



THE EUROPEAN ORGANISATION OF PRISONS AND
CORRECTIONAL SERVICES

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Dear M. Tell

I am writing in my capacity as President of the European Organisation of Prison and Correctional Services (EuroPris) to provide a response to the Commission's Green Paper: "Strengthening Mutual Trust in the European Judicial Area: a Green Paper on the Application of EU Criminal Justice Legislation in the field of Detention".

Clearly, many of the individual members of EuroPris will have contributed to the national responses to the Green Paper and this response is not, and cannot be, a composite response of these views. Many of the issues raised in the Green Paper are more correctly within the interest of national administrations and not EuroPris and so my response will focus on certain specific areas. In addition, several of the areas on which the Green Paper seeks contributions are beyond the sphere of competence of our organisation. However, as an organisation of practicing prison and correctional professionals – even one so recently formed – we believe that we have a critical role to play in developing, supporting and strengthening mutual trust in the prisons and correctional sphere, as well as building cross national co-operation in the area of detention practice. We also have a role to play as an organisation in gathering robust knowledge about existing practices across jurisdictions to inform the development of practice and legislation more generally.

Where we believe that EuroPris can make a meaningful contribution to the Green Paper consultation exercise is in regard to how prison administrations should be encouraged to network and establish best practice (Question 9); and on how the work of the Council of Europe and Member States could be better promoted to implement good detention practice (Question 10). Before looking at these issues it may be sensible to provide some background to the current correctional landscape in Europe and the common issues we face.

Background

An overview of the situation in the prison and correctional Services in the European Union would reveal that jurisdictions face similar problems. However, while we need to recognise that we share similar problems we do not necessarily share similar levels of development or resources. The critical issue, we believe, is that as correctional professionals we need to work



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to develop common solutions, wherever possible, based on common philosophies and ideologies.

What we have been witnessing over the past twenty years in European jurisdictions (with very rare exceptions) is trend toward the increasing use of imprisonment. It is becoming ever clearer that principle of the use of “prison as a last resort” is no longer the reality. In most countries, there has been – and still is – a political demand for longer sentences and harsher punishment. This is coupled with a political demand for less expenditure on prison Services. This is a challenge for us not only as Heads of Prison Services but also as Europeans as we try to foster trust and mutual understanding in the area of detention practice within our region

For many reasons - more open borders being one of them – cross-national criminality has become more and more common with the consequence that there are ever-increasing numbers of foreign nationals in European prisons. We all know what this means in terms of linguistic difficulties, in terms of reduced rehabilitation possibilities, and in terms of increasing the need for security. Yet, the problems are not restricted to foreign nationals. Increasingly, our prisons are being used to provide penal solutions to social problems: to house the mentally ill; to house substance abusers; to house ever-increasing numbers of women; to house growing numbers highly professional white colour criminals; and to house increasing numbers of gang-related criminals, terrorists, and war criminals. These demands on our Services combined with reduced funding and reduced staffing levels add severely to the challenges that we are facing. Prisons are becoming considerably more complex institutions and the need to work collaboratively in addressing these issues is paramount.

Against this ever more complicated correctional landscape, as an organisation, EuroPris welcomes the thrust toward building trust that lies behind the Green Paper and, we believe, that EuroPris has an important role to play in advancing understanding and mutual trust in the prisons’ arena. We have already noted the disparity in conditions and practices across European jurisdictions and we congratulate the Commission for the solid and impressive programmatic work that the Commission and Member States have undertaken in recent years to support the spread of good practice. In future years, we would hope that EuroPris can lead or partner similar programmatic work in collaboration with the Commission and other organisations such as European Organisation for Probation (CEP).

The Role of EuroPris in Establishing Mutual Trust

Earlier, I mentioned that our sphere of competence in responding to the issues raised in the Green paper is a ‘narrower’ one than national jurisdictions would offer and we leave it to Member States to comment on the Green Paper in its entirety. Where we see the specific relevance of our input is in respect to questions on the monitoring of detention conditions, and on detention standards (Questions 9 &10).



