

# PROBATION IN EUROPE

Bulletin of the Conférence Permanente Européenne de la Probation

## Guilty of Coming from Elsewhere!

*A CEP Workshop on Immigration and the Penal System  
Barcelona 22 to 24 November 2001*



*'Mon délit? Mon origine' (My crime? My origin) this is the title of a impassioned book<sup>1</sup>, published in Belgium in 2001: it would have been a perfect title to express the theme followed over two and a half days by a CEP workshop devoted to the thorny subject 'Immigration and the Penal System – Providing services to a diverse community'. From all the countries represented at the workshop the report was the same: a 'foreigner' is not treated in the same fashion as a native of the country. Over represented in prison, under represented in alternative measures and sanctions, the 'foreigner' is subject to a different regime.*

Pierre Reynaert

Regional Director of the Service  
des Maisons de Justice  
Belgium

»» It all started very well. Traveling by plane from Brussels to Barcelona was more than just agreeable. I was not subject to any form of security check as I boarded. A further surprise: there was no check on my identity when I arrived in the Catalan city. The frontiers no longer exist! I had just left my home in a small town in Belgium and arrived at the place for our meeting right in the centre of Barcelona without, on a single occasion, being required to produce an identity document, and that having taken an aeroplane. And just two months after the eleventh September. Do I look such a decent sort? A nice

smile perhaps? Or is it my fair complexion?... On arriving I was ready to turn around: the workshop could be cancelled. It had no purpose and was devoted to a false problem.

This euphoria was swept away by meeting with the other participants: all those who had crossed frontiers had been subject to checks and those who came by air more than once. I was wrong: the frontiers remain. My consolation: I have a nice smile.

The workshop began and any remaining illusions disappeared for good. The hypothesis »»

### In this issue »»

Guilty of coming from elsewhere! - A CEP Workshop on Immigration and the Penal system <1>  
Alternatives to prison or alternatives to alternatives? <3> The Council of Europe <4> CEP takes stock of  
Community Service - A CEP Workshop <5> Community Punishment Orders and Rehabilitation <6>  
European Football Probation Tournament <7> The Challenge of Probation in Curaçao <8> Develop-  
ments in Community Sanctions in Ukraine <10> CEP monitors EM <11> CEP is twenty years old <12>

that all citizens are treated equally by the penal system could not be sustained. All the countries represented gave the same account, only the concrete forms of different treatment varied. A young democracy like Spain is no exception to the rule. In this respect I was particularly moved by the attitude of the Catalan participants, committed, determined and militant, their passion to expose injustice and to fight for rights, no doubt a reflection of the history of oppression in their country and evidence of a keen attachment to democracy. But the reports were the same: in no way is it good to be a foreigner. The mechanisms of discrimination are many and they are rooted in the way immigrant populations are perceived: the presupposition, found so often, that young people from immigrant communities represent a group at particular risk and calling for a particular

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'In no way is it good to be a foreigner.'

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response. The presupposition that the 'foreigner' is always more inclined to delinquency than the native of the country. But should one not, according to Fabienne Brion in the book mentioned at the beginning, 'turn around the perspective, turn the analysis up side down: rather than looking for what it is in the culture of immigrants and their children that causes them to be delinquent, we should ask what it is in our

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'Turn around the perspective, turn the analysis up side down.'

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culture that causes us to think like this; rather than studying the cultural conditions which govern the criminal conduct of certain immigrants, we should analyse the

cultural conditions which govern our perceptions and definitions of immigration and crime'<sup>2</sup>

Moreover 'foreigners' are exposed to another form of criminalisation for which they are the unique and specific target and for which there exist other forms of locking up than penal imprisonment: this is a kind of statutory criminality which turns a person without permission to stay into a criminal. By this system the 'foreigner' sees himself attributed the status of criminal not because of his behaviour but because of the behaviour of the State which grants or denies him permission to stay. He is only not a criminal by the goodwill of the State. Looked at in this way, how can one not recall that demonstration of foreigners without papers holding banners reading, 'We are not dangerous. We are in danger.'

