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**OPEN-ENDED INTERGOVERNMENTAL GROUP
OF EXPERTS ON THE STANDARD MINIMUM RULES
FOR THE TREATMENT OF PRISONERS
BUENOS AIRES, ARGENTINA, 11 – 13 December 2012**

RESPONSE OF THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY[1] TO NOTE CU 2011/26 AND NOTE CU 2012/157/DO/JS

[1] This document is reproduced in the form and language in which it was received.

Oct 2012

German comments on the review of the
"Standard Minimum Rules for the Treatment of Prisoners"
ECOSOC-Resolution E/RES/2012/13

Germany takes note of the valuable work of the expert group meeting in Vienna, Austria, held from 31 January to 2 February 2012 and expresses its gratitude to the Government of Argentina for hosting the next meeting of the expert group.

For preparation of the next meeting the Government of the Federal Republic of Germany would like to provide the following comments and information:

Germany has created an EU-funded learning network with 40 European partners which aims to reduce recidivism rates by developing clear guidelines for schooling and vocational training and employment of (ex)offenders with the aid of which they can be provided with access to strategically-important reintegration facilities.

The "*Berlin Declaration on the Reintegration of Offenders and Ex-Offenders*" was adopted at a conference in June 2012, and Germany considers that it is also valid for the prison systems of other countries, beyond the boundaries of Europe.

In this respect it is presented in the following in excerpt form:

"THE BERLIN DECLARATION ON THE REINTEGRATION OF OFFENDERS AND EX-OFFENDERS[1]

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 […]. Initiatives undertaken by the prison system are just one

[1] The full version was published in the Lessons Learned Report of the Berlin Policy Forum 2012 Exocop

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 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 […] 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 country.

Organisational changes […]:

Organisational changes must be proposed to implement this approach and to standardise and harmonise responses at regional and national 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.

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 at 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 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.

[…]

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 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.

[…]

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 national funding. This approach would also feed back into quality assurance and the reliability of certification, as well as cost-benefit considerations."

Report by Germany for the
expert group to be established in accordance with paragraph 10 of Resolution 65/230

The Federal Republic of Germany welcomes the establishment of an expert group which, in line with paragraph 49 of the Salvador Declaration, is to serve amongst other things to exchange information on best practices for the treatment of prisoners with a view to making recommendations on possible next steps for the United Nations in this field.

In light of paragraph 51 of the Salvador Declaration, Germany would like to take the opportunity to report on electronic monitoring (A.), on educational programmes (B.) and on social therapy facilities (C.).

A. Electronic monitoring

Because of the federal system of the Federal Republic of Germany, the possibilities of electronic monitoring exist both at the level of federal law, and on the basis of *Land* legislation in the 16 Federal *Länder*.

I. Possibility of application on the basis of provisions of federal law with the consent of those concerned

Electronic monitoring has been permissible for a number of years on the basis of provisions of federal law in various areas with the consent of those concerned:

1. In the context of the suspension of execution of a warrant of arrest in accordance with section 116 subs. 1 sentence 1 of the Code of Criminal Procedure (*Strafprozessordnung - StPO* - http://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html), its ordering may constitute a suitable means of countering a risk of flight. The same may apply in individual cases to the suspension of the execution of a warrant of arrest in accordance with section 116 subs. 2 sentence 1 of the Code of Criminal Procedure for the risk of tampering with evidence.

2. In the context of a direction on suspension of sentence, the ordering of monitoring can be considered if electronic monitoring – possibly together with other measures – is able to reduce the danger of recidivism such that suspension of the execution of the prison sentence is made possible, or that revocation can be avoided. In this case, a corresponding direction is issued to the persons concerned on the basis of the non-exhaustive list in accordance with section 56c of the Criminal Code (*Strafgesetzbuch – StGB –* http://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html).

3. In the context of supervision, on the basis of the non-exhaustive list contained in section 68b subs. 2 sentence 1 of the Criminal Code, the court may direct the person concerned to carry the devices required for electronic monitoring in a ready state.

