



20/11/2012

17th Conference of Directors of Prison Administration  
with the participation of  
Directors of Probation Services  
**“Foreign Prisoners”**

*17<sup>e</sup> Conférence des Directeurs d'administration pénitentiaire  
avec la participation  
des Directeurs des services de probation  
«**Détenus étrangers**»*

Rome, 22-24 /11/2012

**SPEAKERS**

**Curriculum Vitae & summary of the presentations**



**Mr Eugenio SELVAGGI**

**Curriculum Vitae**

Eugenio Selvaggi entered the Magistracy in 1972. He was an investigating judge in Sardinia; judge in the criminal Court in Rome; public prosecutor in Rome; deputy Prosecutor general at the District Court in Rome; Deputy Prosecutor general at the Supreme Court of Cassation. Former Contact Point of the European Judicial Network of the E.U. Former Head of the Office for Human Rights (1993-1994), Ministry of Justice. Former Head of the Office for extradition and mutual assistance (1994-1999), Ministry of Justice of Italy. Former Chairman of the subgroup on judicial co-operation in the G8 Lyon Group.

Presently he is the Head of Department of Justice Affairs (which includes Directorates of Criminal Affairs, Civil Affairs and Human Rights).

He was the Chairman of the European Committee for Crime Problems (CDPC) of the Council of Europe and of the Permanent Committee of the COE on functioning of Council of Europe Conventions in criminal matters (PC-OC). He also chaired various committee in the Council of Europe (i.a. those that made the draft Recommendations on Protection of witnesses and the rights of the defence and the one on Organized Crime Associations).

Chair of various working groups in the EU during the Italian Presidency (1996). Drafter of the proposal on the EU MLA Convention during the Italian Presidency (1996), which had finalized as the 2000 Brussels Convention on MLA. Member of evaluation teams for the European Union (United Kingdom, Greece, Slovenia and Turkey). He took part, on behalf of the EJM to the public hearing in Brussels on the EPP. Rapporteur for the CoE and the EU in several seminars and conferences. Attendance to the Diplomatic Conference in Rome that approved the Statute of the ICC (Italian Delegation). He was in the Ministerial Committee that drafted of the Italian Criminal Procedure Code which entered into force in 1989.

He gives lectures at Universities and other Institutions and contributed to seminars, training projects, conferences etc. in Italy and abroad on behalf of Italy as well as on behalf of the Council of Europe, the European Union and the UN (i.a. Hungary, Albania, Poland, Lithuania, Slovak Republic, Ukraine, Macedonia, the Netherlands, Ireland, Spain, Russia, Azerbaijan, Portugal, France).

He also negotiated on behalf of the Italian Government international instruments in several States outside Europe (Japan, Bolivia, Paraguay, Israel, Turkey). He contributed to the drafting of the criminal procedure code of Albania.

He is President of the Italian Association of Lawyers for the Protection of the Financial Interests of the EU (EURGIT).

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**Ms Paola SEVERINO**

**Curriculum Vitae**

Paola Severino Di Benedetto: Minister of Justice since November 16, 2011. Upon her appointment as Justice Minister, she asked to have her name canceled from the roll of solicitors of Rome and took extended leave as Professor at LUISS "Guido Carli" University of Rome.

Law degree from "La Sapienza" University of Rome, (grades: 110/110 cum laude) and post-graduate course at the same university on Criminal Law and Criminology.

She won a public competition organized by C.N.R. for the award of scholarships (announcement of public competition of May 25, 1971); she received the scholarship for the period 1972-1975. She won a public competition to a position of assistant professor at the Chair of Criminal Law at

the University of Rome (appointment Decree dated Dec. 22, 1975) where she worked in that position from June 1975 to February 1987.

She won a C.N.R. scholarship for stays abroad, for the year 1983, and stayed at the Max Planck Institute in Freiburg (announcement no. 203.9.11 of Feb 02, 1982).

Qualified as associate professor and started working in that position on Feb. 21, 1987, at the Faculty of Economics of the University of Perugia, Department of Commercial Criminal Law.

She was on the editorial staff of TRECCANI's encyclopedia of law.

She was on the editorial staff of the magazine Bank, Stock Exchange and Securities.

She got a supplementary contract to teach Criminal Law at the LUISS Law Faculty for the following academic years: 1987/88, 1988/89, and taught Commercial Criminal Law, at the same faculty, in the academic year 1989/90.

She taught Criminal law at the Carabinieri Officers'school in Rome.

From Nov. 1st, 1990, she became a tenured professor and held the Chair of Criminal Law at the Law Faculty of LUISS "Guido Carli" University of Rome and in the same period she was a substitute Professor of Commercial Criminal law at the Faculty of Economics of the University of Perugia.

She held those positions until Nov. 1st, 1995, when she became tenured Criminal law Professor (after winning the public competition – Ministerial Decree of April 16, 1992), at the Faculty of Economics of the University of Perugia.

On Nov. 1st, 1998 she became a tenured professor and held the Chair of Criminal Law at the law Faculty of LUISS "Guido Carli" University of Rome.

From July 30, 1997 to July 30, 2001, she was Vice President of the Council of the Military Judiciary.

From May 1st, 2003 to May 29, 2006 she was Dean of the Law Faculty of the LUISS "Guido Carli" University of Rome.

Since May 29, 2006: Vice Rector of LUISS "Guido Carli" University of Rome.

She was the coordinator of the branches of Criminal Law at the post-graduate School for legal professions at the Law Faculty of LUISS "Guido Carli" University until 2005.

She was the Director of the post-graduate course on Corporate Criminal Law at LUISS "Guido Carli" University of Rome.

She was a criminal lawyer, on the roll of solicitors of Rome since 1975 and consultant to many companies, banks and trade associations.

She participated as a speaker in many conferences and ad hoc meetings on Criminal Law and Commercial Criminal Law; she was also a member of several ministerial committees on the reform of criminal law and criminal procedural law.