At Barcelona presentations and workshops followed each other. The exchanges were rich and the participants interesting. The variety of their origins gave extra weight to the recommendations which were formulated of which, for me, the most important

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'We are not dangerous. We are in danger.'

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without any contest was the following: avoid recourse to the penal. Treat the problems posed by immigration other than by penal measures, find non penal responses. The penal response solves nothing. It adds additional problems to existing human problems. Criminalisation of immigration is itself the central problem. Even when there is delinquency, the penal system is that which responds least well to the problems which need to be solved. The penal approach creates

more harm than it brings solutions. There is no fundamental solution without reducing and then abandoning any recourse to the penal.

After a walk in the Park Güell where the spirit of Antonio Gaudi engulfed and transported me, a comment by John Walters, Secretary General of CEP, struck me as an obvious truth. Speaking of the difficulties experienced by the staff of socio-penal institutions confronted by the cultural diversity of their clientele he said, 'It is impossible to be expert in all cultures. Rather than having experts what is needed are staff who are open to difference'. I think that Gaudi would have been pleased that such a workshop took place in Barcelona. <<

1 *Mon délit ? Mon origine. Criminalité et criminalisation de l'immigration*, Coordination: Fabienne BRION, Andrea REA, Christine SCHAUT et Axel TIXHON, Bruxelles, Editions De Boeck Université, 2001, 316 pages. Collection « POL-HIS » (Politique Et Histoire).

2 F. BRION, « Introduction. Immigration, crime et discrimination. Du doute méthodique au doute radical », in *Mon délit ? Mon origine*, p. 28.

#### REPORT OF THE WORKSHOP

A report of the workshop, in French but with a summary in English, is available from the CEP Secretariat and can be found on the reports page of the CEP website: [www.cep-probation.org](http://www.cep-probation.org)

# Alternatives to prison or alternatives to alternatives?

Vivien Stern

Senior Research Fellow  
International Centre for Prison Studies

*Establishing alternatives to prison that are really used as alternatives is not easy. Few countries have succeeded in achieving it. As the countries in East and Central Europe and Central Asia rebuild their alternative measures they too face this problem.*

>> The International Centre for Prison Studies at Kings College London has already produced a study of alternatives to prison in developing countries. It has now been asked by COLPI (the Constitutional Legal and Policy Institute) based in Budapest, to produce a guidance handbook for the region setting out the worldwide lessons on the development of alternatives to prison.

To inform the handbook a seminar was held at Kings College in February which was addressed by Kayrat Mami, Chairman of the Supreme Court of Kazakhstan. Alternatives are being introduced in Kazakhstan and three pilot projects will be set up, on community service, the reform of the criminal inspection system (which supervises offenders) and special alternatives for women. A competition is being set up and advertised through the media, asking members of the public and voluntary organisations to submit ideas on how these pilot projects should be run. Experts on alternative sentencing from Russia, Slovenia, Romania, Latvia, Czech Republic and the Netherlands also attended the seminar and contributed from their experience.

The handbook concludes that reducing high levels of imprisonment requires action at many levels. The criminal justice process

is complex and the work of the police, prosecutors, judges, prison authorities and health and social welfare agencies is interconnected. Action is needed to take some acts out of the scope of the criminal law, reduce the use of pre-trial detention, create a new sentencing framework with shorter imprisonment terms and introduce early and conditional release mechanisms.

Existing alternative punishments need to be reviewed and their credibility enhanced. New alternatives may also need to be

‘New alternatives  
may need to be developed.’

developed. Alternatives to pre-trial detention are particularly important in the region since the pre-trial prisons are grossly overcrowded in many countries.