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EuroPris is a fledgling organisation, but given the national breadth and strength of our membership, we feel that there is scope for playing a crucial part in building trust, implementing standards and creating a context across national activity. We also feel that we have a role to play, working with the Council of Europe, in providing the expertise necessary to creating effective systems of monitoring that not only review the levels and standards of service delivery but also, importantly, encourage and promote the implementation of practice to meet such standards. Our competence in this domain is a function of the fact that we are an organisation of practising prison and we have set out below that our agenda of working toward effective professional prison practice is congruent with the Commission's in this area. We agree completely with the Commission in its comment that "good detention conditions are a pre-requisite to the rehabilitation of offenders".

EuroPris has a number of specific goals, aims and objectives which fit answer directly the EU's need to encourage prison administrations to network and establish mechanisms for exchanging best practice. The first is to advance the operational capabilities and professionalism of prison and correctional practitioners across Europe. As an organisation we can do this more effectively, and advance the agenda of mutual trust, because we **are** practicing professionals, we are not academics, we are the voice of a very specific profession, the prison profession – and this is a voice which has been sadly lacking in the discussions on the impact of proposed legislation on prison practice. Perhaps uniquely, EuroPris offers the opportunity to generate relationships and exchange information internally between members externally with other organisations with a view to developing best practice. We can do so because being practitioners we can come up with pragmatic solutions as to what best practices are and in that way help each other to perform better.

The object of the EuroPris is to speak to the views of the prison practitioners in Europe with a specific intention of promoting ethical and rights-based imprisonment, exchanging information and providing expert assistance to the EU and the Council of Europe. This is, of course, very much in line with the stated intentions of the Council of Europe, so what is specific and unique about EuroPris?

We see EuroPris as an 'expert group' on prison matters within Europe - an 'expert group' with a competence not only in prison practice but also understanding how policy and legislation might impact on such practice. EuroPris is best placed in this role because it is a practitioner organisation: our members are those persons responsible for the operation and delivery of prison systems. Who is better placed to know exactly what is going on, what the problems are and what the solutions might be within the prison environment?

We hope to contribute to the development of policies and legislation within the framework of the EU and Council of Europe standards. Again, we are not politicians, but we would want to influence at an early stage the creation of the standards and regulations on the basis of our professional knowledge and expertise. We would hope (and prefer) to take part in shaping



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the future and not just in responding to it. In short, we see the organisation as a resource to policymakers in Europe - an advisory practice-based capacity.

We should add one further point on the issue of our advisory role. While most of our members work in the prisons' sphere, some of our members are also responsible for probation matters we will unavoidably use our voice in these matters as well, but in doing this we would work in close cooperation with the CEP, with whom we already have close affiliations.

We end by noting that in the Press Release accompanying the launch of the Green Paper, Viviane Reding, the EU Justice Commissioner, expressed the need for closer cooperation between judicial authorities in the EU, the need to strengthen the mutual knowledge about our systems, and the need to reinforce mutual trust. We agree, and as an organisation we believe we can work with the Commission and other partners towards making this a reality.

The need for mutual recognition and trust is paramount if the various proposals that the Commission wishes to take forward are to be implemented effectively. If the Member States do not succeed in fulfilling these needs the principle of mutual recognition will never be effective and consequently the new framework decisions will never be effective. One of the central aims of EuroPris is to build mutual trust across prison and correctional Services by developing a better understanding of the issues that the various Services face, offering support and providing a forum that would allow us to understand these issues better, sharing best practice, and ultimately reaching a position where strategies to reach solutions some of these issues can be developed collaboratively

The idea of trust is critical. It will not develop overnight but EuroPris, we believe, offers the opportunity for senior staff in prison Services to collaborate, to understand the issues better, to share and to support the agenda of the EU, The Commission and the Council of Europe..

We said at the outset that EuroPris was not in a position, as national jurisdictions are, to provide you with a comprehensive response to the various issues raised in the Green Paper. We trust that this contribution will nevertheless be of assistance to you in taking forward the work of the Green Paper.

Yours sincerely,

Hans Meurisse

President, EuroPris