



Multilateral Meeting

Implementation of Community Sanctions and Measures

Strasbourg, 15–16 November 2018

Concept Paper

Sanctions and measures which maintain suspects and offenders in the community and involve some restrictions on their liberty through the imposition of conditions and/or obligations, constitute important ways of combating crime, of reducing the harm that it causes and of enhancing justice. They can provide just and effective supervision, guidance and assistance to suspects or offenders without resorting to deprivation of liberty, thus avoiding the negative effects of remand in custody and of imprisonment.

The effective implementation of community sanctions and measures and the use of prisons as a last resort support the social reintegration of offenders to reduce re-offending.

Standards are being developed by the Council of Europe to provide member states with a framework for an effective implementation of community sanctions and measures and the offenders' supervision in the community.

The recently adopted recommendation of the Committee of Ministers of the Council of Europe CM/Rec(2017)3 on the European Rules on community sanctions and measures provides guidance on the introduction and use of community sanctions and measures to take full advantage of their benefits and to protect the fundamental rights of all concerned. The recommendation also establishes a set of standards to help national legislators, deciding and implementing authorities and practitioners to provide a just and effective use of community sanctions and measures.

The implementing authority, in many countries being the probation service, has the responsibility for the practical implementation of community sanctions and measures. This includes a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of offenders, as well as contributing to community safety.

Constant regard for individualization needs to be undertaken, so that community sanctions and measures correspond with the offence and with the characteristics of the suspect or offender. The nature and the duration of community sanctions and measures should be in proportion to the seriousness of the offence for which persons have been sentenced or of which they have been accused and should take into account their individual circumstances.

In this regard, the assessment of individual risks and needs, the interventions required to address the needs and the offenders' responsiveness to these interventions are crucial for developing and reviewing an individual work plan.

One of the basic principles of the Recommendation CM/Rec(2010)1 on the Council of Europe Probation Rules states that "Probation agencies shall aim to reduce re-offending 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".

The probation agencies or other implementing authorities and the prison services, whether or not forming part of a single organization, should work in close co-operation in order to contribute to a successful transition from life in prison to life in the community.

Where probation agencies are responsible for supervising offenders after release they should work in co-operation with the prison authorities, the offenders, their families and the community in order to prepare their release and reintegration into society.

Relevant Council of Europe standards are also set out in the recommendations of the Committee of Ministers, Rec (2006)2 on the European Prison Rules, Rec(97)12 on staff concerned with the implementation of sanctions and measures; Rec(99)19 concerning mediation in penal matters, Rec(2003)22 concerning conditional release (parole) and Rec(99)22 concerning prison overcrowding and prison population inflation.

The above-mentioned recommendations are available on the website of the Criminal Law Cooperation Unit of the Council of Europe: <http://www.coe.int/en/web/criminal-law-coop>.

The meeting is being organised within the multilateral co-operation activities of the Council of Europe in the penitentiary field. It will bring together senior officials and professionals from all Council of Europe member states to share good practices regarding implementation of community sanctions and measures and to identify ways of introducing new approaches in their systems in line with the Council of Europe standards.

The meeting is expected to facilitate an exchange of experiences, in particular regarding working methods, through peer-to-peer discussion.

Ultimately, it is hoped that the exchange of good practices among practitioners will encourage a more positive, professional and efficient approach in the implementation of community sanctions and measures.