percent of the population, and their number is approximately 30 per year, however the lowest number of penalised women was reported in 2007 (20), and the greatest – in 2005 (33). In the last year under analysis, there were 30 cases.

## S4: Special Groups

Table 4. Incarcerated women according to their age in the years 2005–2010 (as at 31 December)

Age/year	2005	2006	2007	2008	2009	2010
15–16	0	0	1	1	0	0
17–18	12	14	29	20	14	16
19–21	143	153	116	73	95	106
22–24	275	281	262	194	243	215
25–27	231	293	268	245	310	248
28–30	226	263	262	270	274	243
31–33	198	231	192	243	233	243
34–36	165	182	200	228	237	250
37–39	168	191	191	182	189	206
40–42	176	166	162	190	201	167
43–45	163	195	185	176	164	168
46–48	177	185	177	174	172	168
49–51	132	172	187	177	161	149
52–54	110	124	163	147	176	163
55–57	73	96	84	92	98	107
58–60	38	49	50	56	55	59
61–63	7	15	25	19	28	26
64–66	18	12	8	10	7	17
67 and over	14	19	16	16	17	16

Source: Data of the Prison Service Central Management

After analysis of the age of women deprived of liberty, one can conclude that the most numerous age categories were as follows: 22–24, 25–27 and 28–30. The least numerous category were the youngest women at the age from 15 to 16; in each of the years 2007 and 2008, there was only one case of incarceration. One can notice that the number of the incarcerated women at the age over 30 has been gradually decreasing.

Table 5. Women according to the length of served penalty in the years 2005–2010<sup>6</sup>(as at 31 December)

Penalty length/Year	2005	2006	2007	2008	2009	2010
From 1 to 3 months	10	18	34	21	18	15
Over 3 to 6 months	105	112	150	120	161	144
Over 6 months to 1 year	261	354	348	380	502	518
Over 1 to 1,5 years	190	251	233	279	280	246
Over 1,5 to 2 years	244	262	321	278	316	334
Over 2 to 3 years	207	242	235	238	246	216
Over 3 to 5 years	201	182	180	196	190	190
Over 5 to 10 years	201	254	249	243	231	225
Over 10 to 15 years	126	144	141	152	134	140
25 years	28	37	36	39	38	41
Life sentence	6	6	6	6	8	8

Source: Data of the Prison Service Central Management

The abovementioned data confirm that in both 2005 and 2010, the greatest number of women served penalties over 6 months to 1 year (261 in 2005 and 518 in 2010, respectively) and over 1 year and a half to 2 years: 244 in 2005 and 334 in 2010. However, when analysing the data in question, one must stress the growth of population of women serving long-term penalties. A growth is reported, apart from the year 2009, in the penalty category over 10 to 15 years, category of 25 years of deprivation of liberty (except for 2007 and 2009 – a slight fall) and life sentence. The last of the abovementioned penalties is being served by 8 women now.

#### ***Pregnant women and mothers in penitentiary isolation – Mother and child homes***

Caring for the interest of minors, "in particular the need to initiate, maintain and tighten emotional bonds with children, (...) collaboration with special education facilities in which children stay are assumed" (Article 87a of the EPC). The valid Executive Penal Code ensures pregnant and breastfeeding women a specialist care (Article 87 § 3 of the EPC). A woman is entitled to directly take care of her child. For this purpose, homes for mothers and children are arranged at penal institutions. A child can stay with its mother until it attains the age of 3 years, unless educational or health-related issues confirmed by an opinion of a physician or psychologist support the separation of the child from its mother or the extension or shortening of the period in question (Article 87 § 4 of the EPC). Concern is provided to a child already during pregnancy of an imprisoned woman. As soon as upon arrival to a penitentiary unit, a pregnant woman is provided with special care. Upon order of the penal institution, numerous background surveys (drawn-up by court-appointed custodians, social workers) as well as interviews with a convicted woman are conducted by a psychologist. They help collect information regarding playing the role of mother by the convicted woman. The collected data can also support the Family Court

S4: Special Groups

when determining the child's future. Every birth is notified to the Guardianship Court competent in respect of the mother's place of residence. During pregnancy, a woman can make the decision to independently bring up her child that she is going to give birth to, to transfer the child to an orphanage operating beyond the penal institution, to transfer the child to her relatives acting as a foster family, to leave the child in her husband's or partner's care or to give the child up for adoption. The child's legal status is regulated by the Family Court individually. The Court's decision about whether a mother can bring up her child at a penal institution can be affected by a number of factors, such as the fact of having children in freedom, her lifestyle before being incarcerated, pathologies in the family, as well as the mother's or both parents' capabilities to ensure care. After her child is born, a woman files an application to the Family Court in which she specifies the selected form of care. If the child's father recognises his fatherhood, he must give a respective written consent. The final decision about leaving the child with the woman at the penitentiary unit is made by the court.

Women having specific problems, suffering from alcoholism or addicted to drugs, can use a withdrawal treatment at the therapy ward. Imprisoned women suffering from mental disorders are offered care by the therapy ward staff and a psychiatrist. Some women are homeless, and therefore the staff helps them solve their problems, sets their needs in terms of providing them with shelter; places at Single Mother Homes are searched for them.

Upon Article 87 § 4 of the EPC and the Ordinance of the Minister of Justice of 17 September 2003 on Procedure of Acceptance of Children of Mothers Deprived of Liberty to Mother and Child Homes at the Specified Penal Institutions and Detailed Principles of Arrangement and Operation of Such Facilities, two such homes were established in Poland: at the Penal Institution in Krzywaniac and the Penal Institution No. 1 in Grudziądz.

At the Penal Institution No. 1 in Grudziądz, there is the only in Poland obstetrics and gynaecology hospital ward. Convicted women deliver their children there, however upon medical recommendation they can use other hospitals. Provided that the court consents to their requests, mothers who make the decision about bringing up their children at a Mother and Child Home at the prison stay in Grudziądz until the child attains the age of 6 months, and then, if the situation enables to do so, they can be transported to the Mother and Child Home in Krzywaniac.

In 2010, there were 74 children and 70 mothers at Mother and Child Homes. At the hospital ward in Grudziądz, 4 children were born, while 34 children were delivered at the municipal hospital in Grudziądz. 12 children arrived to the facilities from family houses or orphanages upon their mothers' requests, according to the decisions of family courts. The other children have been staying at Mother and Child Homes since 2009. One of the mothers requested the court for extension of the child's stay, according to Article 87 § 3 of the EPC, and received an approving decision. The Mother and Child Home takes care of pregnant women from outside Poland as well. Women under care have come from China, Chile, Ecuador and Vietnam; however the greatest numbers of foreigners have come from the East (Russia, Ukraine, and Belarus).

As far as the status of parental authority of the mothers is analysed, the authority of one of them was limited and the proceedings for limitation of parental authority was pending against another woman. One of the women decided to give her child up to an anonymous adoption. In 2010, 47 children left Mother and Child Homes, out of which 26 children returned with their mothers to family homes, 4 children with their mothers were placed at Single Mother Homes or at shelters (1 child and its mother). Pursuant to the decisions made by family courts, 2 children were transferred to unrelated foster families and 1 child was sent to a related foster family. 23 women left the facilities together with their children,

as they were released conditionally from serving the full sentence (A. Zboina-Domowicz, 2011).

4 out of 70 women staying at Mother and Child Homes were provisionally detained. Half of the women served their sentences for the first time and were placed at a half-open penal institution. 8 women were habitual offenders.

The problem of application of provisional detention to pregnant women was examined on 23 July 2008 by the Constitutional Tribunal upon motion of the Ombudsman. The Ombudsman demanded that a complete ban on application of provisional detention to pregnant women should be introduced. By filing the said demand, the Ombudsman aimed at amending the valid regulations whereby pregnancy of a woman would constitute a separate, autonomous and unrelated to the health conditions prerequisite to resign from application of the provisional detention measure. However, the Constitutional Tribunal decided that provisional detention could be applied to pregnant women, as the Polish law sufficiently protected them. The justification specifies that the provisions of the Polish Code of Penal Procedure guarantee that if a woman's or her child's health condition requires so, provisional detention should be executed at units adjusted to the specific needs of pregnant women. "A woman expecting a baby, in respect of whom provisional detention has been applied, has got a special legal status. Deviations from general principles granted to pregnant women by the legislator make the situation of such women in many aspects better than the situation of other persons deprived of liberty. It should be noticed that the legislator assumed not only the necessity to ensure special healthcare, but also improvement of the living conditions of the said category of provisionally detained persons, taking into account the specific – in both material and emotional terms – needs of pregnant women".<sup>14</sup> [Pregnant women are entitled to a longer walk, making additional purchases of food; certain disciplinary punishments and means of direct coercion are forbidden.]

In Grudziądz, work with mothers deprived of liberty consists mainly in educating them on bringing up and taking care of children. Classes, conducted by nurses and nutritionists, are focused on rules of nutrition of infants and toddlers, injury prevention, methods of solving children's health problems, as well as on the role of protective vaccinations and virus infections in children. Moreover, a programme of social readjustment focusing on improvement of social and cognitive capabilities, named "My Mommy and Me" ("Moja mama i ja"), was conducted. The said programme was addressed to women with deficiencies in their motherhood or women who want to properly prepare to perform their roles.

In Krzywianiec, on a regular basis, educational classes regarding the mother-child relationship are conducted. The main purpose of those classes is the presentation of the proper development of children up to 4 years of age, as well as shaping proper family relationships. At the Mother and Child Home there is a multi-modular programme conducted, named "Kindergarten at Home" ("Domowe przedszkole"), addressed to all women and their children. The kindergarten is organised for two age groups: younger children – from 6 months to 2 years old and older children – from 2 to 4 years old. The programme is based on general assumptions of the early childhood education and didactics. The kindergarten staff is composed of properly trained and prepared caretakers, recruited among the best mothers staying at the Mother and Child Home. Classes at the kindergarten are conducted also by trainees. The facility manager directly supervises the kindergarten in terms of the education contents.

---

14

<http://www.trybunal.gov.pl/Rozprawy/2008/rozprawy.htm>, [20.10.2008].

S4: Special Groups

Mothers can make use of religious services, e.g. they can prepare their children to be baptised. The facilities' staff do their best to maintain among mothers and children traditions related to family and holidays, and therefore, they organise children's birthday parties, formal celebrations of holidays, carnival parties, celebrations of the Children's Day etc.

Mothers and their children can meet the children's fathers, families and other persons important to them. The convicted women who fulfil formal requirements and express the respective intention can use passes and visits outside the penal institution. It must be stressed that in many cases, children have no contact with their fathers or the contact in question is highly limited. During such visits, only 21 children had contact with their fathers (the visit frequency was from 1 to 52 visits per year). In several cases, the fact that the fathers did not pay such visits resulted from too far a distance between the penal institution and the place of residence of the father, or staying by the father at another penitentiary unit. In the remaining cases, the mothers had no contact with their children's fathers (A. Zboina-Domowicz, 2011, p. 98).

In order to shape mutual relationships between the incarcerated and between the incarcerated and the personnel, the accepted methods to solve difficult situations and conflicts are recommended and the positive forms of management of aggressive behaviour are emphasized. For the purpose of facilitating the convicted women's return to social life, educational and social rehabilitation actions such as meetings with a psychologist, prison tutors or the head of the institution, aimed at resolving current problems, are conducted.

