

Panel 4: Future Action and Berlin Declaration on the (Re-)integration of (Ex-)Offenders

**Contribution by Alan Smith, Former Deputy / Acting Head of Unit and Coordinator of the Grundtvig Programme for Adult Learning, European Commission<sup>1</sup>**

**(Re-)Integration of offenders – some ideas for strengthening European cooperation in policy and programmes**

*Mr. Smith made it clear that he was participating in the Panel in a personal capacity. The views expressed are those of the author and do not commit or reflect the official position of the European Commission.*

*At the start of his presentation, Mr. Smith thanked the ExOCOP network for the excellent cooperation during the preparation and follow-up of the European Conference on Prison Education, "Pathways to Inclusion", organised by the European Commission and held in Budapest in February 2010. It was gratifying to see that the results of the four Workshops organised jointly with ExOCOP during the conference had fed into the final results and recommendations of the Network.*

As the Berlin Declaration points out, investment in policies and programmes for the (re-) integration of offenders is an excellent investment, not only in terms of the benefits to the individuals concerned and the social capital generated, but also and not least in the economic sense of the term: as research has clearly shown, by reducing the incidence of recidivism, every euro well spent in this area cuts costs to individual citizens and society as a whole several times over in the longer run.

Nonetheless, the level of investment in this essential area varies widely across the Union, and this is reflected in similarly varying levels of quality when it comes to the provision of vital services. Our collective **ambition should be to make the European Union as a whole a world-wide quality reference for the (re-)integration of offenders by the end of this decade.** To do so, we must **develop strong European measures**, but also be mindful of the need to look beyond Europe's borders at initiatives – successful and less successful – elsewhere in the world.

Achieving this ambition is within our grasp. European and national initiatives have revealed widespread consensus on the key structural characteristics needed for effective (re-) integration in the coming decade, centred on transforming the prison into a positive learning environment for acquiring the knowledge, skills, creativity and competences needed for a successful new start to life in the community, providing targeted assistance in finding employment, ensuring effective support in key areas such as health, family relations and accommodation, and involving close and active cooperation between all relevant authorities, agencies and interests. The ExOCOP Network has been of immense value in bringing this knowledge together. Now, the need is to take the process a step further and to ensure real implementation on a wide scale.

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<sup>1</sup> This text is an editorially developed version of the original oral contribution to the Panel, prepared after the Forum at the request of the organisers.

I believe the time is now ripe for a major European initiative in this field, designed to build on the many but fragmented initiatives developed at local, regional and national level and within the framework of European cooperation projects and partnerships.

At European level as nationally, one of the policy-related but also institutional problems here is that – as Director Stub-Jørgensen pointed out in his keynote speech – (re-)integration is a dimension of other policies, such as justice, social affairs, education, youth and health, rather than a policy field in its own right. This is undoubtedly the case, and it is vital that (re-)integration should continue to be taken firmly into account in each of these other areas. At the same time, the (re-)integration of offenders raises a specific set of issues for policy-makers and society which can only be effectively addressed by bringing the various strands of policy-making and programme action together around this specific theme: hence the need for **a specific initiative at European level** to provide the necessary sustainable forum and platform spoken of so frequently at this conference.

Such an initiative will have a far-reaching impact on the quality of national provision and generate short-, medium- and long-term benefits – social, human and economic – for Europe as a whole which far outweigh the initial and ongoing investment to be made.

Experience from the field of education at European level, for example with the ERASMUS Programme (this was initially also an acronym standing for the **EuROpean Action Scheme for the Mobility of University Students**) tells us that the effectiveness of such an initiative is greatly enhanced by giving it a clear identity and an attractive title, if possible in the form of an acronym forming a pertinent and symbolic name or concept. In the case of the future European initiative on offender (re-)integration which I am proposing, I would suggest for example something like "**PAROLE**", standing for the **P**rogramme of **A**ction for the **R**ehabilitation of **O**ffenders through **L**earning and **E**mployment.

To be fully effective, the initiative will need to comprise:

- a **policy strand** designed to stimulate national initiatives, to contribute to their ongoing success through European exchange of experience and good practice among policy-makers, and to stimulate more and better research and evaluation on key issues;
- a **programme strand** providing a vehicle for European funding for developing fresh initiatives through transnational cooperation, enabling cost-sharing with national funding initiatives, and ensuring the transfer of innovation at an operational level.

As regards the **policy strand**, experience with the education field shows us how effective such an initiative at European level can be in an area only weakly lodged in the Treaty. It could for example include elements such as the following:

- Defining common objectives;
- Establishing operational structures for exchanging experience: conferences and seminars, working groups, study visits etc.;
- Peer review of national, regional and local initiatives and developments;
- Research and evaluation activities focussing on key aspects of the subject;
- Setting agreed indicators and benchmarks: many contributors to the ExOCOP Policy Forum in Berlin have spoken of the need for developing common standards and raising the level of performance. Jointly agreed indicators and benchmarks are a vital instrument to this end. Given the initial reticence of several Member States, few would have believed that in the space of a decade there would be unanimous consensus across the Union as to the usefulness of setting out common goals for the educational field, and similar benefits can accrue to the issue of offender rehabilitation by similar means. Such indicators and benchmarks do not have to be

formulated in absolute terms in a 'one-size-fits-all' approach, but can rather be expressed in terms of progress measurement. Thus, for example, one could imagine an indicator consisting in the commitment for each country to reduce recidivism levels by X% within an agreed time period. Or to take the example of education and training as a key contributor to (re-)integration, indicators might relate to dimensions such as:

- the proportion of prisons with fully developed education and training provision (with a target of complete coverage by 2020);
- the number of teaching staff given initial or specialised in-service training related to teaching in prisons per year;
- total expenditure on prison education and training relative to prison spending in total (and/or relative to national educational spending in total);

Incidentally, the joint definition of targets would have the added benefit of obliging the relevant authorities to introduce badly needed improvements in the statistical and substantive monitoring of expenditure and activities in the rehabilitation field;

- Joint operational goals: for example, countries participating in the initiative could agree to establish a European IT platform for supporting education and training in prison (for inmates, but also for prison staff), to be active and operational by a given year such as 2015, building on the experience derived from the many extremely promising initiatives supported both by some national and regional authorities and by the European Structural Funds and programmes;
- Regular reporting on progress made by participating countries and at European level;
- A European Steering Group involving national representatives but also all other key players such as leading European NGOs focussing on specific aspects of the (re-) integration issue, as well as the relevant international organisations and especially the Council of Europe and Unesco.

What would be the most appropriate organisational structure for such an initiative? Here again, experience from the field of education can be instructive. Essentially there would appear to be three possible models:

- a **Community approach** (as in the case of education and training) based on a **formal EU instrument**, such as a Council decision or resolution, devoted specifically to (re-) integration but deriving its policy rationale from the EU2020 strategy for smart, sustainable and inclusive growth and from the Stockholm Programme etc. (it is currently not clear which Commission service would be best placed to take the lead at EU level; this could be discussed by an inter-service group involving the relevant Directorates-General, notably those responsible for Justice, Social Affairs, and Education, Training and Youth). This "Community" approach would have considerable advantages from the point of view of its legal, political and financial solidity, but would need to be open for involvement of third countries;
- an **inter-governmental** approach (such as the Bologna Process<sup>2</sup> in the higher education field), supported for specific activities by the EU itself but essentially an agreement on voluntary joint action between the signatory countries without an underlying legal text at EU level. The Bologna Process for restructuring higher

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<sup>2</sup> The Bologna Process is named after the Bologna Declaration, which was signed in the Italian city of Bologna on 19 June 1999 by ministers in charge of higher education from 29 European countries. Today, the Process unites 47 countries - all party to the European Cultural Convention and committed to the goals of the European Higher Education Area. An important characteristic of the Bologna Process - and key to its success - is that it also involves European Commission, Council of Europe and UNESCO-CEPES, as well as representatives of higher education institutions, students, staff, employers and quality assurance agencies. Source: the official Bologna process website: [www.ond.vlaanderen.be/hogeronderwijs/bologna](http://www.ond.vlaanderen.be/hogeronderwijs/bologna).

education across Europe has proven a remarkably resilient instrument during its first decade. It has the disadvantages accruing from the absence of a truly European legal basis, but counterbalancing advantages in the area of creating a strong sense of 'ownership' on the part of the participating governments without foregoing participation and support from the Commission;

- an **informal** approach based on non-governmental structures such as the emergent international NGO "Europris" or ExOCOP itself if this network is continued in some form. This would have the advantage of flexibility and of being relatively quick and easy to launch, but potentially significant disadvantages in terms of its capacity to 'deliver' on jointly agreed goals for which government commitments will ultimately be necessary.

In the short term, the panel of representatives suggested in the ExOCOP Berlin Declaration could be extremely valuable in paving the way for the European initiative proposed. In the longer term, depending on how the initiative evolves, the panel could become the steering group for the initiative itself or continue if needed as a separate body with a clearly defined advisory role.

Even before the more structured European instrument is agreed, the panel of representatives could agree to launch a set of policy-related measures such as those suggested above. The Commission could be asked to assess whether it would be possible to provide European funding to assist in this process and feasible to envisage a Community-based instrument.

Alongside the policy strand, there will need to be a strong **programme strand** in the future initiative. In addition to its role in providing the necessary resources for the policy-related activities referred to above, a number of different models could be used for this programme strand. For example, it could either:

- provide dedicated and coordinated European funding for transnational projects, partnerships, networks and mobility activities on the key aspects of (re-)integration, and in particular joint projects spanning several aspects of the reintegration issue, as well as support for relevant European associations and bodies;
- or be just a coordination mechanism without dedicated own funding, merely bringing together in a more structured way the funding services responsible in the relevant Commission DGs and ensuring by means of appropriate structures for joint discussion a more systematic and focussed use of funds from the different EU funding instruments, as well as national funding available for cooperation in this area.

In either case, appropriate care should be taken not to create additional coordinational bureaucracy with no real added value of substance.

### *Concluding remarks*

Of course, it is very easy to formulate ideas of this kind for the future and very much more difficult to translate them into action, particularly in areas where the European treaties provide a relatively tenuous basis for action. On the other hand, the old adage that "where there's a will, there's a way" is an important watchword for European endeavour. Both in the programme sphere and the policy arena with its Education and Training 2020 initiative and specific instruments such as the European Agenda for Adult Learning adopted in 2011 – including a specific reference to prison education – the education field shows what can be achieved through perseverance and through the force of demonstrating by example the benefits to be derived from exchange of experience and closer collaboration.

In the field of offender (re-)integration there are also positive signals which should give us hope and reason for collective optimism in the sense described by Mr.Rentzmann in his keynote speech yesterday. The willingness of countries and regions to work together in the framework of ExOCOP and the transnationality strand of the ESF, the launching of joint bilateral initiatives between countries such as Romania and Portugal, the emergence of Europris, and at the grass roots level the commitment shown by the hundreds of organisations working together in partnerships and projects across Europe – all these are positive signs of the need felt at all levels for ongoing transnational collaboration between the countries of Europe in this area. May I wish you every success in the continuation of your important work.

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