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## **Ms Gabriella BATTAINI-DRAGONI**

### **Curriculum Vitae**

Mrs Battaini-Dragoni has joined the Council of Europe in 1976 first at the European Youth Centre and since 1981 at the Directorate of Social Affairs and Health, where she worked from 1991 to 1994 as Head of Service, Directorate of Education, Culture and Sport. In 1994, she became responsible for the planning of the Programme of Activities of the Organisation. In 1998, Mrs Battaini-Dragoni was appointed Director of the Directorate General of Social and Economic Affairs. She actively participated in the Council of Europe's internal reform process and brought Social Cohesion to central stage in the post-enlargement agenda of the Organisation. In 2001 Mrs Battaini-Dragoni was appointed Director General of Social Cohesion. She was the first woman to be nominated to the rank of Director General in the Council of Europe. In 2004 she was appointed Director General of Education, Culture and Heritage, Youth and Sport.

Since 2005, Mrs Battaini-Dragoni has been the Council of Europe's Coordinator for Intercultural Dialogue. In this capacity, she has been responsible for the preparation of the Council of Europe "White Paper on Intercultural Dialogue", adopted on 7 May 2008, translated in 16 languages including Arabic and Jewish and disseminated widely at national and local level. In 2011 Mrs Battaini-Dragoni became Director General of Programmes, responsible for overseeing the

preparation and implementation of the Organisation's bi-annual programme of activities in the intergovernmental field.

In 2012 she was elected Deputy Secretary General of the Council of Europe.

Special recognitions:

- Grande Ufficiale della Repubblica Italiana by decree of the President of the Italian Republic
- Ordine di Sant'Agata Agata, given by the Republic of San Marino
- Premio Internazionale alla Libertà given by the Società Libera

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**Mr Giovanni TAMBURINO**

**Curriculum Vitae**

Mr. Giovanni Tamburino, Head of the Department of Penitentiary Administration, was born in Montebelluna (Treviso).

In 1967 he graduated in law at the University of Padua. Soon after, he achieved the title of solicitor, carrying out the activity of lawyer in a civil law office at Verona.

In 1968 he won, at the age of 25, the competition to join the Judiciary.

Investigating judge at Padua from 1970 to 1975; he carried out in 1973/74 the investigation in the first criminal proceeding involving those belonging to the Intelligence Service, after which the Parliament adopted, in 1977, the first law governing the activity of the Intelligence Service in Italy.

He has been Supervisory Judge in Padua, member of the Superior Council of Judiciary, Judge at Verona Court – Criminal Division, magistrate of the Court of Appeal (I criminal Division) in Venice, Director of the Office for Studies Research Legislation and International Relations of the Department of Penitentiary Administration; from 2005 to 2010: President of the Supervisory Court of Venice and since 2010, until February, President of the Supervisory Court of Rome. He took upon the role of Head of the Department of Penitentiary Administration in February 2012.

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**Mr Guido RAIMONDI**

**Curriculum Vitae**

Guido Raimondi, born in Naples (Italy), was elected as a judge of the European Court of Human Rights, in respect of Italy, in January 2010 and took office in this position, which he currently holds, on 5 May 2010. In September 2012 he was elected President of Section and Vice-President of the Court for a three-year term starting on 1 November 2012.

He has a long experience in the legal field, at national and international levels.

In particular he was appointed as a judge in 1977 and served in courts of first instance, dealing with civil and criminal cases, until 1986, when he joined the Legal Service of the Italian Foreign Ministry. Between 1989 and 1997 he acted as co-Agent of the Italian Government before the European Court of Human Rights, in Strasbourg (France). Between 1997 and 2003 he served in the Italian Supreme Court of Cassation, first as Deputy to the Attorney General and then as judge of the Court. During the same period he acted as judge ad hoc of the European Court of Human Rights in a number of cases concerning Italy. He joined the ILO in May 2003 as Deputy Legal Adviser and was appointed Legal Adviser with effect as of 1 February 2008.

Guido Raimondi authored a number of legal publications in the field of International Law, in particular on Human Rights issues.

## **Presentation**

- Complementary role of ECHR and CPT in the protection of the rights of prisoners, as well as the importance of the intergovernmental cooperation of the Council of Europe in this field.
- Prisoners as protagonists of the ECHR case-law in a number of fields. Protection of foreign prisoners.
- Particular considerations of two aspects: overcrowding and transfer of convicted persons in the framework of the international obligations of States.
- On the first point: ECHR jurisprudence on prison overcrowding , in particular on the lack of need of a humiliating intent and on the relativity of the concept of inhuman or degrading treatment as far as prison living conditions are concerned. Overcrowding as a systemic or general problem and the use of pilot judgments in this connection.
- On the second point: section 37.5 the Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules and the jurisprudence of the ECHR.

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## **Mr Lətif HÜSEYNOV**

### **Curriculum Vitae**

Lətif Hüseynov was born in Azerbaijan.

In 1981-1986, he studied International Law at Kiev State University (Ukraine). *Candidate of Legal Sciences* (1994; Kiev, Ukraine). *Doctor of Legal Sciences* (2000; Kiev, Ukraine).

Professor of Public International Law at Baku State University (Azerbaijan).

Since March 2011 – President of the European Committee for the Prevention of Torture (CPT).

In March 2005 and January 2010 he was appointed as *ad hoc* judge at the European Court of Human Rights.

In July 2004 he was appointed as Independent Expert on the human rights situation in Uzbekistan (1503 Procedure).

Since December 2003 – member of the Venice Commission (European Commission for Democracy through Law).

From March 2001 to December 2007 he served as a member of the European Commission against Racism and Intolerance (ECRI).

Author of more than 50 publications.