The use of electronic monitoring was introduced as early as in May 2000 to ensure the close supervision of convicts – initially as a pilot project in the district of Frankfurt/Main Regional Court – with the aim in mind of avoiding the serving of prison sentences. It is however only used as a "last chance" in the context of the intensive supervision of suspension directions when there is a concrete threat that the prison sentence may be executed (approx. 70 % of cases) and as a supervisory measure on suspension of the execution of a warrant of arrest (approx. 30 % of cases).

The measure is particularly suitable for those convicts who have so far not been able to show sufficient personal responsibility and self-discipline to adhere to court directions. For this reason, it forms the core of the "electronic tagging" programme, which specifies a detailed, individual daily schedule for the individual probationer, providing times when the person concerned has to be at home and when they must be away from home. Probationers are hence forced to adhere to a structured daily schedule which is checked in an irrefutable fashion through electronic monitoring. It has been shown that technical monitoring, together with close supervision by the probation service, exerts a sustained stabilising influence on the probationers' lifestyle.

Unlike the possibility to order electronic monitoring, stated at item II below, a violation does not constitute a criminal offence; a violation of a direction can however cause probation to be revoked or the warrant of arrest to be reinstated.

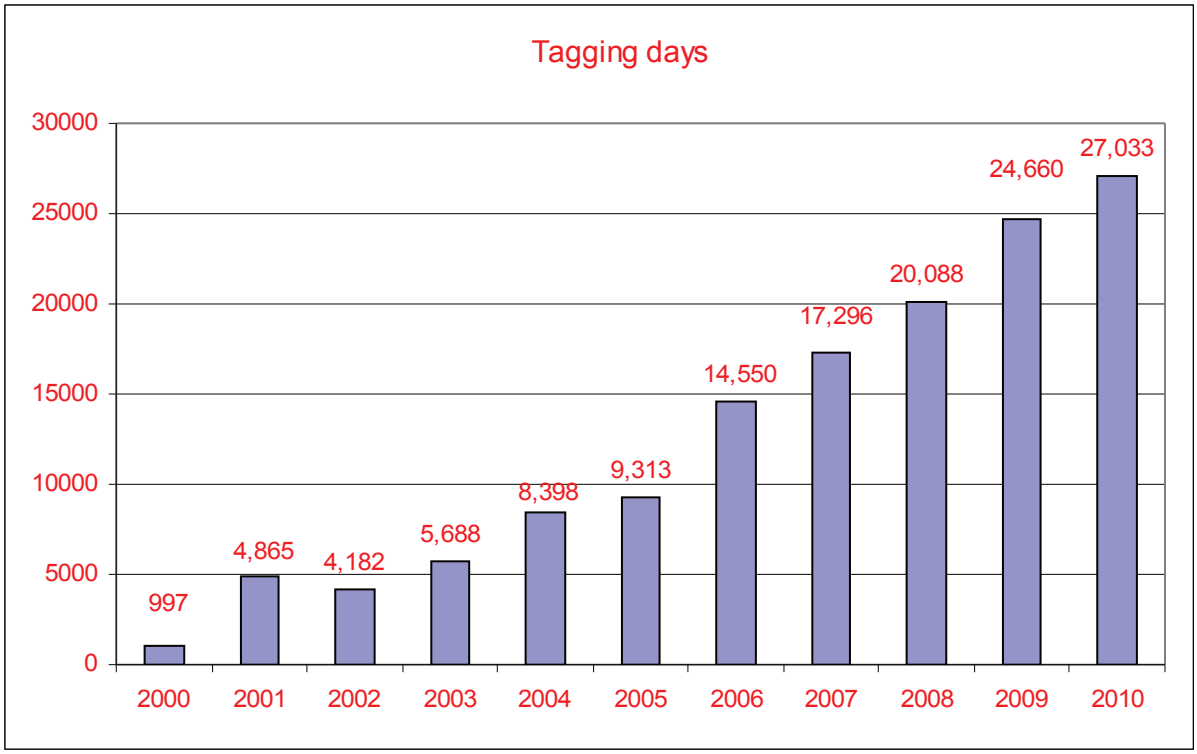
The device needed for electronic monitoring is a transmitter roughly the size of a wristwatch. It is worn on the ankle and transmits signals to a databox which is connected to the telephone line in the probationer's home and in turn transmits signals to a central computer, which then processes the data in accordance with the criteria "must be present"/"must be absent". The times when probationers must be present or absent are detailed in a weekly schedule drawn up by the court. The presence and absence times are monitored around the clock. The computer informs a project staff member by sending an SMS if the monitoring reveals a violation. The project staff member then contacts the probationer in question.