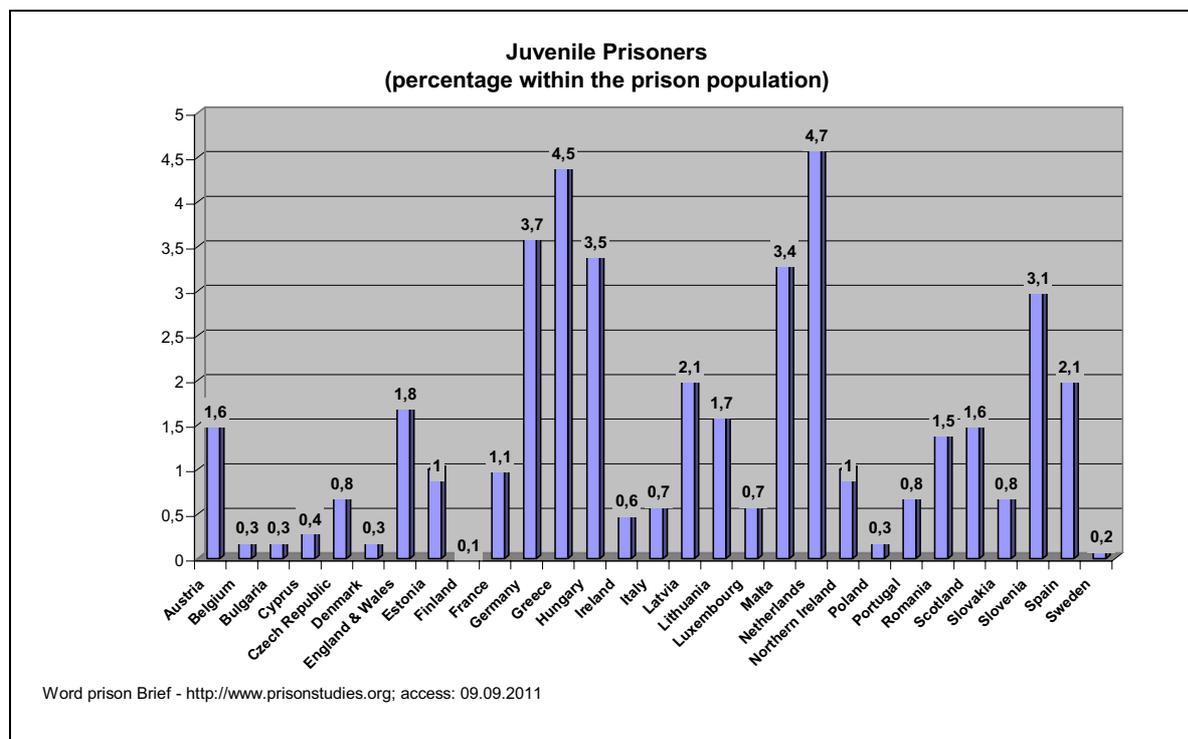
The work performed by the staff of the Mother and Child Home is focused mainly on two groups of tasks. The first one consists in creation in the mothers of the competence necessary to ensure the proper development and education of a child, and the other one – in developing the mothers' social competence, especially in terms of management of the house budget, shaping of tradition or possible sources of support. Any attempts are extremely helpful to prepare them to perform social roles and increase their chances to properly operate in society after having served their deprivation of liberty penalty.

**Recommendations:**

- An EU conference to look at the issues facing female offenders, how to address them and what funding is available,
- Managers and staff involved in programmes need to be gender sensitive,
- Gender specific training of prison staff,
- Focusing/research on the special needs of women,
- Research into the resettlement needs of women,
- Establishment of resettlement structures,
- Research into the needs of mothers and children,
- Establishment of an independent EU wide special commission for the protection of the rights of female offenders,
- Make use of the results from the Corston Report (UK) as it points to the existence of specific needs of women prisoners,
- Taking the chance to participate in the current Green Paper discussion: Just take a look at the situation of women offenders lobbying for the (different) needs and demands of women offenders and for a gender equality approach in the EU prison systems.

### Workshop: JUVENILE OFFENDERS

In all the countries under analysis, juveniles constitute the least numerous part of the prison population. One must note that in the countries under analysis, legislators differently define the age of a juvenile; generally, a juvenile is a person under 21 years of age. But also in some countries, like for example Germany, the age limit of inmates in juvenile prisons is 24 years. The greatest number of convicted juveniles in the EU27 was found in Germany (3.7%) and Greece (4.5%). The lowest rates were reported in the Scandinavian countries (Finland: 0.1%, Sweden: 0.2%).



According to Article 10 § 1, a person who commits a punishable act after attaining the age of 17 shall be liable upon the provisions specified by the Polish Penal Code. According to Article 10 § 2 and 3 of the PPC, a juvenile who after attaining the age of 15 commits a punishable act specified in Article 134, life-threatening attempt on the President; Article 148, murder, § 1, 2 or 3, Article 156, severe detriment to health § 1 or 3, Article 163, causing a dangerous event, § 1 or 3, Article 166, piracy, Article 173, large-scale traffic accident, § 1 or 3, Article 197, rape, § 3 or 4, Article 223 § 2, Article 252, taking hostage, § 1 or 2 and in Article 280, robbery, can be held liable upon the rules specified in the said code, if the circumstances of the case and the extent of the perpetrator's development, their properties and personal conditions justify that, and especially if the educational or corrective measures previously applied proved to be insufficient. Moreover, § 3 of the Article in question specifies that in the case specified in § 2, the adjudicated penalty cannot exceed two thirds of the top limit of the statutory penalty assumed for a crime ascribed to a perpetrator; the court can apply also an extraordinary mitigation of punishment.

According to the Executive Penal Code, juveniles are persons under 21 years of age, however in extraordinary cases they can be persons who have attained this age. The prerequisite to extend the juvenile status can be a model attitude and behaviour, as well as further execution of the started social rehabilitation tasks specified in the individual therapy programmes (Article 54 § 1 of the Executive Penal Code).

## S4: Special Groups

Table 6. Structure of the population of juvenile women and men in the years 2005–2010 (as at 31 December)

Year	General prison population (juveniles)	% of juveniles in relation to the general number of incarcerated	Juveniles		
			Provisionally detained	Convicted	Penalised
2005	82,955 (5,348)	6.45	2,061	3,257	30
2006	88,647 (5,324)	6.01	2,142	3,156	26
2007	87,776 (4,645)	5.29	1,587	3,040	18
2008	83,152 (3 933)	4.73	1,207	2,703	23
2009	84,003 (3,824)	4.55	1,240	2,549	35
2010	80,728 (3,206)	3.97	893	2,270	43

Source: Data of the Prison Service Central Management, own calculations

The data presented above show the percent share of juveniles in the total number of the incarcerated, as well as the structure of population of juvenile prisoners. Analysis of the above data leads to the conclusion that since 2005, the population of juvenile prisoners has been decreasing. The highest percent rate was reported in 2005 – 6.45%; the juvenile population was decreasing every subsequent year. In the last analysed year, the juveniles constituted 3.97% of the prison population. The data regarding the incarcerated structure, assuming the legal status criterion, show that the population of the provisionally detained juveniles decreased over two times within the analysed years, whereas the population of the sentenced – nearly one and a half time.

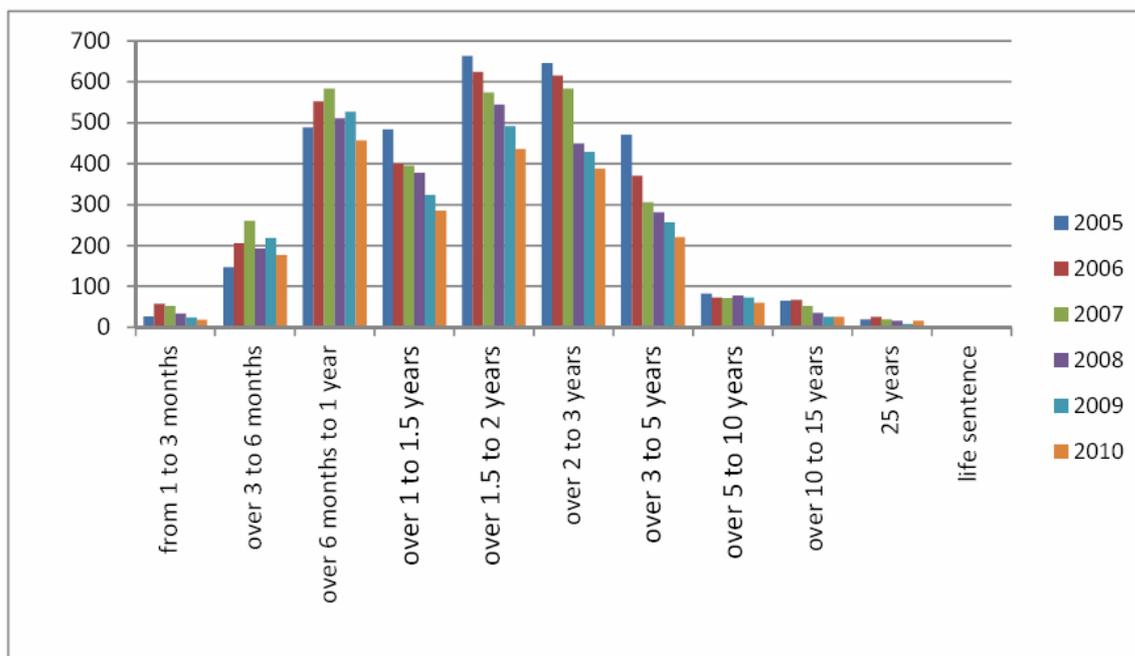
Table 7. Convicted and penalised juveniles according to gender in the years 2005–2010 (as at 31 December)

Year	Total number of incarcerated and penalised	Of which men	Of which women	Percent rate of women in the population of the convicted and penalised juveniles
2005	3,287	3,217	70	2.20
2006	3,182	3,119	63	2.00
2007	3,057	3,004	53	1.80
2008	2,726	2,680	46	1.70
2009	2,584	2,541	43	1.70
2010	2,313	2,262	51	2.00

Source: Data of the Prison Service Central Management, own calculation

When analysing the data of convicted and penalised juveniles, assuming the gender criterion, it can be stated that women are not numerous, and the women's share in the population within the analysed period was on average 1.9%. As in the previous analysis, a decreasing tendency can be observed. The fall between the last and the first analysed year was nearly 150%.

Chart 3. Convicted juveniles according to the principal penalty length



Source: Data of the Prison Service Central Management

Analysis of data related to the length of the penalty of deprivation of liberty leads to the conclusion that in 2005, the greatest number of people served a penalty over 1.5 to 2 years: 21.44%, and over 2 to 3 years: 20.89%. The data were similar in 2010: 21.92% and 20.91%, respectively. Taking into account the young age of perpetrators, it must be stressed that the rate of convictions for the most serious crimes increased, as a result of which the number of persons sentenced to a penalty of 25 years of deprivation of liberty (in 2010: 10 persons) and persons serving the life sentence (in 2010: 3 persons) increased as well.

There were many factors supporting isolation of penal institutions for juveniles upon the age criterion. What should be mentioned most of all is the mental maturity attained at this age, a greater susceptibility to correction, social rehabilitation and therapy actions, the increased stress on education and preparation for professional life, as well as the necessity to isolate juveniles from other categories of convicts, and quite distinct forms and methods of penitentiary treatment (S. Pawela, 2007). A juvenile is obligatorily directed to the system of programmed treatment of convicts, as specified in Article 95 of the EPC. Also the scope of individual treatment programmes, as well as their execution are determined according to the said article. Convicted adults can choose to serve their penalties in the system of programmed treatment or in the ordinary system. Social rehabilitation programmes addressed to juveniles are characterised by diversity, because they are adjusted to the kind of the committed act, age, demoralization degree, susceptibility to influence of other people. Serving a penalty of deprivation of liberty at a penal institution by juveniles is aimed most of all at the development in the sentenced of positive character traits, as well as development of attitudes demanded by society.

Juveniles are granted additional privileges according to Article 91 of the EPC upon which convicted juveniles staying at closed or half-open penal institutions are entitled to an additional visit every month. Article 88 § of the EPC specifies that the convicts serving

S4: Special Groups

a penalty of deprivation of liberty in the programmed treatment system should be directed to half-open penal institutions, unless special circumstances justify placing the person concerned at a closed penal institution. A juvenile who has at least 6 months left to acquire the right to a conditional advance release or who causes educational difficulties, undergoes obligatorily psychological tests (Article 84 § 3 of the EPC). Not more severe disciplinary penalties than the penalty of deprivation or limitation of the right to purchase tobacco products are applied to juveniles.

Provisional detention is also regulated separately. Pursuant to Article 99 § 2 of the EPC, the persons penalised with detention for a petty offence or a penalty for breach of order shall serve their sentences separately from other convicts, in the ordinary system, unless special circumstances justify direction of such persons to another system. Juveniles provisionally detained in accordance with Article 212 of the EPC shall be placed separately from adults, unless special educational reasons support placement of an adult with a juvenile or juveniles.

Social rehabilitation treatments of juveniles are focused on occupational education and general apprenticeship assuming as much as possible the capabilities and interests of the convict, as well as individual and group treatments. Cultural and educational classes, as well as physical culture and sports classes are offered. Especially important in social rehabilitation is the collaboration with families of persons deprived of liberty, informing them of the social rehabilitation progress, as well as of learning results. As far as possible, relatives can participate in celebrations and occasional events at the penal institution (S. Pawela, 2007).

