

Katarzyna Dudek

## **International Conference SPECTO: Multidisciplinary perspectives in the quasi-coercive treatment of offenders**

**Report of the 7<sup>th</sup> Edition: groups with special needs in community  
measures) 13<sup>th</sup>-14<sup>th</sup> September, Timisoara, Romania**

Celem sprawozdania jest prezentacja kluczowych tematów konferencji, która odbyła się w Timisoarze w dniach 13-14 września 2018 r. Została zorganizowana przez SPECTO Conference, Confederation of European Probation (CEP) i Uniwersytet w Timisoarze; jest kolejną z cyklu sympozjów międzynarodowych poświęconych międzynarodowym zagadnieniom systemów penitencjarnych w Europie. Prelegenci konferencji poruszyli pojawiające się praktyczne problemy postępowania ze szczególnymi grupami przestępców (kobiety, nieletni, niepełnosprawni, osoby z zaburzeniami psychicznymi, terroryści) oraz zaprezentowali wyniki swoich programów badawczych.

**Słowa kluczowe:** specjalne grupy przestępców, system penitencjarny.

The aim of this article is the presentation of the themes of the International Conference which took place in Timisoara between 13 and 14 September 2018. It was organized by the SPECTO Conference, Confederation of European Probation (CEP) and University of Timisoara as a continuation of international seminars dedicated to European penitentiary systems. The Conference speakers raised the emerging practical problems the quasi – coercive treatment of offenders – groups with special needs in community measures. They also presented results of their research programmes.

**Key words:** offenders-groups with special needs.

The 7<sup>th</sup> edition of SPECTO International Multidisciplinary Conference was organized by University of Timisoara, the Confederation of European Probation (CEP) regarding a multi-faceted perspective of

dealing with specific groups of criminals (women, juveniles, disabled people, people with mental disorders, terrorists). The Conference was attended by over 130 participants from 18 countries, representing academic circles, government departments of justice and employees of the probation service and the prison service.

The Conference was opened by the rector of the University of Timisoara – prof. Marilen Gabriel Pirtea, chairman of the CEP Organization – Gerry McNally and dean of the Department of Sociology and Psychology at the University of Timisoara – prof. Marian Crasovan. In introductory speeches, it was pointed out that according to the evolution of the institution of probation and modern technologies in the service of medicine and justice as well as the challenges that arose with the expanding phenomenon of radicalism and nationalism, it seems important to develop adequate, practical and effective methods of criminal proceedings (at every stage of criminal proceedings) against offenders representing groups of minors, women, people at higher risk for public safety and suffering from mental disorders.

During the two-day debates, experts in the field of law, sociology, psychology and new technologies, speakers presented important doctrinal issues (e.g. situation of women and their families in penitentiary proceedings) and latest practical solutions that have been introduced in their countries (e.g. the birth of a modern probation system in Croatia in 2017 and its merger with the Ministry of Justice or the inauguration of the probation service in Slovenia in April 2018). In addition to wide discussions during the planned agenda, the organizers took care of the opportunity to conduct free conversations and make contacts during the evening meetings.

On the first day of the Conference, the following issues were discussed:

- social consequences of the use of insolvent penal measures against women and their resettlement in Europe (Prof. Gillian McIvor, Department of Criminology, University of Stirling),

- socio-therapeutic programs and post-penitentiary forms of assistance to convicted persons and related areas of activity of individual law enforcement and justice authorities (Ioana Darjan, University of Timisoara),

- dealing with offenders of crimes with mental disorders or requiring special medical care (Danijela Knjizek, Marina Mirceta Mikulic, Jasminka Trgo, Ministry of Justice of the Republic of Croatia).

In particular, prof. McIvor presented the conclusions of her long-term scientific research on the causes of female crime and methods of their social re-adaptation, pointing in particular to the established doctrine of women's crime motivation (poverty, financial pressure, alcohol and substance abuse, emotional and physical pressure from the life partner, pressure of the consuming lifestyle, inequality of men's social authority). The speaker also said that regardless of cultural differences and criminal case law in individual countries, women mainly commit offenses related to illegal acquisition of funds and the phenomenon of broadly understood drug addiction. Due to the fact that the percentage of women within the prison population is usually low, they perform an isolation prison sentence in special centres for women, often located far away from their previous place of residence. Unfortunately, the penitentiary system procedures are largely masculinized and unfit to women's situation.