No electronic monitoring takes place outside the home (no GPS system!). It is therefore not possible to ascertain where the probationers are as soon as they have left home.

938 probationers had been monitored in the project from 2007 until 30 August 2011, 647 of whom in a direction on probation and 289 in the context of the suspension of the execution of remand detention, as well as two in the context of supervision of conduct. In fewer than 10 % of cases did the revocation or reinstatement of the warrant of arrest take place. 103 individuals were in the project as per 1 September 2011, 66 of whom in the context of the suspension of a prison sentence on probation or of suspension of the remainder of a sentence on probation, and 37 in the context of a measure related to the suspension of the execution of remand detention.

The cost of electronic monitoring was Euro 35.83 per day in 2010, and hence far less than the cost of a day in detention (currently approx. Euro 94).

The graph below provides an overview of developments in the number of days on which electronic monitoring was applied in the individual years:



It can therefore be concluded after a period of ten years that close monitoring, combined with the guidance concept, leads to the sustained stabilisation of previous problem cases. Electronic monitoring is valuable in effectively supporting resocialisation efforts for difficult clientele, and constitutes an aid and a reduction in the burden for the judiciary in dealing with problem cases.

II. The specific legal situation under federal law

Section 68b subs. 1 sentence 1 No. 12, sentence 3 of the Criminal Code in conjunction with section 463a subs. 4 of the Code of Criminal Procedure has furthermore provided since 1 January 2011 for the possibility of a court, in connection with supervision, to give a direction to wear technical devices facilitating electronic monitoring, in particular to improve monitoring of directions regarding probationers' whereabouts or bans on their being in specific places.

Monitoring is not restricted in such cases to convicts' presence at or absence from home, but includes the person concerned's respective whereabouts outside their home (GPS monitoring). Having said that, these data on a person's whereabouts may be stored for a maximum of two months (section 463a subs. 4 sentence 5 of the Code of Criminal Procedure) and may only be retrieved at all subject to specific prerequisites (section 463a subs. 4 sentence 2 of the Code of Criminal Procedure).

Electronic monitoring is intended to have a primarily preventive impact. In addition to more effective monitoring of directions regarding where probationers must be or where they may not be, the generally much greater risk of the convict of being discovered is also to serve as a deterrent to their committing further serious criminal offences. In accordance with section 68b subs. 1 sentence 1 No. 12, sentence 3 of the Criminal Code, electronic monitoring may also be ordered against the convicts' will. If convicts act in violation of the direction to always keep the necessary devices on them in a ready state and not to impair their functioning, this may entail the renewed punishability of the convict. A violation of directions during supervision may be punished with up to three years' imprisonment subject to the preconditions contained in section 145a of the Criminal Code.

As a result of this expansion of the scope of application of electronic monitoring, the *Länder* have agreed to work together in this area. To this end, a "joint electronic monitoring agency of the *Länder*" is to be operated. It is to accept and evaluate incoming system reports and where appropriate to inform the respectively competent agency in the *Länder* of the report, so that the latter can take further action.

III. Further *Land* law in the area of prisons

So far, two *Länder* have made greater use of the possibility to order electronic monitoring and created an additional statutory foundation for the prison system for the application of electronic monitoring. The possibilities put forward here for electronic monitoring each require the consent of those concerned. A violation of the direction is not punishable per se, but may necessitate the further execution of youth custody or of the prison sentence.

1. Use of electronic monitoring as a means to prepare for release

In order to further improve the transition between detention and release, electronic monitoring to prepare for release was introduced in the *Land* Hesse in the shape of the Hesse Youth Custody Act (*Hessisches Jugendstrafvollzugsgesetz*), which came into force as per 1 January 2008.