The juvenile social rehabilitation process can be attended by sentenced adults serving their penalty for the first time, excluding habitual offenders and persons sentenced for the most severe crimes (Article 84 § 2 of the EPC).

In Poland, according to the Constitution and the Act on Education System, minors must fulfil the learning obligation. If a convicted has not attained the age of 18, he is placed at a penal institution where he can continue learning. Persons provisionally detained are treated analogically, on condition that the consent to continue learning must be issued by the competent authority. After the consent is granted, a juvenile is placed at a penitentiary unit where a school operates. In order to shorten the distances from the seats of the competent authorities, primary schools and gymnasias have been established at all schools and centres of continual education operating at 16 penitentiary units. Adults can start education upon their own request and continue at various educational levels.

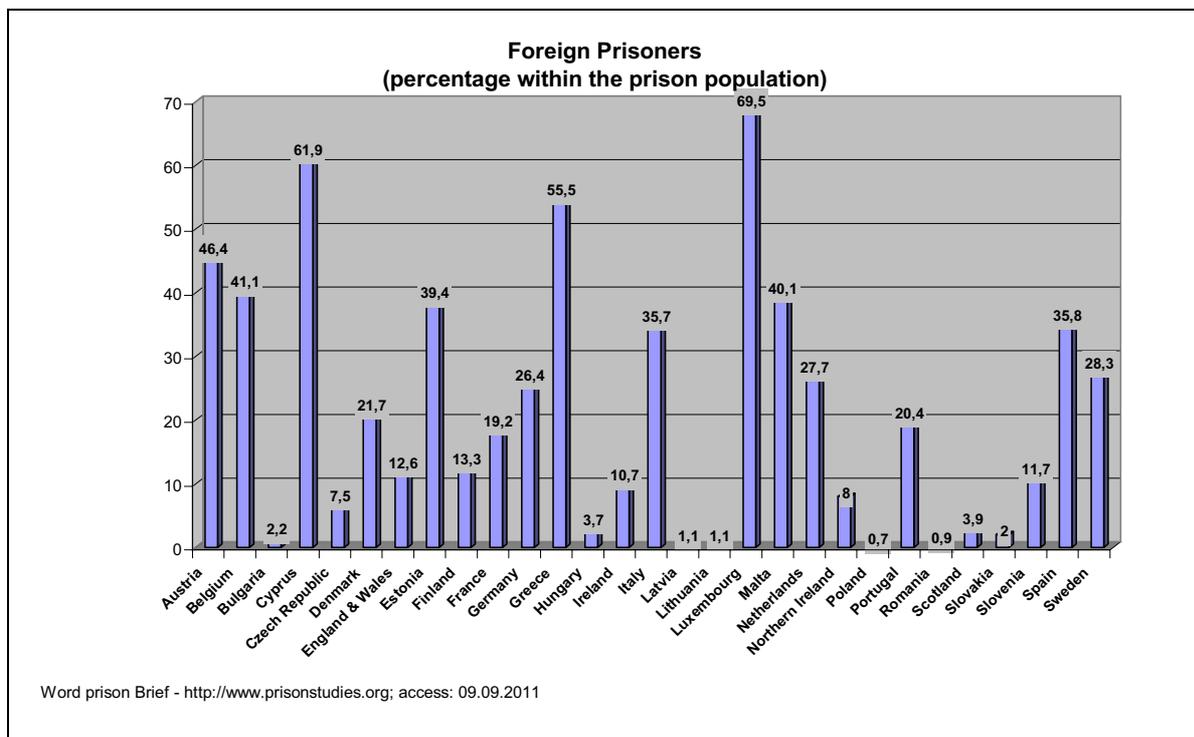
**Recommendations:**

- More attention has to be paid to the age and stage (i.e. adolescence) of juveniles,
- Many of them have been prevented from having a 'regular' school experience and activities such as job fairs, careers advice, knowledge about further education or employment,
- The transition from custody to college or employment has to be seamless,
- The attitudes of employers towards young people can be exploitative and unsupportive, prior to and beyond custody,
- Both the juvenile offender and the employer have to be supported,
- The routes to social inclusion need to be tailor made for different target groups (i.e. short term juvenile offenders, long-term juvenile offenders),

- Active participation by the local authorities is of major importance for the social inclusion of juvenile offenders,
- If possible juvenile offenders should be placed close to their homes; so that they can receive frequent visits from their families,
- Prison deprives juvenile offenders of young people's means of communication (internet, chat sites and mobile phones) further isolating them from their peers,
- Specific in-service-training should be provided for staff working with juveniles as this work demands a special kind of management and guidance. Perhaps there should be some kind of national qualification for working with juveniles in prison,
- Sanctions or measures follow the aim of social reintegration and support the minor according to their educational needs and are based on the minors' best interests and according to their age, dealing with their physical and mental welfare, development, skills and adapted to their personal circumstances (principle of individualization); avoiding as much as possible deprivation of liberty, favouring alternatives such as mediation, work in public interest etc. (see IJJO Valencia Joint Declaration),
- Action on setting common criteria and shared basis should continue towards the establishment of shared re-education and reintegration projects for young offenders, such as highlighted by some community bodies (see IJJO Valencia Joint Declaration).

### Workshop: FOREIGNERS/MIGRANTS

The number of foreigners staying in Polish prisons in 2010 constituted 0.7% of the whole population of persons deprived of liberty, similarly as in Romania (0.9%). As far as the analysed countries of the EU27 are concerned, the most numerous populations of imprisoned foreigners was reported in Belgium (41.1%), Austria (46.4%) and Greece, where the population of foreigners exceeded half of all incarcerated persons (55.5%).



## S4: Special Groups

The Polish law imposes an obligation to ensure equal rights irrespective of the gender, race, skin colour, financial or social status and religion or political views. According to the basic legal standards, there is no differentiation between inmates due to race or ethnic origin. Treatment of foreigners during their stay in isolation requires overcoming the difficulty in communication and the cultural or religious diversity occurring in some cases. Detailed data regarding the population of foreigners in Polish penitentiary units are provided for in the table below.

Table 8. Population of incarcerated foreigners in the years 2005–2010 (as at 31 December)

Year	Total	The provisionally detained	The convicted	The penalised
2005	655	336	316	3
2006	659	363	295	1
2007	646	368	278	0
2008	539	255	284	0
2009	595	322	272	1
2010	572	290	279	3

Source: Data of the Prison Service Central Management

An analysis of the population of foreigners confirms a slight fall thereof within the last years. As to the legal status of the incarcerated, in the last year, the greatest number of foreigners constituted the provisionally detained (336), though being barely over a half of all the inmates (515). Presently, there are 279 persons serving the penalty of deprivation of liberty.

The data of the Prison Service Central Management regarding the foreigners' country of origin confirm that 12% of the incarcerated came from Ukraine, 11%: from Lithuania, nearly 12%: from Vietnam and over 9%: from Russia. An analysis of the above factors pertaining to women shows that nearly 24% of the women came from Ukraine, 14.3%: from Romania and 9.5%: from Belarus.

In accordance with international conventions, foreigners can generally serve the penalty of deprivation of liberty adjudicated in Poland in their own countries. A study conducted in 1992 upon the order of the Ombudsman, regarding observation of rights during serving the penalty of deprivation of liberty and provisional detention, led to very interesting conclusions:

- foreigners are held liable mainly for serious acts, including crimes against life and health,
- foreigners are treated in the same manner as other prisoners,
- in most cases, the rights of foreigners are observed (reported irregularities related e.g. to unemployment),

- generally, foreigners are fed in accordance with requirements posed by their religion,
- Diplomatic missions of some countries do not help their citizens deprived of liberty (J. Malec, 1995).

As far as persons serving the penalty of deprivation of liberty are concerned, the same legal regulations as to Polish citizens serving penalties are applied, except for the case specified in Article 105 § 2 of the EPC according to which a sentenced foreigner can keep communication with the competent consular office, and in the case that no such office exists – with the competent diplomatic mission, and use visits of a consular officer or an employee of the diplomatic mission performing consular functions.

Since May 2009, all foreigners admitted to a penitentiary unit are immediately made familiar with the note on the right to notify consular offices or diplomatic missions, as well as the closest relative or another person, association, organisation or institution and their counsel for the defence, of the place of their stay, by mail or telephone. The above information is prepared in writing, in English, French, Spanish, German, Russian and Romanian.

Simultaneously, the incarcerated foreigners are notified, upon reception to a penitentiary unit, of the right to file a request for granting them the refugee status, as well as of the whole course of the respective procedure. A sample of the application for granting the refugee status constitutes an attachment to the Ordinance of the Minister of the Interior and Administration of 28 May 2008 on the Sample Application for Granting the Refugee Status. The said document has been elaborated in English and Russian and delivered to the Prison Service by the Director of the Management Board in charge of Foreigners' Affairs of the Border Guard Headquarters on 9 October 2008. The above application is provided in writing to the incarcerated interested in being granted the refugee status, at penitentiary units (information of the Penitentiary Office and the Prison Service Central Management).

In 2010, the Prison Service Central Management, in collaboration with the Main Centre for Training of Prison Service in Kalisz, developed a directory regarding the major rights and obligations of convicted and provisionally detained foreigners. It includes also information about organisation of everyday life in prison. The directory is available at: [www.sw.gov.pl](http://www.sw.gov.pl) in 7 language versions. The prison staff, as needed, can at any time provide the incarcerated with a written version of the directory (ibidem).

Incarcerated foreigners can spend their free time participating in cultural and educational classes related to physical culture and sports, as well as take part in educational and self-education actions. However, work with them is often difficult due to the language barrier. This factor in fact directly affected the preparation of the proprietary programme by Justyna Burkiewicz, second lieutenant, representing the Detention on Remand in Grójec. The programme was aimed at mitigating the communicational, cultural and moral barriers, as well as teaching basic regulations of the Polish law, while its purpose was social rehabilitation, teaching foreigners of basic Polish, mutual familiarisation with culture and habits, as well as shaping the ability to reasonably spend free time. The result was overcoming the language barrier to a great extent, better understanding of legal regulations, as well as increase of trust to officers.

**Recommendations:**

- Set some standards for the management of Migrant/ Foreign National Prisoners,
- Set some standards for the management of Minority ethnic/ national prisoners,
- Know your prisoner population through daily monitoring data,
- Develop projects to achieve the above (Grundtvig etc),
- Encourage Family links in person or via telephone,
- Implement a social & cultural programme – food, clothing, prayer time,
- Support links with Voluntary sector – a Community Engagement panel,
- Open the channels for communication through open forum- Minority Prisoner representatives,
- research project to review different actions to promote positive influences for prisoners - inside prison,
- Research to promote innovative actions to facilitate prisoners' transitions back into mainstream society.

**Summary of Workshop Background Discussions**

Long-lasting isolation results in continuous and unfavourable psychological and social consequences. One of the factors facilitating effective readjustment is a positive attitude of society towards the persons serving a penalty of deprivation of liberty and released from penitentiary units. Therefore, an important factor of readjustment actions is the support offered by external institutions and society, as well as the work of the incarcerated themselves for the benefit of the local society.

Programmes executed at penitentiary units have been divided according to the following categories of readjustment programmes:

- 1) social rehabilitation programmes facilitating preparation to social readjustment, addressed to inmates' groups formed according to joint needs of inmates, in particular related to:
  - a) prevention of aggression and violence,
  - b) prevention of addiction and alcoholism or use of drugs,
  - c) prevention of pro-criminal attitudes,
  - d) occupational activation and employment promotion,
  - e) development of social skills,
  - f) development of cognitive abilities,
  - g) integration of families, especially in respect of the incarcerated serving long-term penalties of deprivation of liberty,
- 2) Educational and cultural classes and physical culture and sports classes.