What is more, women usually take short-term imprisonment, which, firstly, is not conducive to complying fully with penitentiary discipline and, secondly, it has an impact on the establishment of an unstable lifestyle. Professor McIvor also notices in penitentiary units a group of women from minority, for example Roma. The consequences of crime among women can be seen in many areas, for example in family and social relationships, professional and financial, mental and physical health. The presented research results prove that the effects caused by the crime of women and the use of penal measures against them have a direct impact on the number of crimes committed by men from their close environment (this in turn is related to their family relationships, isolation from children and partners, lack of personal support and financial support of family while serving a prison sentence). This leads to the conclusion that for women in the penitentiary or probation system, penal measures should be based on an individualized approach, especially taking into account the principle of restorative justice. In this context, it is important to prepare comprehensive plans for effective social inclusion of convicted women with significant support from the probation services.

The first session of the Round Table Group, moderated by CEP Secretary General – Willem van der Brugge focused on three thematic areas:

1) presentation of the new probation system in Slovenia: this topic was discussed by Simon Svetin Jakopic and Melita Zver Makovec. They started with general social data from their country (2 million citizens, alcohol problem of 10% of the population, a 360% increase in the use

of drugs and narcotic substances in 2011-2015, 6,252 convictions in criminal proceedings in 2017, including 1 348 cases where criminal court applied a prison sentence). Since May 2017, the Probation Act has been in force in Slovenia. In January 2018, the administrative structures of the probation system were created and from April 2018, 30 employees began to work there. The scope of the probation system includes, among others, cooperation with the prosecutor's office at the stage of pre-trial proceedings, preparation of an interview for the criminal court at the stage of jurisdiction proceedings, work with convicted with conditional suspension of imprisonment, conditional release of convicted person from serving the remainder of prison sentence, convicted to a house arrest or a punitive measure society and cooperation with the prison service in the scope of further readaptation of the offenders in society;

2) the use of safeguards against offenders in the framework of the Croatian probation system: presentation of this topic was done by Danijela Knijek, Marina Mirceta Mikulic and Jasminka Trgo. In particular, the principles of functioning of the probation in Croatia were discussed against the background of court statistics including security measures (65% of prison sentences with conditional suspension, 19% of conditional releases from prison and 13% of penalties in society - from which in 60% concerned medium risk and 10% high risk issues), the system includes cooperation of all entities of the law enforcement and judicial system like police, prosecution, courts, prison, health care, social welfare, local authorities of non-governmental organizations;

3) mentoring rehabilitation programs for convicted offenders as an opportunity for effective re-adaptation: Professor Ioan Durnescu (University of Bucharest, Faculty of Sociology and Social Work) presented the problem of prisoners employment after serving a prison sentence and the difficulty of finding work by former prisoners in the commercial market.

The second session of the Round Table Group, led by Maria Terzidou – Director of the European Organization for Drug Abuse and Combating REITOX in Greece concerned the problem of increasing the scale of alcohol and drug addiction among 17 and 18-year-olds in Romania, the effects of psycho-sociological addictions among these young people and the specific phenomenon of drug addictions among Roma minorities in Romania.

In the second part of the debate, there were parallel thematic sessions concerning, inter alia, comparison of the effectiveness of punitive

isolation and liberty measures in the criminal justice system, dealing with addicts during a criminal trial; migration and trafficking in human beings; presentation of the European FAIR program on combating the spread of extremism (unfortunately, not all discussions were conducted in English).