Experience and research from other parts of the world suggests that certain ways of establishing non-prison sanctions intended to be used as alternatives to prison are likely to be more successful than others. Since it is the judiciary that decides on the sentence it is important that judges have confidence in any alternative measures. They should therefore be involved in the creation and design of alternative

sentences. Also alternatives have to be very clearly defined and targeted to ensure that they are used as alternatives to prison and not as alternatives to less serious measures such as warnings. Involvement of the public and efforts to engage public opinion are essential if the measures are to be effective. Some form of community work for the benefit of society is the alternative that is most popular with the public and with the judiciary. Some infrastructure to supervise and manage the alternatives consistently and without corruption is essential but experience suggests that is best found in existing structures. Creating a new cadre of officials is likely to be costly.

Finally, human rights must not be forgotten. All sanctions involving deprivation of liberty must be carried out in the framework of the international human rights instruments. <<

report from

# THE COUNCIL OF EUROPE

## Committee of Experts on new ways of dealing with juvenile delinquency and the role of juvenile justice (PC-JU)

Jürgen Mutz

CEP-expert, Germany

*The European Committee on Crime Problems of the Council of Europe has responded to the serious concerns about the growth of juvenile delinquency in a number of countries in Europe by establishing a committee of experts to analyse the causes and to find solutions.*

The starting point of the deliberations of the committee was that the overall level of juvenile delinquency has remained relatively stable, but that there have been changes in the nature of delinquency. The changes include the emergence of delinquency resulting from exclusion, which is often reflected in antisocial and unruly behaviour, a trend towards a reduction in the age of the young people involved, and the emergence of violent and gratuitous forms of crime that are sometimes connected with gang membership.

Members of the committee are:

- one expert appointed by the government of each of the following states: Bulgaria, Croatia, Cyprus, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Norway, Portugal, Russian Federation, Slovakia, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, United Kingdom;
- two scientific experts: Mr John Graham, London, and Mr Peter van der Laan, Leiden/Netherlands;
- a representative of the Criminological Scientific Council (PC-CSC) Mrs Alenka Selih, Ljubljana/Slovenia;
- one observer of each of the following: Canada, International Association of Juvenile and Family Court Magistrates (IAJFCM), the CEP, represented by Jürgen Mutz, former President and Secretary General of the CEP, and UNICEF.

The committee of experts has been given the task to prepare a report and set out recommendations by the end of the year 2002. Specifically the following issues are to be examined:

- current trends in juvenile delinquency and the response of the juvenile justice system;
- the functioning and possible malfunctioning of the juvenile justice system, along with possibilities for making it more effective;
- the safeguards that young offenders should enjoy throughout proceedings;

- methods of intervention, both in open and in closed environments, in response to juvenile delinquency, and the problem of persistent offenders;
- the functioning and possible malfunctioning of the existing institutions for dealing with young offenders in closed environments (prisons, custodial centres, new types of residential establishments, for instance); particular attention should be paid to the conditions in which young offenders are detained and the implementation of appropriate socio-educational programmes in closed institutions.

The committee met for the first time in September 2000 and further three day meetings took place in December 2000, May 2001, December 2001 and May 2002. The sixth meeting is scheduled for October 2002.

In the first instance the committee set itself the task to gain an overview of juvenile delinquency and the youth justice system in the countries of Europe. This made it clear that there are significant differences in the systems both in the legal framework and in practice. Quantitative comparisons are therefore difficult. A united European approach does not exist. However, there are signs that trends in the development of juvenile delinquency cross boundaries and it is imperative to find the right response to these trends. New ideas and strategies are required.

The deliberations of the committee are now entering a decision making phase. The aim is that the committee will complete its work with recommendations which will take in to consideration the specific needs of young people in their development years, deal appropriately with the expectations of victims and pay attention to the safety of the community.

