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Ex-offender Community of Practice (ExOCOP)

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THE BERLIN DECLARATION

ON THE REINTEGRATION
OF OFFENDERS AND
EX-OFFENDERS



ExOCOP

POLICY FORUM BERLIN

18.19 JUNE 2012

Permanent Representation of Bremen
to the Federal Government

Hiroshima Straße 24, D - 10785 Berlin



EUROPEAN COMMISSION
Employment, Social affairs and equal opportunities DG



Federal Ministry
of Labour
and Social Affairs



Freie
Hansestadt
Bremen



European Union
European Social Fund

THE EUROPEAN CONTEXT

Prisons

There are significant differences in the penal systems of the European Union's Member States. Each country has its own distinct legal framework, culture and administrative structures, and allocates responsibilities to a number of different offices or operational systems.

These differences between Member States impact on both prisoners and on prisons' infrastructure and resources. Many changes would be necessary to bring countries to a similar level in terms of how an offender is detained and treated and to align the detention facilities and the resources to which s/he has access.

This heterogeneity carries over into the range and quality of provision for education and employment, into the staffing capacity, duty of care, prison documentation and overcrowding, and into financing and third-party donor funding. Currently, many penal systems must find a way to interlace conventional prison activities with innovative initiatives that are often financed by the European Social Fund (ESF) and operate in less traditional areas such as providing labour market qualifications, mediating new employment opportunities, training via e-learning and managing the transition or reintegration of prisoners into the community.

However, several problems still exist in some systems such as the failure to promote (re-)training and education for detainees and to create a positive learning environment. Even in those Member States, where (re-)training and educational schemes are available, there are considerable differences in the quality and quantity of what is on offer.

(Ex-)Offenders

The European prison population however has comparable problems, as the clientele is very heterogeneous with common characteristics.

Inmates tend to be low-skilled, with the majority lacking any academic or vocational qualifications. Most are long-term unemployed or have never entered the job market. Their lack of social and life skills can be a major barrier, not just to entering the workplace, but also to coping with everyday life and to becoming reintegrated into a community. Some have conspicuous social behavioural difficulties which immediately put them at a disadvantage on the labour market. Some also have physical and mental disorders which need to be medically addressed before they can connect effectively with the job market or with society.

Acceptance into a community is acknowledged as being pivotal in reducing recidivism, but the various components of successful reintegration remain under constant assessment. Major factors seem to be: the length of sentence; whether it is a first-time or repeat offender; the crime committed; gender-specific issues; and the particular needs of disadvantaged groups such as young people, minorities, immigrants, those with physical or mental disabilities and drug users.

Collaboration and Common Policy

Social and vocational reintegration requires each of these many, disparate components to be addressed according to the individual offender's needs. This process must also include offering educational and vocational training, dealing with the effects of long-term unemployment, providing suitable housing and tackling any drug misuse, debt management, health and behavioural problems and social

exclusion. However, each component may have different characteristics and also different implications for men and for women.

There are some excellent examples of national or European projects which have tackled the employment, vocational training and labour market issues of ex-offenders, both inside and outside prisons. However, these tend to be pilot projects providing isolated examples of good practice, and have rarely resulted in changes to national policy. Communication between the diverse stakeholders necessary for any reintegration approach remains weak, compliance with existing standards is low and there are big differences in how resources are currently accessed and evaluated.

Despite the many positive developments at local, regional and national levels, to date, there is no common European policy for the reintegration of ex-offenders and this is a situation which must be changed.

ExOCOP brings together over 40 European partners from every level in an ESF-funded European Learning Network. The main goal of ExOCOP is to reduce re-offending in Europe by developing a clear Education, Training and Employment pathway for prisoners and ex-offenders along which they can access strategic resettlement facilities. Over the past two years, it has held 20 operational workshops culminating in 5 seminars that have led to the development of a range of policy recommendations¹ as well as to the drafting of a Declaration which restates ExOCOP's commitment to work towards the reduction of (re-)offending within the different penal systems, bearing in mind ex-offenders' needs for education and employment and acknowledging their rights to rehabilitation and guidance for becoming fully integrated into mainstream society.

¹ The recommendations of the workshops and the seminars are on specific thematic fields, not on general policy. They are published in the Lessons Learned Report of the Berlin Policy Forum 2012.

THE DECLARATION

OBJECTIVES AND SCOPE

Objectives

The overarching goal is to develop and implement general, yet systematic, rehabilitation / reintegration strategies for ex-offenders bringing them into the mainstream community within the EU Member States. Initiatives undertaken by the prison system are just one aspect of successful reintegration, which should be tackled in the broader context of both criminal and social policies.

To address the current situation, the declaration proposes to pursue two objectives:

At the political level, law enforcement and the penal system should promote and support reintegration strategies in prisons. Administrative issues, tendering and financial decisionmaking are included within the scope of this task.

At the practical and operational level, appropriate measures should be developed for rehabilitation. By sharing information about what works and examples of good practice, the measures adopted will be based on those that have proved to be useful and effective in other situations.