### **Presentation**

As from the beginning of its activities, the CPT has examined the treatment and conditions of detention of foreign national prisoners in different Council of Europe countries. The Committee has found that in addition to problems encountered by general prison population (i.e. overcrowding, poor material conditions, inadequate health care, etc.) foreign prisoners experience also difficulties due to the language barriers and cultural differences. Many such prisoners are discriminated against and disadvantaged as regards access to important services, such as health care, work, education, vocational training and activities. As a result of its monitoring activities the Committee has issued various recommendations aimed at improving the protection of foreign prisoners from ill-treatment and developed a number of relevant guidelines and standards. The underlying principle is that prison authorities should acknowledge the vulnerable position of foreign prisoners and make every effort to effectively address their special needs.

The presentation gives a brief overview of the CPT standards relating to the treatment of foreign prisoners.

## **Mr André VALLOTTON**

### **Curriculum Vitae**

André Vallotton, after having worked for a decade as Head of the Socio-Educative Service at a prison in Romandy Switzerland, has participated as a Deputy Prison Governor in the establishment of a Swiss Training Centre for prison staff and has contributed to its first years of functioning.

He was afterwards appointed and remained for more than ten years Director General of the prison administration of the Vaud Canton. He was responsible later for the drafting of legislation and rules of application of the new Swiss Penal Code as well as for its implementation in his Canton.

He has taught penology at the University of Lausanne and in parallel to this he has chaired a Cantonal Commission for evaluation of dangerousness of offenders, has organised different training courses for police and penitentiary staff and has participated in different expert groups.

Since a number of years already, he contributes to different Council of Europe activities by carrying out expert missions and providing by expertise.

He is currently leading an EU prison reform project in Algeria and is participating in parallel to that in an ICRC project assisting the reform of courts and prisons in Tunisia.

He is member of the Council for Penological Cooperation of the Council of Europe (PC-CP) and is also member of the Swiss Commission for the Prevention of Torture. He presides in France the Jury delivering the Zoummeroff scholarship, which funds every two years a novel project of reintegration.

### **Presentation**

The analysis of the statistical data shows that many of the Council of Europe Western European and Mediterranean countries encounter increasing difficulties in managing the high numbers of foreign prisoners.

These prisoners, whose future is often uncertain after their release, create frequently problems while in prison which are related to their integration and preparation for release.

The Committee of Ministers adopted in October 2012 a new recommendation in order to structure the time spent in detention by foreign prisoners [Rec (2012) 12]. It endorses once again the principles allowing to guarantee to this category of prisoners an equal treatment which respects their fundamental rights.

The presentation of the main points of the Recommendation aims at opening the discussions in the two workshops of the Conference.

## **Workshop I / Atelier I**

### **Chair**

## **Ms Simonetta MATONE**

### **Curriculum Vitae**

She was born in Rome. She holds Law Degree with maximum grades.

From 1979 to 1980 she was deputy director of 'Le Murate' prison in Florence.

From 1981 to 1982 she was judge at Lecco Court.

From 1983 to 1986 she was supervisory Judge at the Court of Appeal of Rome.

In 1987 she was appointed Head of the Secretariat of the Minister of Justice, Giuliano Vassalli. From 1991 to 2008 she was Public Prosecutor's Assistant at the Juvenile Court of Rome. In 2008 she was Head of the Equal Opportunities Minister's departmental staff. Since 2009 and currently she has been the Italian focal point for minors at the Council of Europe. From December 2010 to September 2011 she worked at the Legislation Office of the Ministry of Justice. Since 14 September 2011 she has been Deputy Head of the Department of Penitentiary Administration. Since 2 March 2012 she has been first Deputy. In 1992 she established, with other colleagues, the A.D.M.I. – Association of Italian women judges. In 2004 she was among the promoters of the Foundation Ethics and Economics and she is honorary President of the Association Angels 4 and of the Association Respect and Good Manners. In 2000 she won the "Woman Prize" of Puglia Region, in 2004 the Prize "The Board" and in 2005 the prize "Woman of the year 2005" of Lazio region. It's a long time that she is testimonial of 'Telefono Rosa and Telefono Azzurro'.

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## **Mr William RENTZMANN**

### **Curriculum Vitae**

Law Degree University of Copenhagen 1970.

Department of Prisons and Probation 1970  
Director-General, Department of Private Law 1996  
Director-General, Prison and Probation Service 1998

President of the Council for Penological Cooperation (PC-CP) (Council of Europe) 1991-1994 (PC-CP member 1987).

Member of the Greenland Penal Reform Commission 1994-2004  
President of the Association of Danish Lawyers & Economists 1997-98  
President of the Danish Society for Criminal Law and Criminology 1998-2011  
Member of the Standing Committee on Penal Law Reform 1998  
Member of the International Roundtable for Correctional Excellence 1998  
Member of the International Corrections and Prisons Association 1998 (ICPA)  
Voting member of the International Penal and Penitentiary Foundation 2000 (IPPF)  
Board member, EuroPris 2011

Commander of Dannebrog 2000  
French Médaille Pénitentiaire 1986  
Estonian Prison Board Order for Distinguished Service 1999  
Gold Medal, the Polish Penitentiary System 2012  
Commemorative Medal, the Polish Ministry of Justice 2012

### **Presentation**

Speech on Rec(2012)12 – the Danish experience in dealing with foreign prisoners

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## **Mr Esa VESTERBACKA**

### **Curriculum Vitae**

Born in Merikarvia, Finland

He holds Master of Laws Degree (1977), Master of Laws with Court training (1983), Licentiate of Laws (1984), University of Turku

Professional career and positions: Assistant of criminal law 1977-1984 and Assistant of procedural law 1980-1984 at the University of Turku; Associate Professor of legal science at the University College of Lapland 1980-1982; City Public Prosecutor in Helsinki 1985-1987; Prison Governor of Köyliö Open Prison 1987-1990; Prison Governor of Turku Provincial Prison 1990-1995; Deputy Head of Department of the former Prison Department in the Ministry of Justice 1995-2001; Head of Department of the Criminal Policy Department of the Ministry of Justice 2001-2004.