# CEP takes stock of Community Service

*In November 2001, the Maltese Probation Services was the proud host of an international CEP workshop. The focus of this two-day workshop was the community service order, an alternative to imprisonment Malta is in the process of integrating within its criminal justice system.*

Mariella Camilleri

Senior Probation Officer, Malta

>> The idea to hold a CEP workshop in Malta was born in the quaint city of Mdina, Malta, in March 2001 during a dinner to mark the General Assembly of CEP. From the very beginning, the intention was to discuss the community service order so as to help Malta establish this community-based sanction. At that point, the need to introduce such a sentencing option had already been recognised and, on the whole, the idea was being supported by the key players within the criminal justice system in Malta. The local probation service had already appointed its own task force to tackle the issue and literature reviews had proved to be the most important tool so far in the drafting of guidelines and for setting up the basic structure for the implementation of community service orders. The idea of holding a workshop in Malta seemed to provide what was

still lacking, the expertise of professionals from various countries who have already learnt through years of experience what works and what doesn't with regard to this community-based sanction.

The response from the various countries within CEP was positive and on 16 November 2001, the director of the Maltese Probation

'The response from CEP was positive.'

Services, together with the Vice President and the Secretary General of the CEP, introduced the workshop to participants from nine countries. Each country presented its own situation, which generally included trends in their practice of the community service order as well as the stumbling blocks encountered over the years. Such expositions proved to be an invaluable source of information which was not of the text-book type but practically oriented. The workshops that followed were managed in a way to benefit mainly the Maltese participants... and the Maltese participants definitely made the most of it!

This workshop has left its mark in the calendar of events of the

Maltese probation service. Malta's small probation team participated enthusiastically throughout the workshop. Such an initiative

'This workshop has left its mark.'

proved to be invaluable for a small country like Malta, which is not usually the obvious choice for such gatherings to take place. The whole venture served to nurture the local service in a climate that is ripe for new ideas, while offering a good opportunity for positive media exposure. In fact, locally, extensive media coverage was given throughout the workshop. This helped to create more awareness among the general public regarding this community-based sanction, keeping in mind that such education is high-listed in the Maltese probation services' agenda.

Since November's workshop, there have been very positive results regarding placement providers ('employers') who will be eventually receiving offenders. Moreover, certain ideas, such as the recent development in England and Wales to dedicate a certain number of hours within the community service order to >>



provide training for offenders, went down well locally and are thus being explored. In the

‘Certain ideas went down well locally.’

meantime, Parliament is currently discussing the Probation Act, which includes the legislative framework for the community

service order. The conclusion of this final stage of discussions will hopefully mean the introduction of the community service order in Malta.

One aspect of this workshop which cannot be overlooked is the eagerness showed by all participating countries to help each other. As long as this humane aspect remains evident among

practitioners, managers and organisations such as the CEP, there will be a healthy future for probation work. <<

#### REPORT OF THE WORKSHOP

A report of the workshop, in English but with a summary in French, is available from the CEP Secretariat and can be found on the reports page of the CEP website: [www.cep-probation.org](http://www.cep-probation.org)

## Community Punishment<sup>1</sup> Orders and Rehabilitation

Chris Johnson

Head of Community Reintegration,  
National Probation Directorate

*When community service was established in England and Wales in 1974, rehabilitation was widely accepted as one of its key purposes, alongside reparation and punishment. The correctional pessimism of the 80s and early 90s however left its mark on practice, which came to neglect this aim in favour of an emphasis on punishment, and the use of the community service order as an alternative to custody.*

>> The renewed optimism of the “What Works” movement has led the National Probation Service to take a fresh look at how community service might be delivered so as to have the most impact in reducing rates of reconviction. The triggers for this were promising findings from research in Scotland about the positive impact of work placements with particular characteristics<sup>2</sup>, and evidence from our own work that offenders completing community service orders were reconvicted slightly less often than would be predicted on the basis of their age and

‘Correctional pessimism left its mark on practice.’

previous offending history. So in 1999 we set up ten evaluated projects to test some hypotheses.

What were they? Following two of the major themes of “What Works” research we looked at how we might use community service to influence criminal attitudes, and to develop offenders’ skills. There are two vehicles for achieving such changes: the work offenders do; and the influence of those who work with them, in particular the supervisors (in England and Wales the probation service employs staff to supervise offenders on community punishment orders).