The tasks involved in the rehabilitation of ex-offenders should not fall to the judicial services alone, nor should these services be uniquely responsible for their implementation. Several other organisations or services such as f.e. law enforcement, probation services, employment agencies, social services, third sector organisations, education and training agencies, debtors' advisory centres and drug treatment facilities and others, as well as the local communities and the wider public should be involved, if the rehabilitation process is to be effective. These

organisations and services can only achieve their collective goal through a commitment to close cooperation.

There is also a need to foster the involvement and engagement of the community. Strategies for raising public awareness are needed (like work with employers, reducing stereotypes of social exclusion and others).

Implementation of Objectives

The implementation of a general, systematic European reintegration policy should be developed from those strategies that have been tested in this field and have led to improved conditions.

Systematic but tailored: Whilst a systematic policy must be designed, it is very clear that this policy must accommodate the individual, case-oriented approach, which has proved to be most beneficial. The policy may then be adapted to the particular needs of local communities, or the needs of individual ex-offenders. This is the most effective way for policy to promote specific action on behalf of disadvantaged target groups.

Acknowledge differences at the starting point and demonstrate the capacity to change: The aim must be to achieve a common minimum standard. But flexibility will be needed so that expectations of what can be achieved reflect the different stages of development across each member state.

Organisational changes promoted at a European level: Organisational changes must be proposed to implement this approach and to standardise and harmonise responses at regional, national and, particularly, European level. This will impact both on the design and the standardisation of current legal frameworks, and brings with it a

commitment to make strategic improvements in the rehabilitation process.

Closer cooperation between the EU Member States and the European Commission would directly influence the way common standards and policies are promoted and implemented at national level. Improving funding opportunities and the streamlining of funding would also reinforce this effort.

Outlining a Strategy for Implementation

There is room for improvement at every level.

INTER-AGENCY NETWORKING

A networking interface is essential and the terms and conditions of cooperation should be both integrated into the management and work of the organisations involved and also become legally binding in practice.

Networking includes both cross-departmental cooperation and partnerships between various institutions and organisations both at European and national level, including government agencies, regional and local authorities, social partners, civil society organisations and local communities. There is also a need for specific, structural roles such as inter-agency Coordinators, who should be directly responsible for the implementation of the activities of the network and have the authority to cross both institutional and departmental barriers.

Networking has different objectives at each level:

- At European level, the relevant European Commission services could ensure that there is a coordinated and common use of the various resources that are available;
- At Member State level, the appropriate legal frameworks should be outlined and the necessary funds and resources to support and promote the reintegration approach should be provided;
- At national level, there should also be coordination between the relevant ministries that are responsible for various aspects of the approach;
- At regional level, an appropriate network of those individuals and organisations that are operational in the field should be promoted and sustained to improve the practical implementation of rehabilitation strategies.

Promoting and sustaining local infrastructures such as community-based solutions is of central importance, as they reach out to local cultures and actively encourage inclusiveness amongst disadvantaged areas or social groupings.

The successful implementation of a rehabilitation/ reintegration approach will only be achieved through the use, development and expansion of local interfaces and networks. Success will be secured by making these networks sustainable and offering continuity of funding. Staff training is implicit in this networking approach, as the people undertaking the coordination role must be skilled in interfacing between disparate groups and agencies. Such training would also facilitate both systematic and structural change, so that social and criminal policies could incorporate a collaborative approach.

Improving Cooperation between the European Commission and the Member States

In order to develop a strategic approach to reintegration, there must be professional exchange between the diverse institutions and stakeholders. A forum is needed for this debate, connecting funding authorities with operational decision-makers, and representing all interests and stakeholders in the European penal systems.

It is proposed that the existing European organisations, f.e. ExOCOP, EuroPris and/or other appropriate agencies, should establish a panel of representatives of Member States' judicial authorities, national and regional authorities responsible for social inclusion and of each of the EU-DGs with a responsibility for aspects of the rehabilitation process and social inclusion. Other European bodies working in this field might also be represented on this panel.

In this panel, European Member States and their decision-makers would assess needs and set the requisite aims and objectives. The panel would also be an appropriate body through which to develop and discuss corresponding research in this field.

Appropriate guidelines for rehabilitation cannot be formulated without a professional stakeholder network which represents both operational and policy-level decision makers. It is proposed to foster such a structure as an approach both to benchmarking existing national approaches and strategies and to formulating a sound, common European perspective.

Greater adherence to European Recommendations and guidelines

Against the backdrop of the great variety of penal and judicial systems, it is of vital importance to support the implementation of the

recommendations within the European Prison Rules (EPR)², which refer to Education Training and Employment (ETE)³. The EPR clearly outline the responsibilities of probation and other agencies, such as housing associations and health services, in the reintegration of ex-offenders. Law enforcement must be viewed as a common European task.

OBJECTIVES AND SCOPE

Structured funding

Funding existing programmes: The European Commission already provides extensive incentive programmes in the field of the rehabilitation of ex-offenders. In order to enhance the effectiveness of the available funding, cooperation should be developed between the relevant actors and levels involved, with a view to fine-tuning the content and organisational aspects of these programmes.