Current position: Director General of the Finnish Prison and Probation Administration (the Criminal Sanctions Agency), March 2005 onwards

Expert appointments and committee work: Finland's representative in a project of the Council of Europe supporting the development of prison service in the Baltic countries and Russia 1996-2004; Finland's representative of the European Committee of Crime Problems (CDPC) of the Council of Europe; member of the CDPC Bureau 2002-2006; Interim Board Member 2011-2012 of the European Organisation of Prison and Correctional Services (EuroPris).

Publications: Articles on criminal policy and prison services in various professional publications

### **Presentation**

Overview of the treatment of foreign prisoners in Finland, current legislation and main guarantees regarding equality and non-discrimination.

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## **Mr Graham WILKINSON**

### **Curriculum Vitae**

Graham Wilkinson joined HM Prison Service on 1978 working in administration in two large London prisons before moving to Prison Service Headquarters in 1992. Since then he has held various posts dealing with international prisoner transfer, and the transfer of prisoners between United Kingdom jurisdictions.

In 1999, he became head of the Cross Border Transfer Section responsible for policy and casework in relation to international prisoner transfer and in 2008 he became head of Foreign National Offender Policy at the National Offender Management Service. Mr Wilkinson leads for the United Kingdom in the negotiation of international prisoner transfer agreements and was the UK lead negotiator for the EU Framework Decision on prisoner transfers.

### **Presentation**

Mr Wilkinson will give an overview of the foreign national population in prisons in England and Wales and outline procedures governing their imprisonment.

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## **Ms Femke HOFSTEE-VAN DER MEULEN**

### **Curriculum Vitae**

Femke Hofstee-van der Meulen studied History at Leiden University. She worked at the Council of Europe, the European Commission and the European Parliament. After working for two years as Research Associate at the International Centre for Prison Studies (ICPS) in London she established Prison Watch ([www.prisonwatch.org](http://www.prisonwatch.org)) in the Netherlands. Femke became

Inspector at the Inspectorate of Security and Justice in 2009. She hopes to finish her PhD on Dutch nationals in foreign detention in 2013.

## **Workshop II / Atelier II**

### **Chair**

**Mr Jörg Jesse**

#### **Curriculum Vitae**

Jörg Jesse is Head of the Department of Prisons, Probation and Reprieves, Ministry of Justice of Mecklenburg-Vorpommern, Schwerin, Germany.

He studied Psychology at the Christian Albrechts University of Kiel. He has been working in prisons in the following areas since 1983: Open prisons, closed adult prisons, Prisons Department and Ministry of Justice. He worked in managerial positions from 1993 to 2003 as Deputy Head of the Juvenile Prison of Hameln, as Head of the Prison of Salinenmoor and Head of the Prison of Hanover. Since 2003, he has been Head of the Department of Prisons, Social Services and Reprieves, Ministry of Justice of Mecklenburg-Vorpommern, Schwerin and is Member of the Council for Penological Cooperation (PC-CP) since 2011. Mr. Jesse is married and has two children.

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### **Ms Nicolet FABER**

#### **Curriculum Vitae**

Nicolet Faber (1972) is born and raised in The Netherlands. She holds a Masters degree in Educational Studies/Public Administration from the University Utrecht (The Netherlands). Ms Faber is Head of the International Office of the Dutch Probation Service. She is married and has three children.

She has been working with the Dutch Probation Service for over ten years. She started as a Policy Advisor. In 2008 she moved into a management role of the Dutch Probation Service. In February 2012 she made the switch from the regular probation (within The Netherlands) to the international probation field by becoming Head of the International Office.

#### **Presentation**

The International Office is part of the Dutch Probation Service and works with Dutch prisoners detained abroad. We have the aim to contribute to the increase of self-insight, independence and reintegration of Dutch prisoners abroad. We do this by providing information and advice and the deployment of our 325 Dutch volunteers (who live abroad). We specifically target the prisoners who will return to The Netherlands. By starting the probation work during the detention abroad the damages of detention can be limited. During the detention we promote reflection on the criminal behaviours and we actively prepare the detainee for the return to The Netherlands. We make active contribution to the overall aim of the Dutch Probation Service: reduction of the chance of recidivism and working toward a safer society. In my presentation I will talk you through the work of the International Office in more detail and hope to inspire you to see the possibilities of starting the probation work when prisoners are detained abroad.

## **Mr Francesco OTTAVIANO**

### **Curriculum Vitae**

Francesco Ottaviano has a University Degree in Law.

He has been magistrate since 1989 dealing with civil and criminal cases at two Courts (Santa Maria Capua Vetere and Torre Annunziata). Civil matters included family matters, tutelary judge matters, real estate properties, land cases, voluntary jurisdiction. As for criminal cases, he carried out maxi-trials against famous bosses belonging to organized crime associations. As Judge for Preliminary Investigations, he drafted several warrants of arrest.

In 1992 he was appointed President of the Tax Commission in Lodi. In 1996 he held seminars for the University of Naples, in criminal procedure code matters.

In 1996 he held seminars for the University of Naples, in criminal procedure code matters.

In 2006 he taught civil law at the school 'Enrico De Nicola'. He is presently a judge dealing with fiscal matters as a member of the Tax Commission – Naples.

Since 2011 he has been the Director of the Office for Studies Research Legislation and International Relations at the Department of Penitentiary Administration – Ministry of Justice – Italy. He is currently member of the Inter-ministerial Committee of Human Rights of the Ministry of Foreign Affairs.

### **Presentation**

Mr Ottaviano will discuss the rules contained in Recommendation (2012)12 concerning foreign prisoners and related to their preparation to release. This is one of the main focuses of the recently approved recommendation of the Committee of Ministers of the Council of Europe on foreign prisoners.

The recommendation is viewed from the perspective of the legislative framework regulating migration flows.

