

25th Conference of the Directors of Prison and Probation Services

Council of Europe | 9-10 November 2020 | Videoconference

Summary and feedback

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Preliminary note

The 25th Council of Europe Conference of the Directors of Prison and Probation Services was planned to be held in Dublin (Ireland) on 9-10 June 2020.

Due to the COVID-19 pandemic in Europe and worldwide, the Conference was rescheduled to be held instead on 9-10 November 2020 by videoconference (with a live webcast) to deal with the topic: "COVID-19: Challenges, Lessons and Strategies for the Future".

When the programme was drafted a year ago it really was another programme, another conference that was supposed to take place in Dublin. Suddenly, the COVID-19 pandemic struck, and all the parameters of the conference had to be adapted several times: the dates, the venue, the topics, the speakers, etc.

It is really important for the Directors of prison and probation services to continue holding their annual conferences with new means in times of crisis. Indeed, the impact of the current crisis on the increase of inequalities or on the exercise of freedom and fundamental rights is clearly visible.

A solid framework in our field is essential to address the new and unexpected issues it is confronted with.

Opening address

Mr Jan Kleijssen, Director, Information Society - Action against Crime Directorate at the CoE welcomed the attendees and invited Mr Christos Giakoumopoulos to open the Conference. Mr Giakoumopoulos, Director General of the Directorate General Human Rights and Rule of Law at the Council of Europe handed the posthumous Pro Merito medal over to Ambassador Mårten Ehnberg, Permanent Representative of Sweden to the Council of Europe, in honour of Mr Norman Bishop who passed away in July this year at the age of 98. The award pays tribute to Mr Bishop's work and to the values he instilled in the penological field. The invaluable input of Mr Bishop was the driving force behind this two-day conference.

In the following keynote speeches, Mr Dirk Van Zyl Smit referred to the solid framework needed, to the revised European Prison Rules and to their important evolution. Mr Rob Canton highlighted the need for communication with offenders and with professional organisations, as the Probation Rules celebrate their 10th anniversary. The President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Mr Mykola Gnatovskyy, also transmitted an important message to the audience based on the CPT's reports.

Mr Van Zyl Smit underlined how the 2006 EPR have become embedded into European thinking about prisons. This can be seen in the reforms of the national prison systems, in the references made in the CPT reports and in the case law of the European Court of Human Rights. The CPT and the Court have in turn fuelled the revision of the Prison Rules in 2020.

Eight areas were revised. The most controversial of them relate to separation and solitary confinement and their duration. The question of meaningful human contact and its interpretation is key and can be

challenging in such situations. The national authorities will have the task of determining how to provide daily meaningful contact of at least 2 hours a day. It is an area which is evolving.

We are aware that the progress made by the revision of the European Prison Rules is an important step to be in line with this evolution.

Regarding probation, Mr Canton underlined that probation has different meanings in different countries and therefore organisational structures differ vastly. Moreover, the thinking behind probation practice could also be different.

Probation agencies aim to reduce reoffending by establishing positive relationships with offenders in order to supervise (including control where necessary), guide and assist them and to promote their successful social inclusion. Probation thus contributes to community safety and the fair administration of justice. Mr Canton invited the Council of Europe to be active in seeking the views of service users on the efficiency of probation interventions.

Mr Canton also insisted on the need – together with professional organisations such as the Confederation of European Probation (CEP) – to ensure that the Recommendations are implemented by the national authorities. New areas are likely to be explored, for instance through care programmes or the revision of the Recommendations after 10 years of application.

He also highlighted the danger of net widening of the criminal justice system which leads, in addition to prison overcrowding, also to probation overcrowding in some countries. In probation, a monitoring system similar to the CPT does not exist.

Mr Gnatovskyy then followed with a report on the COVID-19 related actions taken by the CPT. In March, the CPT issued a statement of ten principles to face the pandemic and paid several visits to prisons and other institutions where persons are deprived of their liberty and paid due attention to COVID-19 related measures and applicable safeguards.

