

Report

**CEP Workshop
Rome, 15 – 17 April 1999**

Implementation of European Rules on Community Sanctions and Measures

In October 1992 the Committee of Ministers of the Council of Europe adopted Recommendation No. (92) 16 of the European Rules on Community Sanctions and Measures which sets out international norms for the creation, imposition and implementation of these sanctions and measures.

In view of the developments which have occurred in member States in the use of community sanctions and measures, the Committee of Experts on the Implementation of the European Rules on Community Sanctions and Measures (PC-ER) have instituted a review of the operation of Recommendation No. R (92) 16 (PC-ER 16).

The CEP, represented by Breidge Gadd (Chief Probation Officer, Northern Ireland), has observer status on the Committee of Experts. A workshop was held in Rome from 15 – 17 April 1999 to enable the CEP to make a well informed contribution to the review of PC-ER 16 based on a practitioner perspective. The workshop was attended by representatives from members in Belgium, France, Italy, Spain and Switzerland. This workshop, which was conducted in the French language, followed an English language workshop on the same subject held in London in July 1998.

Conclusions

Obtaining the offender's consent to a community sanction or measure

If the offender's consent to the enforcement of a community sanction or measure is required in law, the translation of this into practice requires that consent should not be purely formal or opportunistic.

Consent can only be genuine where there are real choices and where the proposed sanction or measure has a educative or rehabilitative content. It is important to emphasise that:

- there must be an inquiry, before a decision is made at any stage in the criminal justice process, to make sure that the proposed sanction or measure is appropriate for the individual concerned;
- the probation worker must be qualified both to undertake the proposed supervision programme and to work with other partners to create a good quality network of support in the community.

It was the view of all participants in the workshop that what needs to be sought is the involvement of the offender and his/her taking responsibility. The offender must be an active participant and not simply submit to sentence.

Victim reparation programmes: the role of the mediator

The concept of reparation introduces major changes in both the philosophy of sentencing and in social work practice.

The position of the victim leads to the socialisation of this problem.

Mediation is defined as one tool among others to achieve the objective of reparation. The term 'mediation' should be reserved for those cases where the victim and the offender themselves resolve their conflict in the presence of a neutral third party.

The best way of working appears to be as follows:

- the process should take place soon after the offence;
- the respective roles of the mediator and the probation worker should be clarified. It is preferable if these two roles are undertaken by different people. However, there could be circumstances justifying the use of the same worker for reasons connected with the continuity of treatment and the integrity of supervision.

Evaluation of the effectiveness of community measures and sanctions in terms of the rehabilitation of the offender and the protection of the public

The issue of evaluation faces several difficulties:

- the definition of objectives;
- the definition of measures of success;
- the differences between research, evaluation and monitoring of practice.

Whatever the objective of evaluation it is important that the methodology is developed with the participation of all those involved.

Evaluation focussed on re-offending seems often to be ignored in favour of focussing on the achievement of a personal project. A problem of the qualitative method lies in making a distinction between evaluation and quality control.

It is important that the results of evaluation and research are brought to the attention of practitioners who also have a responsibility to keep themselves informed.

It is very important that legislators and political and judicial authorities take into account and pay attention to the consequences of the findings of evaluation.

In this connection it is hoped that the Council of Europe will collect and make available the results of research and evaluations.