The good governance of such flows includes the fight against illegal migration, the adoption of measures of integration, aimed at eliminating the criminogenic condition of illegality of the foreign national, as well as actions of support to the migrant, carried out through instruments of social inclusion.

More particularly, some critical issues are analysed, which led to the drafting of specific rules, such as the definition of the prisoner's legal status.

He will analyse the procedures adopted in Italy, the projects currently studied to deal with those problems and the increase of value of the successful outcomes of the penitentiary treatment, in order to offer some ideas for the exchange of good practices.

The last part of the presentation concerns the foreign prisoners to be removed or to be transferred for serving their sentence – or a part of it – in their countries of origin.

The aim highlighted is to preserve the outcomes of the treatment in function of the foreigner's social reintegration.

Some crucial points which are identified are: the "prisoners' consent", necessary to exchange information and documents to support the removed persons and to ensure the continuity of their treatment, as well as the identification of the same information and documents to be exchanged. In connection with that, the Italian procedures are described, along with the type of assistance and services provided, in order to offer further points for considerations and for the establishment of good practices.

## **Ms Tinka VELDHUIS**

### **Curriculum Vitae**

Tinka Veldhuis is a Research Fellow at the International Centre for Counter-Terrorism (ICCT) – The Hague. In addition, she is a Research Fellow at the Netherlands Institute of International Relations 'Clingendael' and a Ph.D. fellow at the Department of Sociology of the University of Groningen and the Interuniversity Center for Social Science Theory and Methodology (ICS). Her research focuses on detention and rehabilitation policies for violent extremist offenders, radicalisation and de-radicalisation, (counter-)terrorism, and counter-terrorism policy evaluation. She is involved in the UNICRI/ICCT 'Rehabilitation and reintegration of violent extremist offenders' initiative and served in 2010 as the principal investigator for the evaluation research commissioned by the Dutch Ministry of Security and Justice, to evaluate the government's terrorist detention policy.

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## **Mr Gerhard PLOEG**

### **Curriculum Vitae**

Gerhard Ploeg works as a senior adviser in Correctional services at the Norwegian Ministry of Justice. Matters concerning the probation service and community sanctions are his primary areas of work, but he considers himself a generalist in correctional matters. He is chairman of the Norwegian Advisory Panel for Accreditation of Programs and Vice-President of the European Organisation for Probation CEP.

He is a sociologist of profession, with a Ph.D. in criminology. He worked as a researcher in that field for over fifteen years at the Criminological Institute of the University of Groningen in the Netherlands before starting in a job as a policy-adviser at the Headquarters of the Dutch Probation Service in 1992. Here he developed a specialisation in community sanctions that, among other things, led him to a conference in Oslo. He ended up marrying one of the organisers and moved to Norway in 2003. He is 59 years old and has five children.

### **Presentation**

In my presentation I will shortly sketch the so-called "Reintegration Guarantee" that the Norwegian government has implemented for offenders. I will then discuss to what extent this guarantee can be used in connection with offenders who are foreign nationals, with or without an extradition order. I will describe the challenges that occur in these situations and some of the initiatives taken in this respect.

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## **Ms Pauline CROWE**

### **Curriculum Vitae**

Pauline became Chief Executive of British charity Prisoners Abroad in 2003. It has 22 staff and works with over 1,700 prisoners each year in over 80 countries, plus 1,500 family members and provides a dedicated resettlement service for 200 people each year. Prisoners Abroad is a member of CEP's special interest group on foreign nationals where it takes a lead role.

Previously she had worked in the charity sector for over 20 years. This included areas such as: medical research, disability, international membership, professional associations, community foundations, etc.

In 2007 she was nominated by the Foreign & Commonwealth Office for an OBE for her work with prisoners overseas.

Prisoners Abroad under her leadership has received many awards in recognition of the quality and importance of its work including: Metropolitan Police, Guardian national newspaper and is nominated for the 2012 Charity of the Year.

## **Presentation**

Release: what happens next if you do nothing?

The problems of resettlement faced by men and women returning home or deported from prison abroad are much greater than those imprisoned within their own country. The risks of reoffending are, it is argued, considerable but can be reduced by dedicated resettlement services. CEP – the European Probation Organisation calls on all countries to have a strategy for the reintegration of men and women returning from prison abroad. By providing support to foreign nationals in prison abroad, some of the disadvantages can be lessened and reintegration can be eased. Providing the right support at critical points during detention and after, can create an opportunity for a crime-free future. Doing nothing results in destitution which drives people straight back to crime.

## **Closing Session / Séance de clôture**

### **Chair**

**Mr Philippe Boillat**

### **Curriculum Vitae**

Philippe Boillat was born in Switzerland. He is married and has two children. He holds a Master in Law (Swiss law and legal sciences), from the University of Lausanne.

He started his legal career in 1978 at the Federal Ministry of Justice in Berne. In 1989 he was co-agent of the Swiss Ministry of Justice to the European Court of Human Rights and Head of the European Law and International Affairs Section. Between 1997 and October 2005, he was Deputy Director of the Federal Ministry of Justice, Head of International Affairs Department and the Swiss Government Agent to the European Court of Human Rights and UN Committee against torture (CAT).

In parallel to his professional career at national level, he has been Chairperson of several major Committees:

In 1992-93, he was Chair of the Human Rights Committee for the Protection of National Minorities (DH-MIN). In 1994-95, he was Chair of the Ad Hoc Committee for the Protection of National Minorities (CAHMIN). In 2001-2002 he was Chair of the European Committee (DH-S-TER) responsible for drawing-up "Guidelines on Human Rights and the fight against terrorism" and "Guidelines on the protection of terrorist acts" adopted by the Committee of Ministers respectively on 11 July 2002 and on 2 March 2005. In 2003-2004 he was Chair of the CDDH-GDR, a Group which drew up Protocol No.14 amending the European Convention on Human Rights (ECHR). From 12/2004 to 10/2005 he was Chair of the Steering Committee for Human Rights (CDDH).