The CPT President declared that “COVID-19 is a pandemic crisis taking place inside a pre-existing criminal justice crisis. In this context, there is a clear need to put human rights first”.

The ensuing panel discussion related to the keynote speeches gave interesting examples from Slovenia, Lower-Saxony, Portugal and Ireland on how the European Prison and Probation Rules create a solid background in their countries and have had a significant impact on the development of their prison and probation services. The discussion also showed that the revised rules related to solitary confinement and separation, particularly in respect of meaningful human contact, are likely to encourage reforms in the practice of segregation/separation in prison systems over time, but present significant challenges in the short term for those systems currently lacking the sort of investment in facilities and staffing levels that would be required.

Regarding COVID-19, the challenge before the prison systems in Europe is how to find the right balance between restrictions to control the infection and protect public health and the resocialisation of prisoners. On a more positive note, the measures taken appear to have been effective in many countries in limiting transmission and therefore fatalities - European prisons have not seen explosive outbreaks leading to high numbers of prisoner deaths as initially feared. The responses have driven or accelerated innovations in alleviating or mitigating measures for prisoners' living conditions e.g. video calls, in-cell telephones, e-learning.

Several countries took exceptional steps to reduce their prison populations to assist with emergency management measures, while in some the reductions were more modest.

The CPT have expressed concerns about trends in suicide, mental health and violence, but these risks appear to be being managed well in several countries. There is evidence of community cohesion in the prison systems of some countries, at least in the first wave.

Workshops

When opening the second day of the conference, Mr Romain Peray, Europris President, and Mr Willem Van der Brugge, CEP Secretary-General, expressed their commitment to contributing to the dissemination of the work of the CoE. They also shared their work achievements during the current pandemic. Their contribution to the COVID-19 related statements by the PC-CP in April and September were really appreciated.

The day continued with two parallel workshops tackling the impact of the pandemic in both prison and probation fields.

Workshop I: Prison Services

The moderators stressed the important role of international co-operation and support.

Concerning the situation in the Czech Republic, Mr Tomas Olšar pointed out the good management of prisons in the COVID-19 situation, the changes in the legislation, the increased co-operation with stakeholders and the preparation of staff members.

Ms Ioana Morar shared the measures taken in Romanian prisons during the first and second wave of the pandemic. There was and there is a challenge concerning the respect by staff of the sanitary rules to prevent COVID-19 from entering the facilities. Romania was successful with this during the first wave. Sanitary measures have been taken throughout the country and medical units were opened to deal with those infected. She also shared the educational measures taken in prisons, namely radio-TV programmes in the penitentiary units, the organisation of online discussions for inmates providing information, dealing for example with educational, moral and religious purposes.

Visits had to be suspended during the first wave, on the other hand to compensate for this the duration and number of video and telephone communications were increased.

Due to the transparent communication and explications provided to prisoners and their families, the restriction measures were well accepted.

For the future it might be useful to examine the psychological and empirical costs of the strict medical-custodial measures for inmates and their family.

There are now even more challenges during the second wave, because the virus has spread in the facilities.

Regarding Italy, Ms Carla Ciavarella and Ms Anna Ferrari listed the good practices for productive co-operation among institutional stakeholders, going from the first reactions of fear and disorientation to producing masks for the needy in prisons.

Access to Italian prisons was stopped immediately on 8 March 2020. One of the focus points was then on offsetting the end of visits with other measures such as the introduction of video calls and mobile phones. Measures aiming at the reduction of entries into prison and early release resulted in a decrease of the prison population by almost 8000 in June.

The Italian delegates then examined the judgments handed down in Italy on the enforcement of sentences during the pandemic. The goal was to reduce the overcrowding of prisons due to the risk of COVID-19.

Mr Rudy Van De Voorde then summed up the four pillars of the fight against the COVID-19 pandemic in the Belgian prisons and their application: a screening strategy, control of the prison population, hygiene and sanitary measures, control of external (and internal) contacts.