Attitudes we sought to change in two ways. First, we aimed to give offenders work tasks with particular

features: they were clearly of benefit to the community; offenders had contact with beneficiaries who could express how much they valued the work which had been done; and they provided opportunities for offenders themselves to develop new skills

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'Use community service to influence criminal attitudes, and to develop offenders' skills.'

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(these were in line with the Scottish research already referred to). Second, we trained supervisors to try to ensure that not only were they good models themselves of pro social (as opposed to anti social) behaviour, but they rewarded and reinforced such attitudes and behaviour by offenders.

We aimed to develop both cognitive and practical skills. We trained supervisors to model and teach good problem solving approaches in the way they dealt with issues arising in the work placement – either in tackling the task in hand, or addressing group or individual behaviour. For those offenders who were learning new practical skills as they worked, we provided an assessment of their performance against standards for recognised qualifications – at a basic level it is true, but enough we hoped to improve their chances of finding employment.

It would be misleading to imply, as the above paragraphs do, that we had this framework as clearly in our minds as we set up the projects: rather it has emerged as we have tried to bring the diverse

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'Testing within a clearer theoretical framework.'

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approaches the projects were testing within a clearer theoretical framework; and from our dialogue with the Joint Prison Probation Accreditation Panel<sup>3</sup>,

whose views we have sought on whether our approach was well founded, and likely to achieve its target of reducing reconviction.

What progress have we made? The original projects have now completed, and we await later this spring the final evaluation report<sup>4</sup> on over 2,000 offenders who started community punishment orders as part of the projects. This will give us data on intermediate outcomes – psychometric test scores, changes in offenders' social circumstances, and their views about their experience. We plan a reconviction study, expected to report in 2004. We have also submitted a model scheme to the Joint Prison Probation Accreditation Panel, and, subject to the outcome of the evaluation and some further development required, hope to have it accredited in the autumn. If successful, we will then implement the model scheme throughout the National Probation Service in England and Wales.

In developing this aspect of community service we are not trying to diminish at all its punitive and reparative purposes, both of which the courts rightly value. It is nevertheless an interesting quirk that we should be rediscovering its rehabilitative potential at just the point when legislation changed the name to community punishment order. <<

1 As from April 2001 in England and Wales community service orders have been re-titled community punishment orders.

2 See McIvor, G: *Sentenced to Serve*; Avebury, 1992.

3 The Joint Prison Probation Accreditation Panel was established in 1999. Its membership comprises international experts and senior staff from Prison and Probation Services in England and Wales; its purpose is to accredit interventions (programmes, or other structured work) which, on the basis of current research evidence, are likely to reduce reoffending.

4 By researchers from a consortium of universities. The report will be published on the Home Office website (Research Development and Statistics Department) later this year.

## EUROPEAN FOOTBALL PROBATION TOURNAMENT

The European Football Probation Tournament was held this spring in Zurich. 24 teams from Germany, Switzerland, Austria, England and Scotland participated. The winner was the team from Sachsen-Anhalt. The next tournament will take

place from April 24 to April 26 2003 in Dresden.  
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## The challenge of Probation in Curaçao

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'You cannot prevent the birds of sorrow from flying over your head.  
But you can prevent them from building nests in your hair.'

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»» This Chinese saying has a prominent place on the wall of Mrs. Irene Rojer's office in Willemstad, the capital of Curaçao. She is the general manager of the Probation Service of Curaçao. Recently, this foundation celebrated its 55th birthday: a good time to put them in the spotlight. Moreover, all probation organisations within the Kingdom of the Netherlands are working towards much closer co-operation, especially concerning young clients who often travel backwards and forwards between Curaçao and the Netherlands. In May 2002, a letter of intent will be signed at both board and managerial level, in which the agreements with respect to co-operation are described in concrete terms.