The use of this option in the execution of youth custody constitutes a new field of deployment which considerably expands the previous scope of application and builds on the positive experience described above in monitoring and structuring the daily schedule in the context of detention avoidance. In accordance with section 16 subs. 3 of the Hesse Youth Custody Act, electronic monitoring can be used as a direction in the context of home leave in preparation for release. The fundamental idea contained in section 16 subs. 3 of the Hesse Youth Custody Act to grant special leave, namely home leave in preparation for release in the run-up to release in accordance with subs. 1, takes up a concept which initially only applied to social therapy in adult prisons in accordance with section 124 of the Prison Act (*Strafvollzugsgesetz*). The Hesse Youth Custody Act, which came into force in 2010, now also generally provides in adult prisons for the possibility to deploy electronic monitoring in the context of preparation for release. The prisons are hence enabled to try out convicts' readiness for release and to prepare for a seamless transition from prison into freedom.

In the event that home leave in preparation for release is granted, convicts are to be given suitable directions, which are described in the applicable Prison Act. Subject to the convicts' consent, the granting of home leave in preparation for release can further be made contingent on the monitoring of the directions that have been issued being supported by the use of electronic monitoring. Its deployment is to accompany the transition from imprisonment to freedom, that is also from being largely determined by third parties to enjoying a considerable degree of autonomy. The special possibility offered by electronic monitoring to help to make the direction binding can be used in the process of achieving independence still whilst in prison.

2. Electronic monitoring in the context of imprisonment

The “Act on Electronic Monitoring in the Execution of Prison Sentences” (*Gesetz über elektronische Aufsicht im Vollzug der Freiheitsstrafe*), which was adopted on 29 July 2009, created the legal basis for a four-year pilot trial in Baden-Württemberg. Accordingly, a total of 75 convicts are to serve their prison sentence, or the remainder of a prison sentence, which otherwise would have to be served in prison, at home with the aid of electronic monitoring. The convicts are traced via GPS signals or using other techniques. It is to be possible to implement this type of electronic monitoring in the execution of prison sentences, in particular in the execution of imprisonment in lieu of a fine, and to prepare for release in the context of relaxations of prison regime, as well as for a maximum of six months as electronically-supervised home leave in preparation for release for control purposes.

As yet, there is no empirical knowledge of the success of the pilot electronic monitoring project. It can however be said in general terms that the high risk of discovery that is entailed by electronic monitoring does appear to be suitable as a matter of principle to deter convicts from committing further criminal offences.

B. Educational programmes

Involvement in working processes is a major integration factor, and is hence indispensable for successful prevention. If a convict has a job on release, the recidivism rate is much lower than among convicts who do not have one. Vocational integration is however contingent on adequate basic and vocational education and training, so that training is one of the most important resocialisation activities. By way of example, a report is to be made below on digital learning in prison (I.) and on the 3-pillar strategy of vocational reintegration of (former) criminal convicts (II).

I. Digital learning in prison

The requirements of the labour market in terms of individuals’ media skills are continually growing in a modern information society. It has hence become an important educational task for convicts to become familiarised with modern information and communication technologies in prison in order to suitably prepare them for the modern labour market. A particular difficulty is constituted by the fact that Internet use is banned in closed prisons for security reasons. It is therefore necessary for suitable technical means to be used such as monitoring, intranet and mirroring solutions.

It has been shown that hindrances to education can be overcome by using digital media, in particular among individuals with considerable educational shortcomings, a very disproportionately large number of whom are found in prison. The experience of these

individuals with traditional teaching and learning channels is negative as a rule. E-learning can be a way out here. The advantages of multimedia learning lie above all in the individual pace of learning and in the fact that the evaluation of errors takes place mostly digitally, so that this can be displayed individually and hence negative learning memories avoided, such as revealing failure in front of the entire group. In particular for young convicts, access to and use of computers is furthermore attractive and prestigious, which adds to their motivation.

E-Learning also supports the possibility to offer short but self-contained educational programmes at almost any time, which is a major advantage with short sentences in particular.

The use of computers should however by no means replace the deployment of teaching staff with expertise and skills, given that it does not constitute a replacement for interpersonal communication. Teaching staff is needed in order to guide the learning activities with expertise and skills.