Consolidation of (digital) opportunities, new ways of working (teleworking), balanced prevention and the legal status of inmates were presented as challenges for the post-COVID-19 period.

Workshop II: Probation Services

Ms Marta Ferrer Puig and Ms Laura Negredo addressed the eruption of COVID-19 in both Catalonia and the rest of Spain and structured the talk around the following points:

- Obstacles and responses regarding working procedures;
- Obstacles and responses regarding staff communication and coordination;
- Obstacles and responses regarding working with offenders;
- Challenges and lessons learned for the future.

They ended their presentation with the lessons learnt related to the following: health has become the new priority; new working procedures and communication means should be funded; working methods with offenders should focus on certain elements described below.

For the staff members, investments should be made to enable teleworking and maintain relations remotely.

Probation services should concentrate on the following elements when working with offenders:

- Importance of personalized contact; focus on high risk and vulnerable probationers;
- Consolidation of tele-interventions;
- Promotion of interventions vs. ordinary community work;
- Increased awareness of social entities through social media;
- Improvement of coordination of resources;
- Moving from disorder to a new and flexible order and internal procedures;
- Usefulness of video meetings but these can never replace face-to-face meetings

Ms Jana Špero presented the situation in Croatia. It should be noted that the sanitary crisis took place in the middle of a major organisational (ministerial) change in the prison administration and probation services. In addition, an earthquake hit Zagreb in March 2020, which led to the destruction of the probation headquarters.

Up to now, the Croatian probation services responded to the pandemic in four phases:

1. Lockdown: teams were divided into shifts working every 14 days to prevent infection among staff;
2. Progressive re-opening of services: new measures and restrictions;
3. Back to normal;
4. New normal.

The coming winter, the next phase, will be a challenge since knowledge has been gained but uncertainty remains.

In Croatia, the key lessons learnt from the crisis regarding the probation services is that they should be prepared, be flexible and be modernised.

Ms Audrey Farrugia gave a short presentation on the challenges for both prison and probation services in France, showing a strong linkage between these services. With existing multiple problems related to prison overpopulation, COVID-19 brought new challenges in situations where the focus from “regular” tasks and activities is shifted to the prevention of the spread of the virus, but with the constant imperative of ensuring that the rights of offenders are respected and that their needs are met. This new organisation of work also demanded the immediate adaptation of probation services, including those that are carried out in prisons, but the other effect of COVID-19 on probation services was much wider: the COVID-19 crisis raised awareness on different levels about the necessity of responding to prison overcrowding, resulting in dialogues among stakeholders on how to explore and apply more alternatives to imprisonment, which places new, wider responsibilities and challenges on the probation service.

The last speaker of the workshop on probation, Mr Johan Bac from the Netherlands offered a rather positive view of the challenges posed by the COVID-19 crisis, as an opportunity for further growth of the probation services. This is an opportunity to show flexibility, to explore further possibilities of remote working that may be useful for future work regardless of the pandemic, but at the same time he reminded us that we must be careful not to forget the importance of direct human contact and support not only to offenders but also to probation staff. Therefore, he emphasized the importance of looking for a balance between what can and what can't be done remotely and to what extent these new ways of working can be used in the scope of the tasks of a successful and humane probation service.

Closing addresses

The big changes that are creating a curve of change in our society, including our prisons and probation services, have already been taking place for several months. These changes will be a long-term process and the direction followed should respect human dignity, democracy and the rule of law.

The building of a new normal needs to be based on crisis management and new ways of working need to be explored while protecting the quality of the work.

Mr Jan Kleijssen, Director, Information Society-Action against Crime Directorate, Council of Europe and Mr Rómulo Mateus, Director General of reintegration and prison services in Portugal made their farewell addresses with a hope to be able to meet in Portugal in September 2021 in person.

Special thanks go to the participants for their attendance (about 300 persons followed the event remotely) and for sharing their expertise during the workshops, as well as to all speakers, the PC-CP members and the Council of Europe Secretariat for their active contribution to the success of the Conference.