He began his career in the Council of Europe in October 2005, as Director in the Directorate General of Human Rights. In May 2006 he became Director General of Human Rights, and since May 2007, Director General of the Directorate General Human Rights and Legal Affairs (now Directorate General Human Rights and Rule of Law since October 2011).

Philippe Boillat has published several feature articles in the legal and human rights sectors.

**Meeting between the CDAP participants and European judges and prosecutors to discuss prison overcrowding and ways of reducing prison inflation / Réunion entre les participants de la CDAP et les juges et procureurs européens pour discuter de la surpopulation dans les prisons et des moyens de réduire l'inflation carcérale**

**Chair**

**Mr Lorenzo SALAZAR**

**Curriculum Vitae**

1980 Law Degree "magna cum laude" in the University of Rome "La Sapienza"  
1980-1981 Internship Superior School of Public Administration (Rome)  
1982 Official in the Ministry of Treasury (Rome) – Provveditorato Generale dello Stato  
1982-1983 Military Judge in the Military Court (La Spezia)  
1983-1987 Judge in the Tribunal of Busto Arsizio (Milan), dealing with criminal and civil matters  
1987-1988 Référendaire in the Court of Justice of the European Communities, Cabinet of Advocate General F. Mancini (Luxembourg)  
1988-1996 Ministry of Justice, Judge in the Legislative Cabinet of the (Rome)  
1997-2004 Justice Home Affairs Counsellor, dealing with judicial cooperation, in the Italian Permanent Representation to the European Union (Brussels)  
2004-2008 Member of the Private Cabinet of the Vice-President of the European Commission, Franco Frattini, Commissioner responsible for Justice, Liberty and Security. Portfolio: criminal justice and police cooperation, organised crime, terrorism. (Brussels)  
Since 2008 Ministry of Justice, Director of the Office for Legislative and International Affairs in Criminal matters in the Directorate General for Criminal Justice (Rome).

***At present:***

Chairman of the European Committee for Criminal Problems (CDPC) of the Council of Europe (since 2011).

Head of the Italian Delegation in the OECD WG on Bribery;

Former Chairman (1996/2000) of the Multidisciplinary Group against Corruption (GMC) of the Council of Europe having drafted all CoE instruments in the field of Corruption.

Head of Delegation for Justice in the European Union "CATS" Committee coordinating Criminal Matters.

Author of various articles and presentations on the subject of European and International Cooperation in Criminal matters, Corruption, Money Laundering etc.

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**Mr Mauro PALMA**

**Curriculum Vitae**

Mathematician and doctor in law honoris causa, is presently the Vice- chair of the European Council for Penological Cooperation (PC-CP, Council of Europe). For many years (up to December 2011) he was the President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).

Expert on criminal justice and prison systems, he founded Antigone, an Italian non-governmental Association for the safeguard of rights in the penal system: focussed in developing studies and drafting legislative proposals in this area, it has been tasked (since 1997) for monitoring detention conditions throughout the national territory. Currently he is the Honorary President of the Association.

Lecturer on fundamental rights and international obligations, invited by Italian and European Universities, advisor in the past to the Italian Parliament and to the Assembly of Region Lazio on these issues, he is often tasked for training prison governors on strategic projects on prison system management by the ISSP (Istituto Superiore di Studi Penitenziari, Roma). He is member of the Scientific Committee of several national and international Foundations (inter alia, European Observatory on Fundamental Rights, Centre for Initiatives and Studies on the State Reform, 'Italiani-Europei' Foundation) and member of the board of scientific reviews on prisons and penal system. In this context he published a number of articles and essays.

He is Scientific Coordinator of the educational area of the Istituto della Enciclopedia Italiana Treccani.

## **Presentation**

The present prison overcrowding, thirteen years after the Recommendation (1999)<sup>22</sup>, adopted by the Committee of Ministers of the Council of Europe: national plans to reduce the amplitude of the problem.

Structural aspects of the dynamics of the prison population: legislative aspects. The legislation about drug-use and drug-addiction; the legislation on recidivism; the legislation on criminal relevance of the irregular status of migrants.

Structural aspects of the dynamics of the prison population: the extension of remand custody and its automatic provision for some crimes in a number of national legislations.

Structural aspects of the dynamics of the prison population: the prevalence of imprisonment as penal sanction; the provision of alternative sanctions in some jurisdictions.

Cultural aspects of prison overcrowding: the consequences of overcrowding and its perception in the external community; the risk of inhuman or degrading treatment.

Cultural aspects of prison overcrowding: how to address the social request of effectiveness of the sanctions.

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## **Mr Kauko AROMAA**

### **Curriculum Vitae**

Kauko Aromaa has degree in Sociology (1969-University of Helsinki, Finland), with Licentiate dissertation in 1982. He has been Director of the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) between 2000 and 2011 when he retired. He is currently Honorary Chair on criminology at the University of Manchester (UK). In 2011, he received the Distinguished International Scholar Award of the American Society of Criminology.

From 1970 to 1973 he was researcher of the Institute of Criminology, Helsinki, Finland. From 1974 to 1992 he was senior research officer, and from 1992 to 2000 research director of the National Research Institute of Legal Policy. He was member of the Scandinavian Research Council for Criminology 1988-2006 and President 2001-2003. He was the first Chief Editor of the Journal of Scandinavian Studies in Criminology and Crime Prevention from 2000 to 2002.

He was also elected President of the European Society of Criminology 2006/2007, member of the Board 2000-2001, 2002-2008, organiser of the Third Annual Conference of the ESC in 2003. Since 2005, he has been member of the Board of the International Society of Criminology.