*Mrs. Rojer, what does the Curaçao probation service focus on at the moment?*

Apart from ongoing affairs, I want to have a better system for the registration of clients installed in the coming year. The one we use now does not provide enough material. I want to be able to produce statistics which can be used in defining our policy and which can clarify our results. I am pleased that this is soon going to be realised.

What the focus at the moment? Just open any newspaper! It is the rising percentage of clients who get caught and convicted on the basis of the narcotics laws – 69% last year. We are not alone in this; the Netherlands is confronted with the same problem at the airports. Of this group, 60% are juveniles. Society offers far too little hope to this group. We are nearing the limits of our capacity, due to the large number of so-called 'bolita-swallowers': those who swallow several small packages of cocaine wrapped in plastic in order to smuggle them in or out of the country inside their body. They saturate the whole judicial system. And at the end of the day, we also have to deal with the other clients.

*Do you see any possibilities to turn the tide?*

I believe we must take a thorough look at legalising drugs. The illegality of drugs corrupts the system, in which there is supply and demand, and where Curaçao functions as a springboard. So much money, which could be used for much better social purposes, is pumped into the repressive war on drugs. Of course, it is a matter of global interest. I often have discussions on this subject, and people tell me regularly that we have 'lost the war on drugs'. 'But how do we go on then?' is my counter-question. Take the drugs away from the criminals, so the profit falls away. Continually, new groups of people are found to transport drugs, and new methods are being invented: in shoes, in food, in shampoo-bottles, even in a crucifix! In recent years drugs are more and more often carried inside the human body. However, making drugs harder to get will lead to other problems.

*Can the probation service on Curaçao implement plans over several years and monitor its priorities?*

We are continually forced to respond to events as they happen. Those who are being arrested are often first offenders. You have to give them attention. We have stopped visiting and offering assistance while under arrest (which we call 'early help') to known recidivists and clients with severe addiction problems, so we do make a selection. Our priority-groups are juveniles and women who have responsibility for a family.

Apart from 'early help' (over 800 offenders were visited in 2001), we organise and implement community service, we investigate the home-situation in cases of pending conditional release, we monitor whether these conditions are being fulfilled and we are involved in the process of re-socialisation. Drawing up social reports is, of course, another one of our main tasks.



## CURAÇAO

Curaçao is part of the Dutch Antilles, a group of islands in the eastern part of the Caribbean. The island is situated only 60 kilometres from the South-American mainland, is 444 square kilometres large and has around 150.000 inhabitants. Almost the same number of people of the same origin live in the Netherlands. The islands came under Dutch authority in 1816; since 1954 there has been complete freedom of government and in a referendum in 1993, the majority of the people chose to maintain the existing political relationship with the Netherlands. As far as there is any ambivalence in the attitude in Curaçao towards the Netherlands, this is mainly caused by the colonial past. The Curaçao Probation Service Foundation employs eight executive workers, two administrative workers, a manager and an assistant-manager.

### *What do these developments mean for the executive workers?*

Workers often feel powerless, there is a group of clients who are into transporting drugs for only one reason: the money. It is a lucrative job. You see, there are many situations of grinding poverty. Unemployment among young people is high, and a large part of the population lives below the minimal limits for existence. Many people here are faced on a daily basis with questions like: 'How am I going to get something to eat today?' 'How am I going to get money for a new gas container to cook on, for electricity, for public transport' etc. Moreover, the cost of living is very high, since everything has to be imported.

As a result, probation workers often get in touch with people who do not see any hope for themselves anymore and are being tempted by the 'easy money'. The demand for material help is great and facilities are extremely few. The socio-economic situation has deteriorated and the help that the Netherlands had promised does not come through because Curaçao does not meet all of the conditions set by the International Monetary Fund. Organisations depending on subsidies continually have to make do with less money, while the problems are increasing. Creativity is the operative word here, but I often wonder: when will we have stretched it all too far?