There was very interesting topic regarding the phenomenon of radicalism and extremism among prisoners. The problem was discussed by prof. Joseph Giordmain from the University of Malta. Since 2016, the European Commission has been sponsoring the FAIR project (Fighting Against Inmates' Radicalization), which main objectives includes the issue of preventing the spread of the phenomenon of radicalization in European, promoting appropriate attitudes among prisoners (in particular assertiveness towards extremist groups) and helping in the social reintegration of prisoners. The research was taken between 2017 and 2019 and included 170 employees of penitentiary systems from 8 Member States (Italy, Hungary, Finland, Slovenia, Romania, Portugal, the Netherlands, Lithuania), a research group of 50 prisoners and 162 representatives of Nongovernmental Organizations, scientists and practitioners from European countries. The research work was based on close cooperation of three Project coordinators: 1) Arq Psychotrauma Expert Group (the Netherlands) - an association of institutions and organisations dealing with the psychotraumatic effects of terrorist attacks, support of prison staff and development of practices and measures to prevent and combat terrorist attacks by radicalists, 2) European Institute of Crime Prevention and Control – HEUNI (Finland) – an organisation that facilitates cooperation between the European Union institutions and the United Nations in the field of information exchange and cooperation in fighting crime and building procedures in the field of criminal justice 3) and the University of Malta, implementing the program called in cooperation with local penitentiary units. Research work resulted in reports regarding risk assessment, training and procedures for employees of prisons, as well as a catalog of universal principles of good practice to prevent the emergence of extremist groups. One of the Project's research areas is the assessment of the effectiveness of special post-intervention centres established for former radicalists. During the presentation, the most important methods to recruit prisoners to extremist groups inside prisons were presented. Prisoners are more susceptible to persuasion (participation in educational programs, use of libraries, breaking language and denominational barriers). Research conclusions indicate that

despite the structural, administrative, political and legal differences of European systems – opinions and observations of participants regarding penitentiary systems are very similar. There is still a lack of basic knowledge about the types of radicalism, which results in the lack of any preventive actions in this direction. During the presentation, there was a lively discussion with representatives of prisons in Romania regarding the legitimacy of information campaigns on extremism in prisons, mainly for fear of achieving the opposite of what was intended. Subsequent conclusions of the discussion concerned the role of families of victims of terrorism and extremism and the image of immigrants in Europe. One of the experts of the FAIR program – Patrizio Lamonaca raised an important topic of the perception of immigrants by European societies, especially their identification with a group of terrorists (the phenomenon of stigmatization) or victims of terrorism. The discussion on the authority of state structures and the difference between terrorist and extremist groups using violence was the source of this lively discussion.

The expert pointed out that although there is no legal definition of terrorism in the European law, there are certain international procedures for combating radical terrorism and extremism (P/CVE strategies – Countering Violent Extremism).

Professor J. Giordmain expressed the general view that people perceived by many as universal authority, such as Ghandi or Nelson Mandela, were also radicals who experienced imprisonment. The phenomena of extremism and radicalism are ambiguous and can serve people in various social roles. One should also clearly distinguish a person with radical views (radicals) from a radicalized person (whose specific views were induced for the purposes of extremist groups).

Then, Attila Juhasz – vice-chairman of the European Council of Penological Cooperation (PC-CP) Organization at the Council of Europe (expert in the Hungarian Prison Sector) presented his vision of maintaining and reconstructing relations of offenders with families. Speaker presented the conclusions of his research carried out in 2012-2015 regarding social consequences of imprisonment for women who are mothers. In particular, the statistics were discussed: minors whose mothers stay in prison, family's financial situation in which one of the parents is in prison isolation and changing the relationship between members of such families during the imprisonment of its members. A. Juhasz presented the possibilities of engaging state and social organisations in the

process of helping family members of persons detained in prisons and emphasized their important role in the educational process of minors. This problem was noticed by the representatives of EU structures, which was reflected by the inclusion in European law of such issues as respect for basic rights and promotion of the interest of children whose parents are in prison, guaranteeing the possibility of maintaining family contact during the exercise of an isolation prison and preventing and combating discrimination and stigmatization. On 4 April 2018, during the 1312th session, the Committee of Ministers of the Council of Europe adopted Recommendations CM/Rec (2018) 5 on minors whose parents are serving an isolation prison sentence (Recommendation CM/Rec (2018) 5 of the Committee of Ministers to member States of children with imprisoned parents).

The last speaker of the day was Maria Terzidou, presenting data on the issue of medical services provided in penitentiary units in Greece and other European countries.