The purpose of performance of social readjustment programmes is enabling the incarcerated to cope with difficult situations that they cannot resolve using their own resources and capabilities. As a part of such treatment, actions are taken to give independence to such persons and to integrate them with the external environment. The occupational activation classes and acquiring a new profession at a penal institution considerably reduces the risk of social exclusion and enables newly qualified workers

enter the open labour market. Also their attractiveness as workers is increased in the course of social works performed thereby and useful to society, yet during serving the penalty of deprivation of liberty. Ergotherapy is one of the most efficient forms of treatment addressed to the incarcerated. All social rehabilitation classes conducted for the incarcerated are aimed at the mitigation of negative results of long-term isolation and marginalisation, enable the programme participants to find their place in the new reality, perform social roles accepted by the external environment, prevent social exclusion and shape and reinforce pro-social attitudes. Comprehensive solutions enable to influence persons deprived of liberty, to develop a person's own potential and to solve or mitigate numerous psychological problems. An important aspect of the treatment addressed to persons deprived of liberty is the ability to improve or even rebuild their contacts with relatives. The incarcerated who have been diagnosed with certain deficiencies can participate in professional classes levelling diagnosed social disorders. Freedom of participation, as well as a proper work motivating the sentenced, enables the Prison Service staff to offer them a chance to change their lifestyle. Therefore, it is so important to continue the already taken actions at penitentiary units by external institutions and the open environment. The number of participants of readjustment programmes keeps growing. In 2009, 81,464 inmates used such support, and in 2010: 105,389. The above leads to a conclusion that within one calendar year, the incarcerated were provided with more than one support each.

Developing their social skills, at the Detention on Remand in Kraków-Podgórze, the sentenced men participate in the "Duet" programme; they take care of dying people at a social welfare home. In this respect, also the External Ward in Ustka (Detention on Remand in Słupsk) conducts valuable collaboration. As a part of the "Four Seasons" ("Cztery pory roku") programme, the inmates take care of autistic children and children with Down syndrome in cooperation with the Social Welfare Home. The sentenced not only help children in their everyday life, but also in collaboration with the unit administration they arrange meetings, trips to interesting places, mushroom picking, occasional events (Saint Nicholas Day party, Christmas trees etc.). In 2009, the Polish Prison Service was awarded for the said project by the Directorate General "Justice, Freedom and Security" of the European Commission and by the Directorate General of Human Rights and Legal Affairs of the Council of Europe with the prestigious "CRISTAL SCALE OF JUSTICE" prize.

Foundations to another programme conducted presently were made in the Polish prison system by the "Atlantis" ("Atlantyda") programme at the Detention on Remand in Hajnówka. Within the programme framework, inmates clean abandoned and forgotten cemeteries. Representatives of various religions conduct classes on social and historic education, teach inmates tolerance and understanding. The said programme was extended to whole Poland and was assigned with the name "Tikkun – Repair" ("Tikkun – naprawa"). For example, at the Penal Institution in Koronowo, the incarcerated clean a Jewish cemetery; as a part of history and tolerance classes meetings with Michael Schudrich, the chief rabbi of the Republic of Poland, are arranged. In Radom, the sentenced not only clean the area of a Jewish cemetery, but also they took part in the development of a memorial: a lapidary commemorating the Jewish community living there within the pre-war period. Actions aimed at cleaning necropolises are conducted at over 50 detentions on remand and penal institutions. At the Detention on Remand in Hajnówka, there is also another pilot project, named: "Friends – a Dog in the Cell" ("Przyjaciele – czyli pies w celi"), being conducted. The programme was based on the animal-assisted education assumptions. Its major aim is to familiarise inmates with the reasons for occurrence of life problems and conflicts, as well as teaching them the methods of getting rid of the harmful influence of stress and fear, as well as (properly) coping with stress situations and negative emotions. As a part of such treatment, the incarcerated train dogs from dog shelters and prepare them for adoption. Thanks to rich theoretical and practical

S4: Special Groups

foundations ensured by well-qualified trainers the incarcerated learn not only how to train dogs but also the rules of proper communication, care, development of proper relations between people, they maintain a proper attitude towards animals and rebuild the feeling of self-respect.

At the Penal Institution No. 1 in Grudziądz, the "Good Atmosphere" ("Dobry klimat") programme is being conducted. It is aimed at remedying the past by actions for improvement of the natural environment and is executed in collaboration with the City Hall and the "Viva" International Movement for Animals Foundation. It includes taking part in actions arranged by the foundation to fight for the proper treatment of pets or for horses sent to slaughter. At the External Ward in Zamrzenica, the "Baywatch" ("Słoneczny patrol") project is being conducted in collaboration with the Commune Municipal Enterprise in Lubiewo and the Volunteer Fire Brigade in Bysław, as a part of which inmates inspect forests on bicycles, seeking any potential ecological threats. Moreover, they do current cleaning works on the walking routes, at the national memorials, cemeteries located nearby and around the Koronowski Reservoir.

An important aspect of life of the incarcerated is contact with their closest relatives, especially with children. The Prison Service does its best to help inmates keep relationships with their relatives. At the Detention on Remand in Lublin there was the "Butterfly's Feathers" ("Pióra motyla") project conducted aimed at improvement of disordered contacts between the incarcerated and their families. As a result, the incarcerated wrote a collection of therapy-related stories for children that were read by their authors and recorded on CDs. The Eleutheria volunteering distributed the recordings at hospices and children's hospitals in Lublin. Analogically, the inmates going to school at the Penal Institution in Płock, participating in the "Grundtvig" partner project, financed with the EU funds, wrote fair stories for children and illustrated the books. The stories were printed and distributed among children. At the Penal Institution in Racibórz, thanks to a significant involvement of Capt. Marek Kwiecień, the "Read to Me, Daddy" ("Poczytaj mi tato") project is being conducted. It is supported by the "ABC XXI the Whole Poland Reads to Children" ("ABC XXI Cała Polska czyta dzieciom"). Many initiatives have been performed, such as collection of books for children or creation of playgrounds at the visiting rooms. Volunteers – both students and the – incarcerated read books during meetings, or the incarcerated make toys on their own. The Penal Institution in Racibórz takes part in numerous actions of a local, regional and national reach. As a part of such an action, well-known actors come to the penitentiary unit to read books to the children visiting their parents. This programme is so popular and arouses so much interest that the Foundation has already signed cooperation agreements with nearly all the District Inspectorates of Prison Service in Poland.

Women in prison are provided with a proper support the extent of which keeps growing. In 2009, such programmes were attended by 4425 incarcerated women, and in 2010 – by 5627. At the Detention on Remand in Nisko, programmes assuming a broad range of treatment are being performed. Such programmes teach women how to live in society (personal hygiene, first aid, cooking, proper spending of time, taking care of children, vocational education). Moreover, they get involved in various social and charity actions of a national and local reach by delivery of artistic works for bidding or organisation of charity events. The incarcerated women played also an important role in removal of the flood effects. A valuable initiative is performed by the Penal Institution in Krzywanięc. It relates to execution of the programme addressed to women titled "Forest Glade" ("Leśna polana"), the purpose of which is enabling the incarcerated women and their children to stay for a few days outside the penal institution. The other significant programme is named "Animal – My Friend" ("Zwierzę mój przyjaciel") and offers experiencing nature to children of incarcerated women. Sentenced men and women help disabled children and adults, the diseased staying at hospitals, social welfare homes and hospices. One of the

first penitentiary units that took actions related to helping diseased persons was the Penal Institution in Lubliniec. Its programme named "Bona" introduced an innovative method of work of the convicted women with mentally retarded children and youth. This project has been executed since 1998 at the "Zameczek" social welfare home in Lubliniec, where children suffering from cerebral palsy stay. The programme was so popular that in 2005 two new projects were introduced, i.e. "Merciful Samaritan" ("Miłosierna Samarytanka") at the Veterans Home – sentenced women take care about the elderly suffering from dementia and Alzheimer's disease, as well as "Schola Vita" at the social welfare home for adults, the chronically diseased and persons suffering from the nervous system's diseases – the sentenced women take care about men suffering from schizophrenia and severe mental retardation. Gratuitous employment of the sentenced at the abovementioned institutions results in breaking stereotypes common in society. Attitudes of local communities towards the persons deprived of liberty are getting changed. Hard work and considerable involvement of inmates break all barriers on the party of the medical staff, families of patients and patients themselves. As a consequence, the image of the Prison Service is being changed and the incarcerated themselves are perceived differently.

Work with the convicted juveniles is focused on the cultural and educational classes, sports trainings, learning how to prevent aggression and violence, prevention of addictions, occupational activation and development of social skills. The most frequent problems in this group of the incarcerated relate to no educational background, no ability to plan the future, inability to foresee consequences of the person's own actions, tendency to act violently and to start disputes and improperly developed value system. An example of good practice is the comprehensive approach to this category of the incarcerated at the External Ward in Zamość, where actions are taken to prepare convicts to enter the open labour market and to start active life in society. The convicted juveniles can participate in such programmes as:

– "What Youth Is Used to, Age Remembers" ("Czym skorupka za młodu nasiąknie, tym na starość trąci") helping acquire knowledge about aggression and anger, as well as the methods of controlling negative emotions and expressing them in a socially acceptable manner, respect for legal system and proper resolving of conflicts.

– "Your Chance for a Better Tomorrow" ("Twoja szansa na lepsze jutro"), co-financed with the aid of the European Social Fund in the framework of the Human Capital Operational Programme related to occupational activation and prevention of social and occupational exclusion.

Moreover, at the unit the convicted juveniles can participate in the programmes addressed to perpetrators of domestic violence according to the Duluth method, programmes on prevention of addiction to alcohol and drugs, legal aid provided by the employees of the Citizens Advice Bureau, integration of families and medical rescue.

The properly directed actions of the Prison Service enable it to maintain the model of organisation of prison system opened both to the social control and help, by preparing the incarcerated to live in freedom. This task seems to be even more difficult if we assume that it is performed in the conditions of insufficient funds, increase of homelessness rates and unemployment, as well as a profound value crisis in the Polish society regarding mainly young people. Often, the lack of life objectives and models to be followed doesn't help the readjustment process.

### **References**

1. Błachut J., Gaberle A., Krajewski K. (2006). Kryminologia. Gdańsk: Wyd. Arche,
2. Dybalska I. (2009). Wybrane problemy wykonywania kary pozbawienia wolności wobec kobiet w obowiązującym systemie penitencjarnym w Polsce. in: Dybalska I. (edited). Kobieta w więzieniu – polski system penitencjarny wobec kobiet w latach 1998 – 2008. Warsaw: Institute for the Development of Social Services,

S4: Special Groups

3. Hołyst B. (1999). Kryminologia. Warsaw: PWN,
4. Malec J. (1995). Cudzoziemcy w polskich jednostkach penitencjarnych. Stan i węzłowe problemy polskiego więziennictwa, part II, Bulletin of the Human Rights Defender, Warsaw,
5. Marek A. (2007). Prawo karne. Toruń: Wydawnictwo Dom Organizatora,
6. Siemaszko A. (ed.) (1999). Atlas przestępczości w Polsce 2. Warsaw: Oficyna Naukowa,
7. Zboina-Domowicz A. (2011). Działalność Domów dla Matki i Dziecka. in: Głowik T. (ed.) Oddziaływania penitencjarne i terapeutyczne w zakładach karnych i aresztach śledczych w 2010 roku. Warsaw: Prison Service Central Management, Penitentiary Office

## **C Conclusions / Recommendations of the Seminar**

### ***Recommendations***

Recommendations based on presentations and discussions held during the seminar were divided into 6 groups relative to the criterion of actions.

#### **1. Education of officers – it is recommended to:**

- Prepare the penitentiary staff to properly diagnose problems: domestic violence, addictions, homelessness,
- Intensively educate the penitentiary staff to conduct highly specialist trainings addressed to convicts, e.g. concerning legal aid, coping with aggression, anger, violence, addictions, management of house budget and other issues useful in the proper operation in an open environment.

#### **2. Educating and training prisoners – it is recommended to:**

- Expand the opportunities to educate offenders upon many levels (vocational courses, educational and corrective trainings, all levels of education of the primary school, gymnasium, high school, vocational school, postsecondary schools, vocational studies and MA studies),
- When conducting social rehabilitation and educational work, take into account specific needs inter alia relative to gender, origin, religion etc.,
- Introduce programmes aimed at specification of the negative factors determining commission of crimes,
- Develop aspirations and life objectives of women, juveniles and foreigners deprived of liberty,
- Improve in the offenders their self-esteem, social skills and teach them proper coping with difficult situations,
- Introduce model programmes of readjustment of convicted mothers and fathers aimed at the proper care of children and proper living in the open environment,
- Conduct specialist treatments focusing on work with victims of violence (especially domestic violence),
- Expand the educational and cultural, as well as the sports offer addressed especially to convicted juveniles,
- Use the potential of the convicted foreigners and racial minorities to teach other inmates (teaching tolerance, national tradition, history).