Promoting funding possibilities in the discussed field and make the information more easily accessible is also important to advance the effectiveness of the available funding.

Future funding: With regard to the post 2013 funding, significant value could be added to future programmes if cooperation between the relevant services of the European Commission (such as health, education, employment, social services, research and justice) was extended to also cover the deployment or allocation of funding.

² Council of Europe: Recommendation Rec(2006)2 of the Committee of Ministers to Member States on the European Prison Rules (adapted 11 January 2006)
<https://wcd.coe.int/ViewDoc.jsp?id=955747>

³ Further recommendations can be included, e.g.: Council of Europe: Recommendation No. R(89)12 of the Committee of Ministers to Member States on Education in Prison (adapted October 1989)
[\[https://wcd.coe.int/wcd/com.intranet.InstraServlet?command=com.intranet.CmdBlobGet&IntranetImage=593350&SecMode=1&DocId=656296&Usage=2\]](https://wcd.coe.int/wcd/com.intranet.InstraServlet?command=com.intranet.CmdBlobGet&IntranetImage=593350&SecMode=1&DocId=656296&Usage=2).

Possibilities offered by these services should be coordinated. Common guidelines to assess existing resources and areas of need at EU, national and regional level would promote the efficiency of the interventions of the EU programmes by targeting them at the issues or the types of ex-offenders, which present the greatest problems.

The use of funds for the treatment of ex-offenders in the community raises issues both at European and the national levels. Common guidelines are required to assess the extent of existing needs, to develop and implement a systematic policy for reintegration and to promote the efficiency of existing interventions and programmes. Structured funding, guided by recognised key themes would enable better implementation of policy and also promote further cooperation between DGs and national ministries.

A professional panel, as proposed above, could contribute to improved efficiency by, for example, focussing funding under recognised key themes, and awarding grants to those which develop synergies between relevant DGs and stakeholders and with external funders.

Exchange of knowledge and good practice

Advances must also be made towards improved exchange of knowledge and good practice. Discussions on successful approaches should be systematically integrated into the field of rehabilitation / reintegration at Member State level. In order to sustain this process, appropriate funding should be made available, in particular for the identification and dissemination of the successful approaches and for promoting exchange of knowledge and good practices.

In order to sustain this essential learning process, project and programme knowledge transfer should be an obligatory component for

funding, and programmes should be required to assess the transferability of their approaches to other European Member States.

Evaluation

Particular attention should be paid to the development of evaluation methodologies in order to assess the efficiency and the effectiveness of the various initiatives supported through EU and national funding. This approach would also feed back into quality assurance and the reliability of certification, as well as cost-benefit considerations.

We pledge our support to the objectives and implementation as outlined and commit ourselves to collaborate towards promoting these goals.

The following institutions support the Berlin Declaration:

BELGIUM



**Federal Public Service
Justice**

Federal Public Service Justice
Belgium



International Juvenile Justice
Observatory
Belgium

GERMANY



**Federal Ministry
of Labour
and Social Affairs**

Federal Ministry of Labour and Social
Affairs
Germany



**Federal Ministry
of Justice**

Federal Ministry of Justice
Germany



**Freie
Hansestadt
Bremen**

The Senate for Economy, Labour and
Harbours
Federal State of Bremen
Germany

The Senate for Justice and Constitution
Federal State of Bremen
Germany

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Ministry of Internal Affairs
National Development Agency
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Hungary

ITALY



Ministry of Labour and Social Policies
Directorate-General for Passive and
Active Labour Policies
Italy



Ministry of Justice Department of
Penitentiary Administration
General Directorate for External Penal
Execution Permanent Group for ESF
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Ministry of Justice
Juvenile Justice Department
Italy

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ISFOL
Institute for the Development of
Vocational Training of Workers
Italy



Emilia Romagna Region
Italy



Regione Lombardia

Lombardia Region
Italy



Region Toscana
Italy

POLAND



Central Board of Prison Service
Poland

PORTUGAL



Prison Administration
Portugal

ROMANIA



Romanian Prison Administration
Romania

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SLOVENIA



Prison Administration of Republic of Slovenia, Ministry of Justice and Public Administration
Slovenia

SPAIN



Sub-directorate General of the Ministry of Employment and Social security
UAFSE - ESF Managing Unit
Spain



OATPFE - Autonomous Body (Agency) for Work in Prison and Vocational Training for Employment (of offenders)
Secretary general in charge of Prisons of the Ministry of the Interior
Spain



Inclusion Initiatives Centre
Centre d'Iniciatives per a la Reinserció
Spain

THE NETHERLANDS



Ministry of Security and Justice

The Netherlands Ministry of Security and Justice, Director-General Youth and Sanctions
The Netherlands



180 Foundation
The Netherlands

UK – ENGLAND



National Offender Management Service
(NOMS)
Ministry of Justice
UK

UK – NORTHERN IRELAND



Department of Employment and Learning
Northern Ireland



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