The impact of the criminal and social context on Probation systems in Europe
The Council of Europe Probation Rules in context

Sonja Snacken
Vrije Universiteit Brussel
Chair of the Council for penological Cooperation, Council of Europe

This paper looks into some of the major _challenges_, resulting from shifting criminal and social contexts, faced by Probation systems in Europe today and describes how the Recommendation CM/Rec (2010) 1 on the Council of Europe Probation Rules has tried to deal with them.

The paper starts by emphasizing the _diversity_ of definitions and organisations of 'probation' in Europe, resulting from a varying history of 'probation' in different regions of Europe. This must be coupled to the current diversity of penal policies in Europe (bifurcation, reductionist and expansionist policies) and the resulting differences in punishment levels and trends. Despite these variations, many Probation systems are faced with similar challenges, resulting from issues such as:
- Increased complexity of the population in contact with the criminal justice system (mental health, social problems)
- Increased mobility (foreign nationals)
- Increased level of judicial interventions versus fundamental human rights of offenders (and victims)
- Increased demands for effectiveness of penal interventions (evidence-based policies)
- Varying/increasing public, media and political attention to crime and insecurity
- Varying/increasing emotional context of penal policies (incidents, 'return of the victim')
- Varying social/health policies, availability of social/health services
- Varying prison populations (Western, Central, Eastern Europe), search for alternatives (also for middle or high risk offenders; foreigners, ethnic minorities, mentally ill; drugs, violence, sex offenders) versus
- Varying/increasing risk-aversion (the myth of zero risk).

Hence: most Probation services are faced with an increased quest for _legitimacy_. This 'legitimacy' can however be interpreted in many different ways:
- Effectiveness? Recidivism?
- Effectiveness? Social integration or exclusion?
- Social acceptance ('public opinion')?
- Victim satisfaction?
- Offender? Reduction of individual and social harm?

The paper looks into these different forms of legitimacy and goes on to analyse how the _Council of Europe Probation Rules_ have tried to reinforce this legitimacy.