

***Recommendation from the Council for the Administration of Criminal Justice
and Protection of Juveniles***
- Summary -

***Recommendation Amendment of the Regulation on the Selection, Placement and
Transfer of Detainees regarding promotion and degradation in the prison system***

offered to : *the State Secretary of Security and Justice*
Date : *14 August 2013*

The Council advised the State Secretary of Security and Justice on a proposal for amendment of the Regulation on the Selection, Placement and Transfer of Detainees regarding the introduction of a system of promotion and degradation in the prison system. According to this system, detainees are offered a simple basic programme. Based on their commitment and motivation, they can be 'promoted' to a so-called plus programme which contains the possibility to assign individual liberties and responsibilities aimed at resocialisation.

Besides the introduction of this system of promotion and degradation, the proposal also contains a second drastic amendment, i.e. the abolition of the system of total community in the prison system. The result of this is that the detainees spend many more hours in their cell than is the case now.

According to the Council, these two amendments will lead to a far-reaching austerity of the detention situation which will seriously obstruct the possibilities for resocialisation. The Council's objections are in outline:

- the majority of the detainees will actually remain in the basic programme and never participate in the plus programme;
- the basic programme is so austere that the resocialisation objective as laid down in the Custodial Institutions Act cannot be carried out anymore. There is hardly any time left for a proper preparation for the return to society.
- the proposed drastic change is implemented even before sufficient information on its effectiveness and feasibility is available from the field. Currently the system is tested at a modest scale in various penitentiaries, but the results have not been evaluated yet.

The Council recommends to abandon the proposal for amendment in this form. In case however the State Secretary decides to implement the proposal, the Council offers recommendations for improvement.