**3. Legislative changes – it is recommended to:**

- Address the incarcerated individually, in accordance with the valid regulations and international standards,
- Take actions aimed at adjustment of the legal regulations activating all external entities to actively support women, juveniles, foreigners and racial minorities – the inmates leaving penitentiary units. Creation of a support network – Labour Offices, Social Welfare Centres, Prison Service, court-appointed custodians, NGOs, scientific environments etc.,
- Develop regulations on supporting sensitive groups and their potential employers,
- Establish standards of treatment of the incarcerated belonging to sensitive groups,
- Establish recommendations and provide legal and financial support to external institutions focusing on helping disfavoured groups,
- In the further perspective of providing EU funds, prepare assumptions to spend funds on the needs of inmates and trainings of the penitentiary staff, as well as improvement of standards of officers' work and serving the penalty of deprivation of liberty by inmates,
- Appoint within the EU structures an Advisory Council competent in respect of the problems of the prison organisation system.

**4. Therapeutic treatment – it is recommended to:**

- Constantly expand and differentiate the therapeutic offer in accordance with the respective prevailing trends,
- Adjust the number of places for the addicted to psychoactive drugs in therapy centres to the actual needs in this respect,
- Include the convicts who cannot be directed to a full therapeutic cycle due to serving a short-term penalty to alternative programmes of prevention of addictions.

**5. Collaboration with the open environment – it is recommended to:**

- Expand collaboration with external entities in respect of preparation of inmates to properly live in the open environment,
- Motivate to make/maintain contacts with the closest relatives, in particular with children,
- Involve the convicts from the sensitive groups to the volunteer system for the benefit of the local environment,
- Involve representatives of the open environment (e.g. students) to actively work with the incarcerated,
- Start collaboration with various organisations – development of joint aid programmes (preventive programmes).

**6. Collaboration with the scientific environment – it is recommended to:**

- Examine the prison reality, especially the sensitive groups – starting collaboration with the scientific environment,
- Develop models of treatments with a special focus on juveniles, sentenced women serving a penalty of deprivation of liberty with children, foreigners, racial minorities and long-term convicts (penalties exceeding 10 years of deprivation of liberty),
- Train the scientific staff to prepare studies to be used to draw up applications to create the policy of conduct with the sensitive groups,

S4: Special Groups

- Organise conferences, seminars and workshops for the sensitive groups.

**7. Employment – it is recommended to:**

- Make new contacts to expand the opportunities related to acquiring workplaces for convicts,
- Prepare and motivate women, juveniles, representatives of racial minorities and foreigners to actively seek employment both during serving a penalty of deprivation of liberty and after completion of the same,
- Support the ex-offenders in maintaining employment - role of external institutions cooperating with administrations of penitentiary units.

**8. Other recommendations:**

- Introduce well-proven solutions implemented by penitentiary units within the framework of the programmes financed with the EU funds (e.g. EQUAL, Human Capital Operational Programme),
- Involve in work with juveniles and women only well-qualified staff (inter alia the staff that has been trained in work with the sensitive groups, and in the case of incarcerated women the staff that takes into account the gender-related differences),
- Incarcerate inmates as near their place of residence as possible in order to facilitate their contact with family and prepare them to life after leaving the penal institution,
- Provide psychological and medical aid to the incarcerated from the sensitive groups,
- Promote in all media the initiatives taken by penitentiary units, attended by the sentenced from the sensitive groups,
- Conduct information actions and campaigns concerning the sensitive groups.

## SEMINAR 5: NETWORKING



In November 2010, as part of the Ex-Offenders Community of Practice (ExOCoP), a seminar was held in Rome, Italy, which focused on questions of Networking. 55 participants coming from twelve countries<sup>15</sup> presented an overview of the current situation and policy developments in their country.

<sup>15</sup> England, Germany, Portugal, Spain/Catalonia, Hungary, Belgium, Italy, Northern Ireland, Netherlands, Sweden, Lithuania and Romania.

## **A Overview / Background Information**

### **The Background: Working with (ex)-offenders: the European context**

Prison Services throughout the European Union are stretched. There is currently an overall occupancy level, based on officially stated capacity, of 111.8% and this has risen by 2.4% over the last year. The total number of individuals in prisons across the 27 EU Member States has increased steadily over the last fifteen years from a figure of 504, 615 in 1995 to 635, and 800 today. This represents an increase of 26% (Please see Tables 1 and 2 below). However, there seems to have been marked a reduction in the number of prisoners over the last four years in Demark, Estonia, Finland, the Netherlands, Portugal and Sweden, whereas it appears that there has been a significant deterioration in the situations in Cyprus, the Czech Republic, Greece, France, Ireland, Malta, Spain and the UK. In overall terms, there is still now one prisoner to every 788 European citizens. The relatively small percentages of female and young prisoners make it difficult to offer a range of provision tailored to the needs of these groups, whereas the large percentage of foreign prisoners has considerable ramifications for such provision in terms of language training and the acquisition of social and cultural knowledge and skills.

A major factor in producing and maintaining the existing large numbers of inmates are high reconviction rates but it is difficult to find reliable and consistent figures on these rates. In 2005, two studies were published that provide some indication of the size of the problem. The UK study<sup>16</sup> of all adults released from prison in the first quarter of 2003 showed that 58.9% were reconvicted in the following two year period. However, the Netherlands<sup>17</sup> seem to have one of the lowest rates but it is still 37% over a post-release period of four years.

### **Action at European level**

Up until relatively recently, issues related to prisoners' resettlement had not been strongly reflected at EU level, whereas, since 1989, the Council of Europe has been particularly active in the areas of criminal justice and penal policies and has established a number of recommendations on a broad range of topics. The last recommendation that was agreed, in 2006, concerned a set of European Prison Rules<sup>18</sup>. The final section of this recommendation speaks about the regime for sentenced prisoners being designed to enable them to lead a responsible and crime-free life and the drawing up, in partnership with each prisoner, of an individual sentence plan.

The EU has limited competence in prison matters. However, giving a second chance to (ex)-offenders is a key element of the European social model based on the values of freedom, democracy, equality and solidarity. Thus, there are a number of Europe Commission Directorates Generals (DGs) that operate actions, programmes or initiatives, which support work with (ex)-offenders. The main three are DG Employment, Social Affairs and Equal Opportunities, DG Education and Culture and DG Justice.

---

<sup>16</sup> Home Office Statistical Bulletin - Re-offending of adults: results from the 2003 cohort - November 2005.

<sup>17</sup> Recidivism following treatment; a statistical overview of criminal recidivism of former offenders under an entrustment order in the Netherlands - ISBN: 90-5454-613-1 – 2005.

<sup>18</sup> Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules - Adopted by the Committee of Ministers on 11 January 2006 at the 952nd meeting of the Ministers' Deputies.

## Employment, Social Affairs and Equal Opportunities

Given the current economic downturn and the significant numbers of (ex)-offenders, their re-integration is an issue of some significance to the Lisbon and EUROPE 2020 strategies for a more competitive, yet socially cohesive, Europe. Also, the European Employment Strategy (EES) is now the most important instrument for implementing the employment and labour market objectives, as set out in EUROPE 2020 and there are four EUROPE 2020 flagship initiatives of relevance to ex-offenders:

- New skills for new jobs
- Fighting against poverty
- Youth on the move
- Innovation union

In addition, the EU anti-discrimination legislation aims to tackle discrimination, which is one of the central causes of social isolation and disadvantage.

For many of these reasons, DG Employment has made funding available for projects with (ex)-offenders through the mainstream ESF and the [EQUAL Community Initiative](#) from 2000-2006 and through the current [mainstream ESF programmes](#) for the 2007 – 2013 programming period. The outcomes of this funding are explored later in this paper.

## Education and Culture

Education and training are also key components of the Lisbon and EUROPE 2020 strategies. Although, education remains the responsibility of Member States, the EU contribution is made via policy coordination and exchange of experience through transnational projects and mobility. DG Education and Culture believes that prison education should not be regarded as a separate field but rather as an intrinsic and important part of a country's adult education and training system. Similarly, there should be equal rights to education and learning opportunities for offenders, as those for other sections of society.

DG Education and Culture has financed projects that focus on (ex)-offenders in general, or on prison staff/educators, through its Life-Long Learning Programmes of [Grundtvig](#) and [Leonardo da Vinci](#). Some 89 projects were supported by Grundtvig and Leonardo between 2000 and 2009. Of these 73 were funded through Grundtvig, 14 through Leonardo da Vinci and 2 by the Accompanying Measures/Joint Actions of the programmes. The majority of eligible European countries were involved, with a particularly strong participation from Spain (38 projects), Italy and Germany (37) and the UK (36).

The most commonly addressed themes have been:

- Transition and reintegration (38)
- Adult basic education (27)
- Prison as an environment for learning (22)
- Arts and cultural creativity (21)
- E-Learning (19)
- Guidance and validation of prior learning (19)
- Initial and in-service training of teachers (17)

S5: Networking of Institutions

In terms of the messages coming from these projects, the most evident are:

- Traditional prison systems emphasising reprisal more than rehabilitation, are out-of-phase with democratic ideals: People should be sent to prison as a punishment, not for punishment
- Adult learning in the prison context is not just about knowledge acquisition. It is also about “learning for life” – in society
- Developing a sense of responsibility and solidarity should be emphasised rather than blind obedience
- Prison inmates – including those with special learning needs – have a right to education just like any other citizen
- Education provided in prisons should be as similar to education ‘outside’ as possible (at least in terms of access to qualifications), and provide as many transfer routes as possible.

It is a public responsibility to provide appropriate services, including aftercare, and to enshrine this in legislation.

### Justice

The [Stockholm Programme](#) was launched under the Swedish Presidency. Its aim is to define the framework for EU police and customs cooperation, rescue services, criminal and civil law cooperation, asylum, migration and visa policy for the period 2010–2014. The Programme was discussed at the informal ministerial meeting, in Stockholm, in July 2009. It was subsequently discussed at the meeting of the Council (Justice and Home Affairs) on 30 November and 1 December 2009. Two important points emerged in [the text prepared after the discussions](#) related to networking and building mutual trust.

*“The European Council considers that contacts between senior officials of the Member States in areas covered by Justice and Home Affairs are valuable and should be promoted by the Union in so far as possible. Such areas could be, depending on national structures, senior police chiefs or prosecutors, heads of training institutes, heads of prison administrations, general directors of customs administration.”*

*“The European Council considers that efforts should be undertaken to strengthen mutual trust and render more efficient the principle of mutual recognition in the area of detention. Efforts to promote the exchange of best practices should be pursued and implementation of the European Prison Rules, approved by the Council of Europe, supported. Issues such as alternatives to imprisonment, pilot projects on detention and best practices in prison management could also be addressed.”*

In this context, mutual recognition between Member States means that the standards of justice should be equal throughout the EU. Also, there is now a Council framework decision on the transfer of prisoners to their home countries that Member States must implement the by 5 December 2011. DG Justice has indicated that EU Member States should ratify the Optional Protocol to the United Nations Convention against Torture (OPCAT). In addition, it is exploring the possibilities of ensuring the human rights of prisoners in a Green Paper on detention in the EU.

The European Council has also invited the Commission to:

- Propose an Action Plan for raising substantially the level of European training and exchange schemes systematically in the Union. The Plan should propose how to ensure that one third of all police involved in European police cooperation and half

of the judges, prosecutors and judicial staff involved in European judicial cooperation, as well as half of other professionals involved in European cooperation, could be offered European Training Schemes

- Examine what could be defined as a European Training Scheme, and to suggest in the Action Plan how to develop this idea with a view to giving it a European dimension
- Set up specific “Erasmus”-style exchange programmes, which could involve non-Member States and, in particular, candidate countries and countries with which the Union has concluded Partnership and Cooperation Agreements
- Ensure that participation in joint courses, exercises and exchange programmes is decided on the basis of tasks and is not dependent on sector-specific criteria.

In preparing these proposals, DG Justice can build on its experience of promoting networking, learning and exchanges through the AGIS Programme and a Twinning Programme with 3rd Partners.

### **Outcomes of the EQUAL Community Initiative**

The 121 Development Partnerships (DPs) launched under EQUAL that were exclusively concerned with (ex)-offenders probably offer the widest and deepest pool of experience in resettlement practices. They received financial support from the ESF in excess of 170m €, which is a very substantial European investment in the development and testing of innovative good practices that have a potential for dissemination and mainstreaming throughout the EU.