### *Recently, a three-day conference on addiction took place on Curaçao. What was it that struck you the most there?*

I was very impressed by a presentation by the headmaster of a primary school in a neighbourhood with a high concentration of socio-economically deprived families. When he started there some 15 years ago, there was a 15% absence and/or dropout rate. Children stayed away from school because of

complete and utter poverty at home. He set up a social safety net; he got help from a service-club using mothers from the neighbourhood in arranging for breakfast and warm meals at school for the children who needed it. Parents wanting to talk about their problems were also welcome to come to the school.

The absence rate went down to 5%. But... in secondary school there is no such safety net, the children stay away for the same reasons as before and the army of aimless young people grows. The drug bosses are eager to profit from this situation. They recruit juveniles and offer them money for transporting drugs like the bolitas mentioned earlier, for manufacturing the bolitas, for eavesdropping and all sorts of other services.

Certain agreements were made during the conference: on research, on prevention at schools and on a treatment-programme for cocaine-users. This treatment-programme consists of three phases including both individual and group-therapy, and it is a co-production of the Curaçao and Dutch organisations for the care of the addicted. So there are some bright spots.

There also was a presentation by three speakers on specific elements of the legalisation of drugs. A plea was made for experiments in that direction in order to determine its effects, for example on decriminalisation. I am strongly in favour of that, but I think there should also be a serious discussion on this subject at the level of the United Nations. Politicians, however, are not inclined to analyse the problem in these terms; they are even afraid to discuss it at all! <<

# Developments in Community Sanctions in Ukraine

Rob Canton

United Kingdom

*Ukraine has a prison population (430 prisoners per 100,000 population) which is high even by the standards of Eastern Europe. The Human Rights Law Centre, University of Nottingham, and the London Probation Area, funded by the British Department for International Development, have been working in Ukraine to assist in the development of the criminal justice system.*

>> A Concept Paper<sup>1</sup> was written, setting out a perception of the challenges that Ukraine must confront and some principles that should guide how this should be done. Training was offered by the project team to staff in Odessa and Kharkiv, where demonstration projects were established and have now been running for two years.

In one project, Penitentiary Department Inspectors in the Odessa Region, who supervise offenders on the nearest equivalent Ukraine has to a probation order, have been given training with the aim of enhancing their assessment skills and their methods of working with offenders while increasing recognition of the offenders' rights. It is hoped that a successful project will encourage courts to impose community supervision orders in more (and more serious) cases. The inspectors themselves feel they are working more effectively and local judges have welcomed the project.

In November 2000, our project team participated in a seminar in Kyiv, attended by politicians, civil servants, academics and senior

members of the judiciary, organised by the Council of Europe. A proposal was made for the introduction of a community service scheme. We were aware that a new criminal code was under consideration and it is possible that the debates at this seminar had some influence on its content. The new Code, implemented in September 2001, makes some important changes.

Three innovations are particularly to be welcomed:

- The Code generally increases the judiciary's discretion. Should courts wish to impose non-custodial measures, then this will be possible in most cases.
- Articles 75 and 76 effectively consolidate and clarify the court's power to put an offender on probation.
- Community service is introduced under Article 56.

Community service is new to Ukraine. We are very conscious of the need to support the implementation, while allowing it to develop in a manner that the Ukrainians themselves must

determine. A community service scheme, perhaps more than any other community penalty, must be sensitive to the culture in which it is introduced. For example, the idea of undertaking unpaid work as a punishment for the benefit of the community has a different significance in a country like Ukraine – with such high unemployment, low wages and limited financial provision for people out of work – than in the countries of Western Europe.

The Criminal Code makes the local authority responsible for finding appropriate work. Our project has commended the convening of local steering groups, involving the local judge, the procurator, a representative of the Penitentiary Department and a representative of the local government authority. We have also suggested the involvement of representatives from local NGOs, charitable organisations, churches, community groups and, where possible, victim organisations. We attended the first such meeting in the town of Yuzhny in the Odessa region and were impressed by the enthusiasm and determination that the scheme should thrive.