The second day of the Conference began with the speech of the President of CEP – Gerry McNally, who discussed European legal principles regarding basic human rights, including specific groups of criminals. Speaker presented a catalog of basic European legal acts that should be used in dealing with particular groups of criminals and then gave a universal definition of groups of criminals requiring special procedures. According to McNally, the catalog of people with special needs in the area of interest of law enforcement and criminal justice institutions includes: people with mental strain, physically disabled people belonging to ethnic and religious minorities, foreigners, representatives of the LGBT group, the elderly, women, children, juveniles (18-25 years), people from poor families. These people are more susceptible to various types of negative influences and require special treatment on the part of state authorities, in particular representatives of the penitentiary system. G. McNally presented the conclusions of the research program carried out in 2012 on a group of 4884 people detained in prisons. In particular, 33.7% of the prisoners admitted that in the past they were treated psychiatrically, 15.8% remained in the course of treatment or therapy while serving a sentence. In the 12.6% group the necessity of broadly understood psychological help was found, while on the scale of 30.8% of the surveyed people were diagnosed as experiencing long-term stress or exhibiting features of depression or uncontrolled aggression. Finally,

a 2009 study conducted on the male penitentiary population reveals that psychotic disorders (the most frequent is schizophrenia) occur in 2.6% of inmates. McNally devoted a part of his presentation to discussing the problem of people with Attention Deficit Hyperactivity Disorder (ADHD), clearly indicating that improperly diagnosed disorders have a fundamental impact on the prisoner's experience and detention.

The chairman of the CEP organisation summarized his speech with the recommendation to conduct training, rigorous selection of staff in the ranks of penitentiary units, close inter-ministerial cooperation, creation of international and state databases that can serve to exchange information. In the course of the discussion, there were conclusions regarding the necessity of a multidisciplinary approach to the problem and permanent international cooperation based on the experience of the penitentiary system authorities.

The third Round Table Session was led by Ioana Morar – Deputy Director of the Penitentiary Department of the Ministry of Justice in Romania. As part of this block, the issue of the sociological profile of prisoners in aggression was mentioned (Ioana Morar, Mihail – Bogdan Iovu – Babes Bolyai, University of Cluj-Napoca) and the issue of the impact of therapeutic intervention programs on prisoners (Christina Teoroc, an employee of the Romanian probation service).

After presentation of the Round Table Group, the floor was taken by Jana Spero (Deputy Minister of Justice of the Republic of Croatia), who presented the latest data in connection to the introduction of the Probation System in Croatia in 2017 (an important element was the introduction of an electronic monitoring system for offenders). The Croatian working group presented interesting conclusions of the pilot program, indicating that the electronic monitoring system (EM) had a positive impact on the integration of law enforcement and criminal justice, forced permanent cooperation of decision makers of individual services and the development of a full set of documentation and procedures. An element that distinguishes the Croatian electronic monitoring system (EM) is that electronic control of criminals has not been introduced due to the need to combat the overcrowding of prisons. Since 2005, this problem does not occur in Croatia, and the main reason for the introduction of the electronic monitoring system is the direction of the current penal policy that has high hopes in the probation system. Work on the implementation of electronic monitoring (EM) also required structural changes in the



system of law enforcement and judicial authorities, including to increase the effectiveness of the punishment system, the prison department was combined with the department of probation. Such a reform allows to define common goals and practical action, oriented to the individual needs of the convicted person. Speaker pointed out that the existing regulations have already enabled the use of the electronic monitoring (EM) model in this initial phase, both in the front-door and back-door variants. The Croatian criminal law will be changed in the future, towards further development of the electronic monitoring system (EM).

Summing up, the number of topics discussed during the Conference, the diversity of scientific approaches and national solutions, the possibility of integration and exchange of experience by representatives of justice departments, scientists, judges, representatives of probation services and prison services deserve a clear emphasis.

Two days of the debate were dominated by the scientific deliberation of specialists and presentations of parliamentarians, directors of government departments, probation officers and experts of the Council of Europe on issues related to the performance of duties, legal regulations and the practice of criminal proceedings with special groups of criminals. Organizers plan to publish a post-conference publication, in which articles and presentations of Conference speakers will be presented and the most important conclusions from the panel discussions will be presented.

The Conference was closed by Willem van der Brugge, who thanked organizers and participants for their involvement and expressed his hope, that the information obtained and the disputed practical problems would become the basis for new theoretical and practical solutions in the service of law enforcement and criminal justice.