The mainstreaming of EQUAL’s innovative resettlement approaches at European level was led by UK and Germany in a Steering Group<sup>19</sup> of ten Member States which were twinned with another 12 countries. The first stage in this European Mainstreaming Programme was a major Exchange Event ‘Passport2Freedom’ held in Lisbon, during October 2006. The event brought together EQUAL DPs to agree on a set of topics to be presented at a subsequent Policy Forum, in Warsaw, during June 2007. The main outcome of this forum was a Set of Recommendations for the Re-Integration of (ex)-Offenders, which was sent to the Bureau of the European Committee on Crime Problems (CDPC) so that it can be taken into account in the ‘Draft Recommendation on guidelines to agencies providing probation and aftercare to offenders’ that are being prepared by the Council of Europe.

The 36 EQUAL recommendations are grouped under the following six statements:

1. Successful re-integration of (ex)-offenders requires a case management approach from arrest, through the period of imprisonment, to the time of release and beyond
2. All prisoners should have the opportunity of engaging in training and educational programmes that will increase their employability
3. Having a job is the most important factor in preventing re-offending so more efforts are required to engage both public and private employers and to explore other forms of job creation
4. Attention must also be given to other aspects of the lives of (ex)-offenders [housing, health family life etc.] if re-integration is to be successfully achieved

<sup>19</sup>

Belgium (fr) with Belgium (nl); The Netherlands; Germany with France, Czech Republic and Greece; Luxembourg; Italy with Sweden and Austria; Portugal; Poland with Lithuania and Finland; Spain; UKgb with Estonia; UKni with Latvia, Hungary and Ireland.

S5: Networking of Institutions

5. There is an urgent need to promote change in prisons and to foster a culture of innovation and feedback in order to support cooperation with external agencies and developmental action
6. The developments that have been pioneered in, and through, EQUAL should be consolidated.

**EQUAL Recommendations Related to Training and Education**

In the 2nd Selection Round of EQUAL, 60% of 55 DPs were attempting to extend the range of training, education and work experience opportunities that were available. Successful re-integration into employment requires access to skills and qualifications that have a real market value. Therefore, in EQUAL, some DPs focused on adapting education and training to changing labour market needs, linking vocational preparation with work experience and with new forms of aftercare that enabled (ex)-prisoners to continue their training on release and also facilitated their placement in a job. The box below outlines the full series of recommendations related to education and training based on the experience of EQUAL DPs.

**2. All prisoners should have the opportunity of engaging in training and educational programmes that will increase their employability**

- 2.1 In most Member States, policies on the provision of basic and vocational skills in prison already exist but there is a need to provide better solutions for their implementation. These should include procedures for a thorough assessment of the individual prisoner's competences, needs and aspirations at the point of admission, on the basis of which an appropriate resettlement plan can be developed.
- 2.2 Flexible prison training systems that have the capacity to respond to local labour market needs must be developed in cooperation with local employers.
- 2.3 There should also be opportunities for employers to visit prisons to gain their own perspectives on the training offered and the suitability of inmates for employment.
- 2.4 More opportunities for relevant work experience should be provided both inside and outside prisons.
- 2.5 Experiments in the use of e-learning in prisons should be expanded.
- 2.6 Any new solution must be embedded in current practices and not simply be an add-on and thus, cost effectiveness is a major driver and the solution must give better outcomes for the same or a lower price.

**EQUAL Recommendations related to Employment**

Time after time, statistics and research produced in all of the EU Member States confirm that having a job or some other form of socially valuable occupation is the single most important factor in preventing individuals from re-offending. Thus, it is very understandable that most of the EQUAL DPs attempted to involve employers and convince them that they should hire ex-prisoners. Other addressed the challenging and ambitious task of creating entrepreneurs from (ex)-prisoners.

The full set of recommendations on employment developed from the experience of EQUAL DPs is shown in the box below.

**3 *Having a job is the most important factor in preventing re-offending so more efforts are required to engage both public and private employers and to explore other forms of job creation***

- 3.1 There is a need for more intensive public information campaigns that will raise employers' awareness of the untapped pool of workers represented by (ex)-offenders and promote the "business case" for their employment.
- 3.2 The assistance of employers' federations and trade unions should be sought in both finding employment for ex-offenders and in combating any potential discrimination in the workplace.
- 3.3 Employers should be given more encouragement to recruit ex-offenders by establishing targets for the number of socially excluded persons in their work forces or by providing financial incentives for employing ex-offenders.
- 3.4 The legal barriers to employing ex-offenders that exist in some Member States should be reduced or removed.
- 3.5 National, regional and local authorities should lead by example through implementing the principle of equality in their employment policies and introducing legislation that alleviates the stigma of possessing a criminal conviction.
- 3.6 Existing obligations to disclose criminal convictions to a potential employer should be reviewed and it would be helpful to introduce additional financial incentives for employers to recruit (ex)-offenders and for (ex)-offenders to seek employment.
- 3.7 Initial positive experiences in cooperating with temporary employment agencies and in using experienced enterprise agencies and business incubators to promote self-employment should be extended.

**Cooperating and Collaborating - the Foundations of Effective Reintegration**

The fact that partnership was a key principle in EQUAL facilitated changes in prisons and supported cooperation with external agencies. Such coordinated approaches are needed if the individual offender is to have a straight and unbroken pathway to successful reintegration. If the many different, individual needs of prisoners are to be met and all the related problems resolved, there has to be close communication and collaboration between the prison and the outside world and between those agencies involved in the integration process or chain.

Fortunately, in EQUAL time and money were made available so that effective, working partnerships could be established. Thus, the partnership principle of EQUAL produced many positive examples of cooperation involving prisons, education, health and social security, NGOs, employers' and trade union organisations and, at local level, organisations representing prisoners, their families and their victims were also involved.

**Moving On**

- The final section of the EQUAL Set of EU-level Recommendations for the Reintegration of (ex)-offenders proposes that "The developments that have been pioneered in, and through, EQUAL should be consolidated." Fortunately opportunities for such consolidation arose, as the 2007-2013 ESF is targeting the objectives of the Lisbon strategy through: Mainstreaming EQUAL approaches and lessons learnt;

S5: Networking of Institutions

- Developing the vital principle of partnership<sup>20</sup>;
- Promoting and mainstreaming innovative approaches;
- Transnational cooperation.

These opportunities for consolidation were taken at all levels.

**National and regional levels**

In the first instance, various Member States have built on the EQUAL experience and have used their national and regional ESF Operational Programmes to continue support for projects that address the needs of (ex)-prisoners. The modes that have been used to provide this support have varied and include:

- Direct allocation of finance to Departments or Administrations of Justice - Spain, England, Poland and the Netherlands and also German Länder, such as Thüringen, Berlin and Baden Württemberg, Saxony-Anhalt, Schleswig-Holstein, Brandenburg, Mecklenburg Vorpommern and Saxony. This funding has then been passed on to contract providers
- Tendering procedures initiated by ESF Managing Authorities to which prison regimes or individual prisons have responded - Bremen and Lower Saxony and French Prison Administration together with nine Regional Prison Administrations
- Selection by ESF Managing Authorities of NGOs or private providers of resettlement programmes without the involvement of prison regimes, as in UK: Northern Ireland.

The ESF support that is currently available to (ex)-prisoner projects in the Member States is detailed in Table 3 (below). The information is incomplete.

**European level**

An opportunity to continue the valuable exchange of experience and development work at European level that was initiated under EQUAL was created by the Commission's Restricted Call for Proposals VP/2008/018 – 'Learning for change - Setting up learning networks under the ESF 2007-2013.' The German Ministry of Labour and Social Affairs invited ESF Managing Authorities in Member States and regions to a meeting in April 2008, to discuss the possibility of establishing a network on the topic of (ex)-offenders. There was considerable interest in submitting an application and this resulted in the establishing of ExOCOP – (Ex Offender Community of Practice) that has been funded by DG Employment, Social Affairs and Equal Opportunities, until the beginning of 2012. This learning network currently has partners from 11 Member States, with four of these countries also being represented at regional level. At both national and regional level an emphasis has been placed on having ministries or departments of both labour (ESF) and justice (prison and probation services) represented. The three objectives of ExOCOP are:

- Linking good practice to improved policy;
- Developing criteria for the evaluation of work with ex--prisoners;
- Sharing knowledge and experience throughout Europe.

---

<sup>20</sup> DG Education and Culture's European Conference entitled 'Pathways to Inclusion' is mentioned below. This conference also stressed the need for "a collaborative, multi-agency approach at all levels (i.e. from the European Commission through to the national, local and individual organisations and stakeholders): this is widely acknowledged but now needs to become a reality."

Another point worth noting is that DG Employment, Social Affairs and Equal Opportunities have established a support team for this Learning Network that involves representatives of DG Justice and DG Education and Culture. This means that all aspects - social, vocational, legal and educational – can be covered in a concerted attempt to improve European and Member State policies and practices for resettlement.

One demonstrable aspect of this cooperation is that DG Justice, Freedom and Security was represented at, and four workshops in ExOCOP's programme were organised, during DG Education and Culture's European Conference on Prison Education. This conference 'Pathways to Inclusion – Strengthening European Cooperation in Prison Education and Training' was held in Budapest, 22 and 24 February 2010. The four ExOCOP workshops were on the themes of Training in Prison, E-learning, Art in Prison and Staff training / Training the trainers and their outcomes were feedback to a seminar held in Madrid towards the end of September 2010. Also, DG Justice will take into account the discussion at the Pathways to Inclusion Conference in its Green Paper on Detention Conditions.

### **Issues for further attention**

It is to be hoped that ExOCOP, and the transnational and European level cooperation that has been established around it, can address some of the following issues.

There was not a great deal of experience within EQUAL of innovations in prisons that were structural and related to the management of change, the introduction of quality systems and the motivation of staff to adopt a more creative, pro-active attitude to the rehabilitation of inmates. Existing practice suggests that some members of staff require training or awareness raising on opening up prisons to agencies and individuals, including employers, so that they can support and prepare prisoners to play a more positive role in society on their release. The report of the Pathways to Inclusion Conference also speaks about "the need for nationwide aftercare systems and better cooperation between the actors involved in prison education and training and the agencies responsible for the reintegration of offenders." – Please see Table 4 below

Other members of staff need to be trained so that they can deliver new forms of education and training to prisoners that meet the needs of employers and the local labour market. In this respect, ITC skills are essential prerequisites for most jobs and so it is important that offenders can use their time in prison to develop their IT competences. At the same time, the internet also offers a medium through which prisoners can be educated and the training, or teaching, skills of staff can be upgraded. Thus, it would be very valuable, if new staff development modules were to be established covering these and other issues. Here, the Pathways to Inclusion Conference identified "the need to ensure by appropriate training measures that prison education and training staff are able to work with the new technologies associated with e-learning and are prepared to take on the new role of 'learning facilitators' rather than teachers." – Please see Table 4

Finally, there is an even greater challenge. To date, the common consensus has been that the single most important factor in reducing re-offending is for the prisoner to have a job on release. In the current economic crisis, increasing numbers of people are experiencing difficulty in finding or retaining employment and for (ex)-offenders the situation is even more problematical. Thus, especially in this period of economic crisis, it is important that (ex)-offenders still have equal access to employment. It is also important to continue to explore the autonomous route to self-employment, as one way of avoiding the prejudice or stereotyping of employers or work colleagues, while searching for an acceptable and economically-viable form of work. Thus, more creative use will have to be made of ESF resources in extending opportunities for employment or self-employment, because the ESF appears to be the most important funding instrument that supports both the vocational and the social re-integration of (ex)-offenders.