In February 2002, we were told by the Head of the Penitentiary Department that 149 community service orders had been made across Ukraine. The early stages of this innovation are crucial: for good or ill, practice may settle quickly in a particular form that could become hard to change. We have written a paper, welcomed by our partners in Ukraine, which poses a series of questions that need to be addressed whenever a Community Service scheme is introduced. The answers must be for the Ukrainians themselves. <<

*1 The Development of Alternative Sentences to Imprisonment: A Concept Paper, by Robert Canton, available at <http://www.nottingham.ac.uk/law/dfid.ukraine.html>. See also "The Development of Alternative Sentences to Imprisonment in Ukraine", by Rob Canton in *Criminal Justice Matters*, No. 44, Summer 2001 pp. 30-31.*

#### PROJECT TEAM

The Project Team is: Robin Parker and Kathy Ferguson of the London Probation Area and Rob Canton, now of De Montfort University, Leicester. A copy of the paper *Introducing Community Service in Ukraine*, which may be of interest to others supporting the implementation of CS in other countries, is available in English, Russian or Ukrainian from the author at [r.canton@ntlworld.com](mailto:r.canton@ntlworld.com)

## CEP monitors EM

*Following on from the last workshop on electronic monitoring in Europe, CEP has organised a small Interim Group to keep the issue under active review.*

>> The group has three aims – to update information on current schemes and developments, to share research and operational issues, and to prepare for a further workshop on EM and Community penalties which will take place in the Netherlands in May 2003. The group comprises James Toon (UK), Ralf Bas (Belgium), Ruud Boelens (Netherlands), Kjell Carlson (Sweden) and Dominik Lehner (Switzerland) with John Walters for CEP and Dick Whitfield as secretary. It thus covers the major schemes operating and will seek close links with the developing pilot projects elsewhere.

Bulletins after the group meets are posted on the CEP website [www.cep-probation.org](http://www.cep-probation.org) as an update to the Electronic

Monitoring in Europe workshop report from May 2001. The current picture is not consistent throughout Europe: EM is expanding in England and Wales, not least because of a crisis in terms of rapidly expanding prison numbers, but elsewhere – as in Holland and Sweden – schemes seem to be static or falling slightly. One major development has been its introduction, together with voice verification technology, in intensive supervision programmes for juveniles in England and Wales and this scheme will be watched with interest.

It is clear that a good deal remains to be learned about targeting, developing programmes which meet longer term aims, and

integrating EM into community supervision for best effect. Sharing the experience which group members bring, and keeping in touch with other schemes, is the best way of achieving that learning. <<

#### ENQUIRIES

Further enquiries about the group may be addressed to Dick Whitfield through Martine Veldkamp [cep@srn.minjus.nl](mailto:cep@srn.minjus.nl).

# CEP is twenty years old

*Our formal existence as an organisation dates from 24 June 1982. All anniversaries prompt reflections on the changes that have taken place over the years and this edition of the Bulletin marks many of them.*

»» The business of probation is an altogether more scientific undertaking than it was twenty years ago, with more emphasis on research into effectiveness. Community service has moved from its pioneer phase to become one of the most successful of all community sanctions. The political changes that have taken place in Europe mean that there is a keen appetite for alternatives in Central and Eastern Europe. Electronic monitoring has arrived though it is still not clear where it is going Europe wide.

You can check out what the CEP is doing through our website [www.cep-probation.org](http://www.cep-probation.org) where you will also find full details of our latest publication, Probation and Probation Services, a European Perspective.

It is now seven years since the first issue of the Bulletin appeared and it is time for a new look and a new approach. The aim of our new design is to make the Bulletin more accessible and to include a larger number of short news articles. We have chosen a title which was used by the first ground breaking CEP publication on the way probation works in Europe. Please let us know what you think of our new approach. E mail us at [cep@srn.minjus.nl](mailto:cep@srn.minjus.nl) with your views. <<

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