In Finland, he has been member of Statistics Finland's Crime Statistics Task Force 1972-1974, member of the Task Force on Classifications in Administrative Legal Statistics 1978-1979, a member of the Task Force on Total Reform of Justice Statistics 1980-1982, member of the Project

Groups "Victim 80", "Security of Finns -88", "Security -93", "Victim -97" and "Victim -03", all of which were established for planning and developing the Finnish national crime victimisation surveys. He was Director of the Labour Protection Foundation project "Preventing Violence at Work" 1992-1995, and member of the National Council for Crime Prevention from 1995 until today, and Chief Editor of the Finnish crime prevention and crime policy journal "Haaste" from 2004 until 2010.

Of relevant international attachments, he was member of the OECD expert group on Physical Safety, in the OECD Social Indicator Programme 1976-1980, developing a survey instrument for the measurement of victimisation to violence and to accidents. In 1992-1995 he was member and consultant to the Council of Europe project group "Europe in a time of change". In 1994-1998 he was member of the CSC (Criminological Scientific Council) of the Council of Europe. In 2000-2003, he was member of the Council of Europe expert group PC-S-CO (Group of Specialists on Criminal Law and Criminological Aspects of Organised Crime). In 1999-2004 he was organiser and coordinator of the EU (Falcone programme) and of the EU supported Italian-Spanish-Finnish research projects STOP I and STOP II covering all 15 (old) EU member states.

In 1996-2006 he was member of the expert group preparing the European Sourcebook of Crime and Criminal Justice Statistics, and observer in this group since 2007. In 2005-2009 he has been member of the UNECE-UNODC Task Force on Victimisation Surveys, in 2006-2007 member of the EUROSTAT-supported project developing a European victimisation survey module, and since 2007 member of the EU DG-JLS group of experts on the Policy Needs for Data on Crime and Criminal Justice.

His research activity has centred on the following topics: analysis of crime statistics, crime trends, comparative crime data, crimes of violence, victimisation surveys, business victimisation surveys, professional crime, organised crime, trafficking in human beings, crime prevention, crime policy. He was the designer of the first national crime report for Finland in 1974, and developed the methodology and coverage of the report until 1999, i.e. until he was appointed Director of HEUNI. Since 2000, he has then been involved in the analysis and reporting of the UN-CTS (Crime Trends Survey) for Europe and North America.

## **Presentation**

Prison overcrowding is a commonly experienced social problem, rather brought about by lack of criminal policy coordination than by an ever-growing crime problem. Changes in crime rates have not been shown to be related to changes in imprisonment rates. If you want to reduce the problem, you first of all need to study carefully who is going to prison and why. This will provide material for reform in terms of inviting the question whether all of the people in prison really need to be there. This will also allow you to ask if the time they are serving in prison could be shorter. In statistical terms, such questions may be answered by looking at three parameters that determine the size of the prison population. First, you need to look at the criminal code that defines what crimes are to be punished by (unconditional) imprisonment. International comparison will reveal that this list of serious offences may often comprise quite dissimilar topics. Such an observation may invite creative thinking as to whether some criminalisations might be reconsidered, either generally – i.e. whether a criminal punishment is necessary, or whether an alternative non-custodial sanction might be preferred, – or at least in terms of reducing the use of imprisonment for some crimes, and/or reducing the minimum and maximum punishments for some crimes.

Second, you need to look at the length of the prison terms sentenced. Some countries have the tradition of using relatively long terms of imprisonment for offences that other countries punish with short prison terms or with non-custodial sanctions.

Third, you need to look at what proportion of the prison sentences are effectively served. Also here, large variations in policy can be observed. Some countries, for instance, do not apply early release mechanisms, while other do this extensively.

These dimensions need to be studied carefully, and subjected to political debate since significant changes in terms of these topics often require legislative changes. However, some reforms may also be achieved without legislative innovations.

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## **Ms Natalia DELGRANDE**

### **Curriculum Vitae**

Natalia Delgrande got her MA in History and Psychology and, later, a second MA in Criminology. She is nowadays preparing her PhD on the correctional trends across Europe. Ms Delgrande is research associate and part-time lecturer in penology at the Institute of Criminology and Criminal Law, University of Lausanne. Her core activities relate to the study of the typology of penal populations (under custodial and non-custodial sanctions and measures), as well as to the research on institutional adjustment and primary desistance from crime. Natalia participated as an independent expert in different research and evaluation projects. The most recent projects are: validation and data analyses in the evaluation of the European Judicial Systems for the CEPEJ of the Council of Europe (2010), evaluation and draft proposals for the forthcoming reform of the Tunisian prison system for the ICRC (2011). Natalia continues voluntary ad hoc collaborations with several prison and probation services across Europe. Since 2006, she is also scientific expert for the SPACE projects of the Council of Europe: SPACE I (penal institutions) and SPACE II (CSM and Probation). Natalia Delgrande is member of the European and American Societies of Criminology and of the Swiss Working Group of Criminology.

### **Presentation**

It would not be big news saying that overcrowding is still a problem in Europe. Yet, where and why this phenomenon is subsisting can constitute valuable topics for practice and research. This paper seeks to answer the question of the specific parameters which may lead to the overcrowding. Some of the main indicators, such as the prison population rates, the length of the prison term, the percentage of persons held in pre-trial detention, the part of persons with special needs (such as foreigners and females) are analysed here. Indeed, the goal of this work is to approach as much as possible the results of the misuse of custodial policies which produce overcrowding. For doing so, a comparison between the Member States of the Council of Europe is made on the basis of the annual questionnaires answered by the Prison Administrations. All the data received are validated and categorised in order to ensure comparability without ignoring national features of the custodial policies applied in each country. In this regard, the SPACE (Council of Europe Annual Penal Statistics) survey ensures an access to valuable figures which can be used to analyse time-series, as well as for cross-national comparisons. The problem of the overcrowding is tracked for the last ten years. Nowadays, more than 45% of all Member States are facing overcrowding. In about 40% of these countries, the overuse of the prison capacities is higher than 20% compared to the designed initial number of places. Knowing this, the results presented in this paper may help establishing a more accurate evaluation of the phenomenon of overcrowding at the national and European levels.

