

Conference conclusions

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The moment has now arrived, after these productive and lively days, to proceed to the conclusions of our event.

Considering the complexity and variety of the subjects discussed, we have not followed the practice of previous meetings of submitting resolutions for your approval.

Suffice it to present you with a readjusted synopsis of the salient points raised over these two days.

It will begin with a determination which was reiterated at many points in the proceedings, continue with proposed solutions to the problem which has served as a leitmotiv, and end with some principles which should keep on guiding the execution of sentences during the years ahead.

To begin with the first determination made:

Most Council of Europe countries are confronted at present with two phenomena which, albeit still to differing degrees, affect them all.

The nature of law-breaking is changing, as are societies, and has a mobility which follows the trend of globalisation.

This transformation of crime arouses popular and political reactions that strongly influence the way in which justice and execution of sentences function.

The consequences of these pressures are felt in most countries. The duration of pre-trial detention is increasing, like that of the sentences enforced. Short sentences are increasingly frequent and in many places progressive net widening is evident.

The resultant overcrowding and strain on facilities are not without implications for the sentenced persons and the institutions alike.

Since financial resources are not inexhaustible, multiplication of the cases to be handled lowers the attainable standard of individual services, escalates tensions, violates the dignity of individuals and aggravates problems of order and security. Greater lack of privacy and of resources makes the offender population vulnerable and still harder to rehabilitate.

Prison staff are subject to deteriorating working conditions and problems of worsening stress, fatigue and tension.

Nor, alas, does the prison sector resemble airlines which can still fly low-cost aircraft with an acceptable level of risk. In the execution of sentences, a low operating and investment budget cannot ensure effectiveness of treatment. In the long run it leads to lengthening or repetition of prison terms and a higher final cost than that of good-quality initial action.

It is therefore indispensable to break this vicious circle with all speed, before resources grow still scarcer.

With regard to offending by foreigners, one of the causes of this problem, the previous year's conference showed that the resolution of the difficulties went beyond the prison sector alone. Transfer to the country of origin remains minimal, and the deterrent or educative effect of the penalties does not permit regulation of migration problems. Other principles of management should thus be applied.

In the other sectors, however, changes in experimental practices or their generalisation may have far from insignificant effects, in the same way as the adoption of new principles for determining and enforcing sentences.

Firstly, a reduction of reoffending, hence a shortening of terms of imprisonment, is possible through a number of adjustments to prison regimes. Normalisation of prison life, individual career empowerment and personalisation of the execution of the sentence are promising vectors of change.

The transition from a prisoner who is an object to one who is a subject, master of his fate and acting in a context of personal development accelerated by supports to change in himself, is the new fulcrum of prison treatment.

It is no longer just a matter of correcting, working on weaknesses and turning them into strengths, but of helping the sentenced person discover and choose new goals in life and find favourable conditions of inclusion, and giving him the possibility of acquiring the skills and the proficiencies with tools that will enable him to achieve his new goals. Concurrently, he needs mentoring during his attempts, setbacks and successes on the path towards renunciation of crime, the "*desisting*" dear to Farral or Mc Neill, and towards the adoption of a new lifestyle.

In terms of tools and proficiencies, he is not to be provided, as too often happens, with last-century tools, but with more modern knowledge and skills which will enable him to make a success of his integration.

The computing programme available at Beveren is exemplary in that regard. It is in keeping with the needs and practices of the new generations and can constitute a most useful instrument of training and normalisation.

The architecture of this new prison, according to the Director General, forms only an intermediate stage on the way to a prison on the pattern of detached housing, the prison village which will express the full normalisation of prison life which he wants. The next generation of Belgian prisons should achieve this aim.

But change in prison regimes will not suffice.

The countries which have achieved a spectacular reduction of their prison population have all done so thanks to a new correctional policy.

Only decriminalisation of certain types of behaviour, curtailment of certain penalties and use of community sanctions have made tangible results possible for them:

- Many minor disputes can indeed be resolved without the help of justice. Mediation or redress achieve this without difficulty.
- Lengthening of custodial penalties does not constitute an added factor of security or deterrence, by contrast to certainty of the criminal justice response, whose importance has been emphasised by others besides the magistrates present.
- And consequently, confinement should be reserved for persons posing serious risks to the community.

Thus the majority of the statements quite rightly stressed decriminalisation and increased use of alternatives to confinement.

Their effective use for the modern prison, however, requires new practices mentioned during these two days.

The principles of action concerning alternatives to confinement are the same as were mentioned for the new prison. There too it is a matter of working with a sentenced person as a subject to be mentored and monitored throughout his prison career. The action, a multidisciplinary one, calls for close collaboration, outreach, complementarity and transparency which are at odds with the spirit of the conventional penalty.

The transition from prison to the community or to community-based treatment also requires the enlistment of new professional and community players and the creation of crossovers, co-ordination arrangements and efficient channels of communication between their actions. The enforcement sequence widens, branches out, extends to outside society, and the treatment demands an end to partitioning and real networking of provision.

Nor can there be rational application of alternatives to confinement unless consultation and exchange proliferate within the entire criminal justice sequence, for example through general use of pre-sentence reports and close contacts between decision-makers and executives.

The statements and discussions also demonstrated the full importance of the probation service as a henceforth indispensable partner required to perform a composite role of assisting, supervising and co-ordinating the various actions in the community, as well as providing an interface between the closed and the open environments.

The discussions enabled us to realise that while appreciable progress has been made in the recognition of the probation service, its activities and all the facilities offered in the open environment are still too often under the shadow of prison.

Why not discard the concept of a Conference of Directors of Prison Administrations with Probation Services invited and henceforth convene a new Conference of Prison Administrations and Probation Services which would be the mainspring of this recognition? This would represent a major step towards resolution of conflicts of jurisdiction and towards clarity of roles, still sometimes rather deficient.

Adjustments are therefore still necessary to arrive at a seamless follow-up process in which flexible, harmonious sequences of complementary operations will be possible.

Other efforts still need to be made regarding both information and introduction of new practices in order to make a complete break with the all-prison orientation and provide for an array of diversified penalties corresponding to individual needs. Also, this new culture still needs to be implanted.

But the early experience gained is interesting. It shows the value of the new correctional approaches and the relevance and effectiveness of these new tools established in the community.

They can tangibly contribute to reduction of the prison population and better use of resources.

It therefore rests with us to explain these new approaches and to champion them in the face of the emotional, irrational reactions that only lead to creation of tensions and fears and to diminished effectiveness of penal sanctions.