**Table 1: The EU Prison Population in 2010<sup>21</sup>**

Country	Prison <sup>7</sup> Population	Percentage Change in Prison Population since 1995	Occupancy level (based on official capacity)	Prison population per 100,000 of national population	Foreign	Female	Youth <sup>8</sup>
<b>Austria</b>	8,671	+40.3%	102.9%	103	45.8%	6.2%	2.6%
<b>Belgium</b>	10,501	+38.9%	118.9%	97	41.1%	4.0%	0.3%
<b>Bulgaria</b>	9,071	+6.4%	155.6%	120	1.9%	3.2%	0.5%
<b>Cyprus</b>	831	+187.5%	150.5%	105	59.6%	6.0%	0.6%
<b>Czech Republic</b>	21,983	17.2%	111.4%	208	7.2%	5.8%	1.0%
<b>Denmark</b>	3,967	+15.4%	96.0%	71	21.9%	4.5%	0.5%
<b>Estonia</b>	3,555	-19.2%	97.2%	265	6.9%	5.5%	1.0%
<b>Finland</b>	3,231	+7.1%	98.2%	60	10.3%	7.1%	0.1%
<b>France</b>	59,655	+15.6%	118.1%	96	27.7%	3.7%	1.1%
<b>Germany</b>	72,052	+8.9%	91.8%	88	26.3%	5.3%	4.3%
<b>Greece</b>	11,547	+96.1%	141.9%	102	43.9%	5.4%	3.5%
<b>Hungary</b>	15,373	+23.4%	127.7%	153	3.8%	6.2%	3.0%
<b>Ireland</b>	4,491	+118.7%	103.7%	101	13.0%	3.4%	2.4%
<b>Italy</b>	68,121	+37.2%	152.8%	112	36.2%	4.4%	0.5%
<b>Latvia</b>	7,055	- 26.1%	70.4%	314	1.0%	5.7%	2.1%
<b>Lithuania</b>	8,655	- 32.3%	85.5%	260	1.2%	4.2%	2.5%
<b>Luxembourg</b>	706	+50.5%	99.3%	139	69.5%	5.0%	0.7%
<b>Malta</b>	583	+197.5%	84.5%	140	40.1%	7.2%	6.1%
<b>Netherlands</b>	15,604	+52.3%	86.4%	94	27.7%	7.4%	4.7%
<b>Poland</b>	81,094	+32.7%	95.9%	212	0.7%	3.2%	0.6%
<b>Portugal</b>	11,547	- 6.5%	95.6%	109	20.6%	5.3%	0.7%
<b>Romania</b>	28,016	- 38.2%	80.3%	131	0.7%	4.6%	1.7%
<b>Slovakia</b>	10,044	+27.2%	94.6%	185	1.8%	5.4%	0.8%
<b>Slovenia</b>	1,385	+118.1%	124.2%	67	10.8%	3.2%	2.0%
<b>Spain</b>	75,959	+89.2%	136.3%	164	35.7%	8.0%	2.2%
<b>Sweden</b>	7,286	+26.3%	105.4%	78	28.7%	5.3%	0.1%
<b>UK-Eng/Wales</b>	85,495	+67.8%	109.0%	155	13.1%	5.0%	1.9%
<b>UK-Scotland</b>	7,810	+38.1%	104.4%	149	3.4%	5.6%	1.7%
<b>UK-NI</b>	1,512	-13.1%	82.7%	84	8.0%	3.0%	1.0%
<b>EU Overall</b>	635,800	26.0%	111.8%	127 <sup>9</sup>			

<sup>6</sup> Latest National Data available from the International Centre for Prison Studies at Kings College, University of London.

<sup>7</sup> Figures include pre-trial detainees / remand prisoners .

<sup>8</sup> While terms vary (Juveniles / minors / young prisoners) all %ages for under 18s except Cyprus and Spain (under 21) and Spain has no prisoners under 18.

<sup>9</sup> Taking the Eurostat figure for the total population of the EU in January 2010, as being 501,064,211.

<sup>21</sup> Latest National Data available from the International Centre for Prison Studies at Kings College, University of London.

Table 2: The EU Prison Population in 2006<sup>22</sup>

MS	Prison <sup>11</sup> Population	Percentage Change in Prison Population since 1995	Occupancy level (based on official capacity)	Prison population per 100,000 of national population	Foreign prisoners
<b>Austria</b>	8,766	+ 41.8%	107.2%	105	45.1%
<b>Belgium</b>	9,597	+ 26.9%	110.6%	91	4.2%
<b>Cyprus</b>	580	+ 241.2%	170.6%	76	47.1%
<b>Czech Republic</b>	18,980	+ 1.2%	99.8%	185	7.2%
<b>Denmark</b>	4,198	+ 22.1%	95.3%	77	17.5%
<b>Estonia</b>	4,463	+ 1.4%	102.2%	333	36.4%
<b>Finland</b>	3,954	+ 31.0%	112.4%	75	8.0%
<b>France</b>	52,009	+ 0.7%	109.9%	85	21.4%
<b>Germany</b>	77,166	+ 16.7%	96.5%	94	28.2%
<b>Greece</b>	9,984	+ 69.6%	178.8%	90	41.7%
<b>Hungary</b>	15,720	+ 23.8%	139.6%	156	3.8%
<b>Ireland</b>	3,080	+ 50.0%	98.5%	72	9.0%
<b>Italy</b>	61,721	+ 24.3%	131.5%	104	33.2%
<b>Latvia</b>	6,676	- 29.4%	79.0%	292	0.5%
<b>Lithuania</b>	8,124	- 38.4%	84.6%	240	0.8%
<b>Luxembourg</b>	768	+ 63.8%	110.3%	167	75.0%
<b>Malta</b>	352	+ 79.6%	79.3%	86	35.0%
<b>Netherlands</b>	21,013	+ 105.0%	95.6%	128	31.7%
<b>Poland</b>	88,494	+ 41.1%	122.6%	232	0.7%
<b>Portugal</b>	12,846	+ 4.1%	104.4%	121	18.5%
<b>Slovakia</b>	8,493	+ 14.6%	81.2%	158	2.0%
<b>Slovenia</b>	1,301	+ 57.7%	116.6%	65	13.0%
<b>Spain</b>	64,215	+ 59.9%	129.5%	145	29.7%
<b>Sweden</b>	7,450	+ 29.2%	102.7%	82	26.2%
<b>UK-Eng./Wales</b>	79,950	+ 56.9%	112.7%	148	13.6%
<b>UK-Scotland</b>	7,171	+ 26.8%	111.5%	140	1.3%
<b>UK-N. Ireland</b>	1,454	- 16.4%	97.3%	84	0.8%
<b>EU Overall</b>	578,525	+ 27.9%	114.0%	125 <sup>12</sup>	19.1%

<sup>10</sup> Based on National Data, last updated on 10 December 2006, from the International Centre for Prison Studies at Kings College, University of London.

<sup>11</sup> Figures include pre-trial detainees / remand prisoners and whilst all relate to 2006, the counts for each country have been taken at different times.

<sup>12</sup> Taking the Eurostat figure for the total population of the EU in January 2006, as being 463,523.4 million.

**Table 3: ESF Funding for (Ex)-Prisoner Projects during the 2007-2013 Programming Period**

MS	ESF FUNDING
<b>Austria</b>	The ESF funding goes directly to the AMS Employment Office, which refunds some training measures for prisoners up to 44 %.
<b>Belgium</b>	The Flemish and Walloon Regions are funding some training measures for prisoners
<b>Bulgaria</b>	not available
<b>Cyprus</b>	not available
<b>Czech Republic</b>	not available
<b>Denmark</b>	No ESF funding as enough finance is provided by the national government
<b>Estónia</b>	ESF funding available
<b>Finland</b>	No ESF funding as enough finance is provided by the national government
<b>France</b>	ESF funding available at national level and in nine regions
<b>Germany</b>	ESF funding available at national level and in the vast majority of Länder
<b>Greece</b>	ESF funding not available now but is planned to be used from 2010
<b>Hungary</b>	ESF funding available
<b>Ireland</b>	ESF has relatively little money available and while Irish Prison Authorities have applied they have been unsuccessful so far
<b>Italy</b>	ESF funding available in all Italian Regions (See: National survey on projects supporting the integration of (ex)-offenders)
<b>Latvia</b>	ESF funding available for probation services
<b>Lithuania</b>	No ESF funding
<b>Luxembourg</b>	not available
<b>Malta</b>	not available
<b>The Netherlands</b>	€ 60 Million of ESF funding available for the complete period
<b>Poland</b>	€ 280 Million of ESF funding available to the Ministry of Justice, including the Prison Service
<b>Romania</b>	€ 20 Million of ESF funding available, plus the Portugal-Romania Transfer-Project worth € 5 Million
<b>Slovenia</b>	ESF funding will be available through a small programme, based on Slovenia's participation in the ExOCOP Learning Network
<b>Spain</b>	ESF funding available at national level and in some regions
<b>Sweden</b>	No ESF funding as enough finance is provided by the national government
<b>United Kingdom</b>	About 60 Million of ESF funding available for the current year in England and Wales. One large project is beginning funded in Northern Ireland but no funding in Scotland

**Table 4: Needs identified at the Pathways to Inclusion Conference, Budapest, 22 and 24 February 2010**

These include:

- The need for improved methods for identifying the differing/real needs of the different groups of offenders;
- To find ways of matching these differing needs with the needs of the different stakeholders;
- The need for a system of both guidance and validation of prior learning in all European countries; Prisoners are a heterogeneous group, thus a system based on individual needs analyses and validation of prior learning is required to ensure learning provision is tailored;
- The need to develop new course content and materials in order for students to develop digital competences;
- The need to ensure by appropriate training measures that prison education and training staff are able to work with the new technologies associated with e-learning and are prepared to take on the new role of 'learning facilitators' rather than teachers;
- The need to further improve the training of prison officers, giving special emphasis to raising their awareness of the importance of promoting education and training in prison;
- The need to raise awareness among prison staff – both educational and security-oriented – of the tools developed at European level which need to be taken into account in the prison education and training context, e.g. the shift towards learning outcomes and the introduction of tools such as the European Qualifications Framework (EQF) and the European Credit System for Vocational Education and Training (ECVET);
- The need for nationwide aftercare systems and better cooperation between the actors involved in prison education and training and the agencies responsible for the reintegration of offenders;
- The need for more systematic exploitation of research results and implementation of the good practice developed by projects at both national and European level, as well as in other parts of the world: learning from, adapting and transferring 'what works' rather than 'reinventing the wheel';
- The need for a collaborative, multi-agency approach at all levels (i.e. from the European Commission through to the national, local and individual organisations and stakeholders): this is widely acknowledged but now needs to become a reality;
- The need to demonstrate the economic (as well as social) good sense of investing more heavily in prison education and training, given the longer-term benefits in terms of cost reduction through reduced re-offending which this – when part of a carefully forged package of measures – can bring. This seemed particularly important in the present climate of economic uncertainty and cuts in public spending, in which – as one working group at the conference felt – it would be "challenging even to keep to current achievements without developing them, due to lack of resources". Given that there will be funding constraints in the short-term, the group suggested that significant improvement can only be envisaged in the medium- to long-term;
- The need to foster more research and analysis on prison education and training, both as part of research related to education and training more generally, and in combination with research on other aspects of detention, imprisonment and reintegration;

- The need to increase the funds available at European level for improving prison education and training, and European/international cooperation in this field and to make more strategic and systematic use of the results achieved.

### **Themes and issues arising from the work to date**

It is always a challenge, when partners from different countries are working together in different languages, to be sure that they share a precise understanding of the concepts they are discussing. What we are talking about in this seminar is: the coming together of a set of very different organisations - different in their role, powers and responsibilities, funding, size, and in their cultures and ethos. Nevertheless, they are all working with and for (ex) prisoners and (ex) offenders to improve reintegration and reduce re-offending. The different words we use to describe this process reflect different levels of engagement, from loose “networking” to close “partnership” (for example, the Bologna workshop called for “networking and genuine partnership”), via co-operation, co-ordination and collaboration. The documentation used within ExOCOP and by the organisers who have hosted workshops and seminars demonstrates this variation in terminology.

The present seminar, however, is precisely about this “coming together” process and how to make it work. And so it is necessary to be clear about the degree or level of connection between actors we are describing from our own experience, and/or aiming for in the future. For example, several criminal justice agencies must obviously work very closely together at the stage where a prisoner leaves prison. They should – though in practice this is very often not the case – also work closely with other relevant statutory agencies/ministries whose first duty is not to ex-prisoners, like the public services which provide housing and training. Even further away from core criminal justice systems, the work of reintegration is not a priority for employers in the way it is for a prison authority or an NGO providing services to prisoners. Employers will invest less time and interest in the work. Those who are concerned with reintegration as a core part of their work have to accept this, and tailor their approach to employers accordingly; they have to understand the employers’ priorities and needs.

Another example: organisations which operate under strict legislative controls may be less able to innovate, even to take risks, than an NGO. This may lead to tensions between them if they are working together. At worst, it could lead to the failure of the partnership, but at best it will enhance the work of both partners – the statutory agency/ministry seeing the value of a more flexible, open-minded approach and the NGO recognising the need for prudence and accountability. One prerequisite for effective partnership, mentioned by several workshops in this group and in others, is to be very clear about the different roles and responsibilities of partners.