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## **Mr Alfonso SABELLA**

### **Curriculum Vitae**

Born in Bivona (AG).

Law degree from "Sacro Cuore" University of Milan, (grades: 110/110 cum laude), degree thesis in civil law with Professor Pietro Schlesinger.

Appointed apprentice judge by Ministerial Decree 25 February 1989, carried out the tasks of Public Prosecutor's Assistant at Termini Imerese Court until 1993.

From 1993 to 1999 he carried out the tasks of Public Prosecutor's Assistant at the Anti-Mafia District Directorate of Palermo mainly in matter of military mafia and pursuit of fugitive offenders.

He coordinated the investigations leading to the arrest of one of the most important Mafia fugitive offenders among which Leoluca Bagarella, Giovanni Brusca, Pietro Aglieri, Vito Vitale, Pasquale Cuntrera and to the discovery of one of the most important arsenals at disposal of Cosa Nostra among which Giambasco (with missile launcher ground-to-air RPG 18, grenade launcher RPG7 and more than 500 weapons), Misilmeri and Croceverde Giardini

He carried out, inter alia, the investigations on the kidnapping and murder of Giuseppe Di Matteo and, as Public Prosecutor, the trial concluded with the conviction of 68 members of the Mafia (out of whom 37 sentenced to life sentence).

From 1999 to 2002 he carried out the role of liaison Magistrate between the Ministry of Justice and the Anti-Mafia Parliamentary Commission as well as of Head of the central Office of the Inspectorate of the Department of Penitentiary Administration.

From 2002 to 2005 he was Public Prosecutor at the Court of Florence where he carried out investigations on the slaughter of Georgofili road (the attempt at the 'Galleria degli Uffizi') and on the Mafia slaughters of 1993 and 1994

From 2005 to 2011 he was Judge in criminal matters in Rome where, as Chairman of the Panel, inter alia, he carried out the trial for the assaults to the Police and Carabinieri barracks in Rome following the murder of the Lazio football supporter Gabriele Sandri.

Since November 2011 he is Director General of material Resources, Goods and Services of the Department of Penitentiary Administration.

## **Presentation**

### Prison Overcrowding in Italy

This presentation will focus on the causes of prison overcrowding in Italy under four different aspects: sociological, legal-legislative, organizational and structural. Italian peculiarities are in fact highlighted, such as: the obligation to receive a high number of non EU citizens; the difficulty of management of prisoners connected with organized crime; the excessive imposition of penal sanctions even for minor illegal acts; the difficulties in applying measures alternative to detention; the widespread choice to adopt close detention regimes for prisoners; the low compliance with the principle of the territoriality of penal execution; the old age of prison facilities, their structure and the inadequate subdivision of internal areas.

Subsequently, we linger over the mistakes made in the past in Italy and in particularly on the choices to act, in prison matters, very often according to emergency reasons by not drafting any systematic detention project and, substantially, not giving concrete implementation to the constitutional principle aiming at the re-socializing of the sentenced person and, then, at the reduction of the social cost of recidivism.

The last part of the presentation concerns the possible remedies and explains the initiatives that the Department of Penitentiary Administration, starting from the beginning of this year, is trying to carry out, within a national synergic and comprehensive project. In particular the new criteria of assignment of prisoners according to the principle of territoriality and to the effective separation between accused persons and sentenced persons are pointed out. The attempts to increase prison work and the vocational training of prisoners, to encourage the application of measures alternative to detention and to apply new forms of ordinary supervision under the regime of measures alternative to detention are underlined. The application of new forms of

ordinary supervision under an open regime is also mentioned. At the structural level, not considering the previous emergency logic aspects and prior identification of the main intervention areas, the available resources are being simultaneously optimized; real property is being improved and, mainly, we are recovering the buildings meant for prison use through a rational assignment of internal areas and without the need of violating the territory by building new prisons. All this considering that Italy, still today, has, perhaps, the best relationship between cubic meter of prison building and prisoner.

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### **Ms Alessandra GIRALDI**

#### **Curriculum Vitae**

Alessandra Giraldi holds Master of law from the University of Copenhagen, 1994  
Between 1994 and 1997 she was Head of section in the Ministry of Justice, office of family law.  
Between 1997 and 1999 she was public prosecutor in a local prosecution district  
She was admitted to the Bar in 1999  
She is currently Assistant Deputy Director and Head of the International Department at the Office of the Director of Public Prosecutions.  
She is deputy national member of Eurojust, national correspondent for Eurojust and European Judicial Network and since 2009 she is member of the Consultative Council of European Prosecutors (CCPE).

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### **Mr Stelios NATHANAEL**

#### **Curriculum Vitae**

Stelios Nathanael, J. was born in Limassol, Cyprus. After completing his secondary education and National Guard service he read Law at University College Cardiff and was awarded an LL.B.(Hons) degree in 1976. He was called to the Bar in 1977 (Gray's Inn). He enrolled as an advocate in Cyprus in 1979.

After practicing law for eight years he was appointed Acting District Judge in 1987. In 1988 he was appointed District Judge and in 1995 he was promoted to Senior District Judge. In 1997 he was promoted to President, District Court. From 1999 to 2003 he acted as the Administrative President of Larnaca District Court and in 2003 he was appointed President of the Nicosia Assize Court. Since 2005 until his appointment to the Supreme Court in 2008, he was the Administrative President of the District Court of Nicosia.

Since 2001 he represents the Cyprus Judiciary in the Consultative Council of European Judges (CCJE). He also represents the Judicial Authorities of the Republic in the European Judges Symposia on Trademarks, Designs and Patents. Since 2003 he is a member of the Enlarged Board of Appeal of the European Patents Organization based in Munich. He is Chairman of the Board of Trustees of Mitsi Lemythou Commercial School, a charitable institution administering the trust that set up a secondary education school.

He occasionally serves as an ad hoc Judge at the European Court of Human Rights in Strasbourg.

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