

Dear Director General the Dutch Ministry of Justice, Dear General Director, Dear distinguished guests and colleagues, dear sponsors

It is a pleasure, as Secretary General of the CEP, the European Organisation for Probation to welcome you all to this conference on Electronic Monitoring. This is already the 6<sup>th</sup> conference of its kind, all staged in Egmond aan Zee. The location has proven to be a good one: It is spacious, has a wonderful setting here on the beach, is enough far away from Amsterdam for the participants not to be tempted to sneak out from the conference and provides, and that is the most important, a good ambience to focus on the important topic of Electronic Monitoring.

It adds to the pleasure of CEP that the audience has never been larger than this time, a clear sign that the topic of EM receives a lot and increasing attention within the European penal systems. You have undoubtedly seen the survey which is part of the conference pack from which the fast development of EM in Europe can be inferred. Last year we had assembled 140 delegates, now we had to stop registering participants when we had reached the number of 205. And we know that at least 240 people wanted to register this time. This high score reflects the fact that in a lot of European countries more and more eagerness is to be observed to make use of the possibilities of Electronic Monitoring. CEP has always valued the fact that its members could become acquainted with the fast developing technical possibilities but also about the experiences in making use of EM. And this is not going to be different this time. Nevertheless, it looks like that this conference is even more exciting than former ones thanks to the backdrop of some major developments in Probation in Europe. I will mention the main ones for you.

The first development is that probation is growing in Europe. More and more countries are developing probation organisations or expanding them and or professionalising them. A clear indication is the number of members of CEP. The background of this development is that the European countries have become aware of the disadvantages of custodial sanctions and the beneficial effects of alternative sanctions and probation measures.

The second development is that the European Institutions have clearly discovered probation or are demonstrating a renewed recognition of its value. I will speak first on the Council of Europe.

The Council of Europe has since years and years focussed on prison and probation, by adopting recommendations and regulations. Recently in 2007 the Prison Rules were adopted. It can now already be recorded that these Rules have a major impact. Of course they are so called Soft Rules, but they have a morally binding impact on the member states. The new democracies clearly let them be guided by these Rules to model their emerging systems but also the mature democracies acknowledge that practice has to be developed according to the principles of the Prison Rules. The European Court of Justice uses these Rules as yard sticks to judge complaints by European detainees. The Council of Europe has decided to develop a counterpart to the Prison Rules, namely the Probation Rules. They should be ready and adopted in 2010. These Rules are going to have a harmonizing effect on the probation systems

in Europe. On the topic of EM I expect that the Council will also formulate a section on the use of EM in probation practice and the conditions on which it should be used. I have this information as CEP participates at the essential meetings, for CEP possesses the observer status at the Council of Europe.

The European Union has recently adopted an important Framework Decision on the transfer of alternative Sanctions and Probation Measures. This will mean that a European Offender sentenced in another state than where he lives or originates from can be sent back by the sentencing state to his country of origin to have the alternative punishment or probation measure executed there. This FD will be implemented in the year 2011 in all European States. As Electronic Monitoring is sometimes a sanction in its own right or a modality which is used in the implementation of alternative sanction, or an extra tool within probation supervision, we can expect that in the coming years more formal and informal agreements will also be made between the European States in the use of EM. This will again contribute to a greater harmonisation of alternative penalties and the use of EM within Probation Supervision. The third new development is that the CEP members have expressed at the end of 2008 several priorities on which one is on EM. The priorities are: the good implementation of the mentioned FD, more policy development on the Resettlement of Offenders, more data collection and research into the effectiveness of probation, more possibilities for Accreditation of programmes and interventions on a European scale. The CEP members have expressed the wish to develop a European Regulatory Framework for the providers of EM equipment as most of the private companies providing these services operate in many jurisdictions. There are no regulations governing their practice either financially or professionally. The CEP could through its members review the current practice and convene a series of meetings with the electronic monitoring providers with a view to developing some financial/professional guidelines to enable a healthy relationship between public and private sector provision to be fostered. This initiative would reflect the commitment of the EU to the development of a single market covering not just economic developments but social issues. It would enable trans-national contracts to be developed which would be especially valuable for countries such as Belgium, Luxemburg, France and the Netherlands which share both common boundaries and offenders. I am interested to hear the views on this topic of George Drake, one of our speakers in the workshop tomorrow about Offender Tracking in the United States, who has experience with USA-wide standards on technology and I hope also on the professional standards.

A fourth and last remark about European trends and the use of EM.

It looks like that a common understanding in criminology seems to be developed how offenders desist from crime and how they could be supported doing this. This understanding includes all the benefits of the cognitive behavioral approach, which has at its focus changes in the individual characteristics or competences. The desistance focuses more on the positive experiences that an offender might benefit from in his dealings with his family, and the wider social environment such as jobs. It also stresses the importance of building not only human capital (skills) but also social capital (networks) as a necessary condition to move forward in life. In this criminological approach it has also been proved that that the upward way towards a non-criminal life and the growth of an identity of an ex-criminal is never a straight upward line, but always a development in which setbacks and relapses or reversion occurs. During

these setbacks crimes may again be committed or conditions attached to parole and probation may be violated. One of the advantages of EM as an extra tool within supervision is that violating the conditions of probation measures can be easily detected: EM is a digital tool. Digital instruments can in turn lead to digital behavior in judging or interpreting the offender's behavior, in which nuances about the upward line towards a crime free life tend to be forgotten. If this phenomenon is going to be dominant in probation practice, than in my opinion EM can rather be a disadvantage than a boon in our attempts to bring about greater safety in society in the long run. I do hope that during this congress also this aspect of EM will be paid attention to.

You might have seen on the programme that we in Europe are not inward looking. It is tradition that we have information on Electronic Monitoring from the USA. But this time we also have information on South Africa in which Electronic Monitoring is being developed in totally different circumstances than in Europe. I predict that this will give rise to discussion. However, CEP will not shy away from debate while upholding the standards of the Council of Europe, also on the prevention of torture and degrading circumstances within the Justice system.

Je voudrais adresser quelques mots aux francophones présents. Le public francophone est grandissant dans nos conférences sur le bracelet électronique. Bien sur le ministère de la justice en France pense que le bracelet électronique a un grand rôle pour diminuer la surpopulation carcérale. Et nous avons lu hier dans la presse que maintenant aussi les gardiens protestent vivement contre les conditions dans les prisons en France. J'espère que cette ambition de résoudre la surpopulation ne bloquera pas les possibilités de la probation de soutenir les délinquants dans leur volonté et lutte pour sortir de leurs problèmes individuels et avec la société. Car la probation peut seulement être efficace si le contrôle et l'accompagnement ou l'assistance seront appliqués parallèlement et dans un rapport équilibre.

This is the only CEP conference that is sponsored. We are grateful for the sponsors, but it is no secret that sponsoring is a sensitive topic within the membership of CEP. And opposing views exist about it. At the next general Assembly in May 2010 a paper on sponsoring policy guidelines will be proposed by the present board. It is very helpful if you as participants will in the evaluation form give us your comments, not only on the event and the content as such but also on the question if the preparatory group in working with the sponsors have struck a good balance between on the one hand the interest of the industry and on the other hand your wish to be informed about the recent technological developments and its possibilities in application and your wish to have a good value for money conference. By the way, everybody who completes the evaluation form and hands it in before leaving this venue will receive a nice CEP present which will become a collector's item in due course.

I would like to wish you a pleasant and stimulating conference.