One of the key goals of ExOCOP is that the good practice and knowledge which it has identified and shared among its own partners should be more widely implemented. It may be useful to consider the different levels of implementation which are possible and desirable, perhaps classifying the recommendations under several headings:

- Legislation.
- Statutory guidance short of legislation.
- Voluntary codes of practice, memoranda of understanding, partnership protocols etc.
- Good practice examples which can be replicated in other places and by other service providers.

It may also be useful to consider to whom the recommendations are directed. Some will be more relevant to and deliverable by:

- Policy-makers.
- Prison authorities and other criminal justices agencies.
- Other statutory agencies, such as Ministries of Labour or Education.
- NGOs.
- Employers and employer organisations.

The Bologna workshop distinguished between “practical orientated” and “policy orientated” co-operation – is this a helpful classification?

In the Memorandum of Understanding which all partners have signed, the common strategy which it is the aim of ExOCOP to develop is said to take into account the “funding, labour market and legal” contexts. As the work has progressed it has become clear that socio-cultural contexts are also relevant. There is therefore an acceptance that any final recommendations and guidance from ExOCOP will have to be interpreted by those who implement them, within these contexts.

However, there is a caveat to be entered here. Criminal justice systems tend of their nature to be somewhat “closed” and resistant to change; and they are very conscious that in the public’s mind, safety and security are more important than reintegration. So those who are fully engaged with ExOCOP must be ready to challenge a response which says, “We could never implement that here”, or “The public (or the politicians) would never accept that”. Indeed, even among ExOCOP partners there may be significant differences of approach. It is the view of the authors of this paper that it is useful to consider any differences of opinion among partners, and not to gloss over these. We are sure that the respect and trust that has been built up among partners within EQUAL and ExOCOP is strong enough to accept differences and be open to new ideas.

The recommendations which we put forward need to be underpinned by clear evidence. This is why so much emphasis has been put on case studies and good practice examples in ExOCOP, including in the programme for this seminar.

## **B Conclusions / Recommendations of the Workshops referred to**

This seminar, focusing on networking between institutions and employers, draws together the following workshops:

- Prison Work and Industries (workshop 16, Berlin 19 September 2009)
- Work with Employers (workshop 17, Belfast 18 May 2010)
- Networking of Institutions (workshop 18, Bologna 10 & 11 June 2010)

Summaries of the three workshops are included in section 5 of this background paper, and the final reports produced by the organisers of the workshops can be found on [www.exocop.eu](http://www.exocop.eu). Here you will find a short précis of the individual workshops which feed into this seminar.

**Workshop: Prison Work: Berlin, September 2009<sup>23</sup>**

The purpose of prison work: It is noticeable that of all the aspects of reintegration covered by the work of ExOCOP, prison work, that is, work carried out by prisoners within the prison, is the one with the longest history. Work in prison was seen as: part of the punishment; a contribution towards the maintenance of the prison itself; an instrument of rehabilitation; and later, a source of (small) reward to prisoners and/or a means of earning money with which to recompense their victims. We need now, therefore, to redefine the purpose of prison work in the 21st Century.

The Berlin workshop was part of the annual conference of the European Prison Regime Forum, a network of around 15 criminal justice organisations in Europe, in September 2009. It drew largely on an important “White Paper” entitled “Prison Work in Europe; organisation and management of prison workshops” published in 2007 as part of the EQUAL programme.

Current practice: There are wide variations between Member States in the approach to prison work. For example, it may have public sector or private sector customers; payment to prisoners is dealt with very differently; there are differences in the degree to which prison work is seen as a first stage in reintegration, rather than simply a part of the prisoner’s daily life. The current economic crisis is having a harmful effect in most places. It is more difficult to find external customers, especially from the private sector, and less business is being carried out.

Recommendations: The report of the Berlin workshop listed “Future needs” and helpfully identified links with other workshops:

- Modernisation of work and equipment in prisons.
- Modernisation of work (qualification, kind of work for prisoners, finding of new offers and jobs) (cuff ExOCOP workshops 5-8 on ETE).
- Training of staff for a modern work management, modern labour market.
- Orientation on the labour market (Qualification of the prisoners).
- Orientation on the (consumer) market (products produced in prison.)
- Combination of educational and vocational training with work offers.
- Coaching approaches, starting in prison to find a job after release (role of aftercare in finding a job outside; cf. ExOCOP Workshop 10: Aftercare).
- Work with employers (to produce in prison; to offer jobs for released prisoner) (cf. ExOCOP Workshop 17: Work with employers).

The White Paper which was used as a working tool at the Berlin workshop has seven pages of “conclusions”, which are effectively recommendations. As well as dealing specifically with the management of prison work, these include many comments which cross over all three workshops:

- Every element of reintegration has its part to play, in this case prison work; and every prisoner/offender should have a reintegration programme tailored to his/her particular needs.
- Prison staff must be trained in the value and benefit of reintegration processes.

---

<sup>23</sup> A further workshop on this topic took place in Newbold, England, in May 2011. The special focus was on the involvement of big enterprises in cooperation with prison industry.

- Prison work should be as like outside work as possible, in terms of the demands on and rewards given to prisoners.
- Work must constantly be adapted to what is going on outside the prison – both the market for prison goods and the labour market which prisoners want to enter when they leave prison.

### **Workshop: Working with Conviction: engaging employers: Belfast, May 2010**

#### The context:

Evidence from national and international research clearly demonstrates that having a job is a significant factor in reducing offending. Many prisoners and offenders in the community are on the margins of society and experience multiple barriers that exclude them from the labour market. In an increasingly competitive labour market it is vital to ensure that the services we provide to prisoners and offenders in the community improve their employability as part of an employment led resettlement agenda.

#### Common themes and shared practice:

This workshop decided to draw together the common themes and shared practice in a grid, which the seminar may consider is a useful format to follow.

Pre release training and certification for work	It is crucial to have accredited employment focussed training at least six months prior to release – this should reflect labour market opportunities
Self employment	A relevant and accessible option for many prisoners/offenders that needs to be promoted and delivered at pre release stage and followed up in community
Promoting waged employment (prisoners)	The importance of connecting with local companies to provide real work contracts in custody and ensuring that prisoners receive a real wage for the work rather than nominal payment.
Prison/community links	Working to link the prison to community to develop opportunities “through the gate”. This can be sustained via community service model or employer contracts.
Strategic link with employers.	Engagement with employer “champions”. Working to influence change based on the business case rather than corporate social responsibility.
Attitudinal & structural barriers	Working to challenge negative attitudes and systems that create additional and unnecessary barriers for offenders.

Some differences were identified.

- In some Member States, work with employers is approached through social corporate responsibility/ social inclusion. In others, this approach has been found not to succeed; the “business case” has to be made if employers are to get involved.
- There are variations in how far legislation, for example legislation designed to protect the public, makes it more difficult for an ex-offender to find work.
- While there is some consensus as to which ministries outside the criminal justice system are involved (labour, health) this is not common to all participants.

**Recommendations:** Based on the above findings the workshop agreed three key recommendations for effective Employment Led Resettlement.

- Effective anti-discrimination employment legislation for individuals with a conviction, across the European Union.
- Strategic engagement with employers that is based on the business case.
- Strategic contribution and commitment from all ministries that is
- Coordinated and consistent. (This recommendation was strongly endorsed by the Bologna workshop, see below.)

**Workshop: Networking of Institutions: Bologna, June 2010**

This workshop started from the premise that there is common agreement about:

- the importance of networking as “a precious working tool” for sharing knowledge and experience but that;
- this is rarely put into practice effectively and that;
- Networking should be based on the sharing of practical experience and practical evidence of what is effective.

Current practice

There are some examples of good practice in some member states, but a great lack of partnership working being incorporated into national legislation, policy, or structures/systems. Bologna was one of the workshops which directly addressed the human angle - we need to acknowledge that networking/partnership is affected by human relationships, good or bad.

This workshop, more than some others, looked closely at the role of the EU institutions in this work. It noted that EU legislation does not include a requirement for the various actors to work together, though funding programmes, for example, do place a lot of emphasis on networking.

**Recommendations**

The Bologna workshop proposed a breakdown of recommendations into two groups:

- Practical orientated co-operation.

Establishment of a model that comprises pathways to inclusion. Pathways to include finance, accommodation, health, education, training, employment, behaviours and social networks. Important that memorandum of understanding and protocols be established

- Policy orientated co-operation

Important to introduce concept of organisational cross thematic working both within the criminal justice system and with other non-criminal justice departments which have a contribution to make to a reintegration strategy such as ministries of labour, education, health and employment. The group felt that legislation would be an enabler and stimulant. Ring fenced funding that was transparent is also a requirement as is networking and genuine partnership.

Responsibility for co-ordination of the network must be driven by a competent person (policy officer) with management and facilitation skills and whose role is recognized and accepted across the network.

### **C Conclusions / Recommendations of the Seminar**

A number of themes were common to more than one workshop and these are described here in the format of (a) the issue itself and a broad statement of what should be done to address it and (b) a formal recommendation or recommendations. Participants may wish to consider to whom these recommendations are being addressed (see Para 4.5 above).

The external environment

- a) Prison, and even the wider criminal justice system, are relatively closed systems. There is a danger that prison work and training, and preparation for employment after prison, may be stuck in past practice and not take changes in the labour market into account.

The business/economic context was never easy and is increasingly difficult in the current situation. So for example, is there a market for the goods produced inside the prison? If not, what changes can be made so that the work fits the market? What sort of skills do employers need? (This was also noted by workshop 5, vocational training.) How best can we engage with employers? Appealing to employers' sense of social responsibility is a valid approach, but it is unlikely to be enough to persuade them to employ (more) ex-offenders. They must be persuaded of the value of opening their recruitment to the widest possible pool of applicants, and shown evidence that ex-offenders are in practice reliable and trustworthy employees.

- b) ExOCOP recommends that prison services should be obliged to continually monitor and review their reintegration strategies and practice to ensure these answer the needs of the labour market and the market for goods and services.

ExOCOP recommends that networking with employers and employers' organizations be based on an understanding of the priorities and needs of the employers. This will be helped by the identification of "champions" who are prepared to convince their peers of the business case and/or the social corporate responsibility argument.

The need for legislation:

- a) Offenders and ex-offenders are not protected in law against the prejudice and discrimination that they face. Many employers refuse to employ them, even if their conviction is minor, happened a long time ago, and bears no relation to the job they are applying for.
- b) ExOCOP recommends that there is anti-discrimination legislation to protect ex-prisoners at regional, national and European level, ideally through the extension of the anti-discrimination Directives to include ex-offenders.

S5: Networking of Institutions

The need for promoting the employment of ex-offenders, short of legal enforcement

- a) There are many examples of good practice to encourage employers to use fair recruitment practices. There is also considerable evidence that having a job significantly reduces the likelihood of re-offending. This in turn reduces the cost to the state of dealing with offenders.
- b) ExOCOCoP recommends that evidence showing the benefits of ex-offenders having employment be widely publicised, including through enlisting ex-offenders themselves to carry out this publicity.

The need for all relevant actors to work together effectively. No-one disagrees with the proposal that there are many aspects to successful reintegration – housing; education, training and employment; financial stability; family and social relationships etc. There is general agreement also that the agencies which are responsible for supplying these services should work closely together; but that normally they do not do so. Some services outside the criminal justice system do not even recognise that they have an important role to play. Some are uncomfortable in this role because they are unfamiliar with the needs of offenders and the ways in which they can be supported. Officials in public services may share the common prejudices against offenders.

- a) ExOCOCoP recommends that ExOCOCoP partners make determined efforts to bring relevant services into the discussion about the reintegration of offenders. We should work to allay their fears and prejudices, while insisting on their duty to ex-offenders as well.
- b) ExOCOCoP recommends that all collaborative/co-operative work should be governed by protocols, agreements and/or memos of understanding between the parties, and overseen by one lead individual or organization. Ideally this process would be stated in legislation or strong regulations.

The need for a strong evidence base on which to base policy and practice

- c) Campaigning for better reintegration policy and practice depends on strong arguments and clear evidence. Especially in a time when both public and private sectors are suffering from financial constraints, we need to be able to demonstrate that particular interventions are effective.
- d) ExOCOCoP recommends that a comprehensive audit of existing legislation, regulations, and good practice is carried out, across the EU. This must include the results of evaluations of these interventions, to identify which are effective in improving reintegration and reducing re-offending.