Modern communication technologies have been used systematically in educational work in the prison service of various *Länder* in Germany since at least 1998 in order to promote convicts' self-determined, individual learning, as well as their media skills. The project entitled Distance Learning in Prison (*Telelernen im Strafvollzug – TELIS*) was developed from 1998 to 2000, which served above all to specifically test the potential for deployment of learning software with convicts who have learning difficulties or those who are unused to learning. It was revealed at an early stage of this project that there was a lack of learning programs which were (also) suited to learners with learning difficulties, as well as of programs which imparted the missing everyday skills. In order to close these gaps, amongst other things digitalised learning materials were developed for specialist lessons taking the special learning problems encountered by the clientele into account, and a learning CD was developed to impart the missing everyday skills. In the context of the follow-up project entitled "Media Skills and Skill-Building Elements in Vocational Preparation" (MEMBER), the learning CD was adjusted and methodically refined until 2007 in line with the special needs encountered in youth prisons.

An intranet-protected learning platform covering several *Länder* was developed from 2002 to 2005 by the name of "e-Learning in Prison" (e-Learning im Strafvollzug – e-LiS), which is highly successful, and today offers more than 150 learning programmes and sets of materials. Apart from classical learning programs, e-LiS also contains works of reference such as Wikipedia or the I-want-to-learn (ich-will-lernen.de) portal. The special technical challenge of this project lies in the fact that, unusually, it is not possible to access the

Internet. Given that the users are convicts, it must be ensured that no unauthorised communication with individuals inside and outside prison is possible.

II. 3-pillar strategy for vocational reintegration of (former) convicts

On the basis of the fact, mentioned above, that as seamless a vocational reintegration after detention as possible considerably reduces the risk of recidivism, and of the realisation that a major share of recidivism is observed in the first six months after release, a 3-pillar model for vocational reintegration of (former) convicts has been developed, consisting of vocational skill-building, labour market-orientated preparation for release and follow-up to accompany employment. The main goals are to increase the employability of (especially young) convicts, to make it easier to gain access to the labour market after detention, and to stabilise the employment situation of ex-convicts in order thus to reduce the risk of recidivism.

In the first phase, targeted skill-building improves convicts' chances on the labour market. This still constitutes taking a "traditional" path. Vocational skill-building has for decades been one of the major resocialisation measures (presumably not only) in German prisons. Studies have however shown that the risk of recidivism falls the better qualified the skills acquired in prison are, but that this positive picture is placed into perspective if one includes in the study the "job after release" factor, which naturally is heavily influenced by the vocational skills which are acquired. It is then shown that the risk of recidivism is not really impressively reduced until it is possible to actually achieve the increased chances of access to the labour market. The consequence of this is that vocational promotion must be supplemented where possible during detention in order to include measures to place convicts in work or training after their release.

This step was taken with the project entitled "Market-orientated Training and Employment Integration for Ex-convicts" (MABiS), thus establishing the second pillar of the model. The model, which was initially implemented in individual youth detention centres, was first of all promoted by the EU from 1998 to 2000, and then continued by the competent Federal *Land* itself because of its considerable success and expanded to include several adult prisons.

The five core elements in MABiS were the systematic planning of career paths for the individual convicts, placing in work during preparation for release, placing in (follow-up) training places, the establishment of local promotion groups with relevant stakeholders on the labour market and the drawing up of employment projects.
A comprehensive portrayal – in particular of this pillar – would go beyond the framework of this report, so that it is only possible to touch on individual items.

The placement effects in the model phase have exceeded expectations by far. Instead of the hoped-for 30 % which had been anticipated in light of the difficult situation on the labour market and of the problematic clientele, it was possible to successfully place roughly 50 %. Over and above this, the organisers were positively surprised that placement on the so-called “second labour market” was not predominant, but that the “first labour market” was really open to the ex-convicts. This is likely to be a result above all of the fact that it was possible to identify segments of the labour market in the career path planning for the respective convict in which there was an actual need for labour, such as in the commercial and technical fields, in particular in metallurgical and electrical occupations, as well as in the “helper” area. It was also revealed that it was possible to increase the success of placement by working together with the Employment Agencies to the benefit of all concerned.

The fact should also be particularly mentioned that it was possible to place roughly 2/3 of convicts who commence training in prison and who passed the interim examination there in jobs or follow-up training places. It has been shown here that long-term training can also be taken up in prison if the anticipated detention time is not sufficient to complete it with a final examination.

The MABiS project however also showed that placement in a job or in training does not necessarily mean long-term vocational (re)integration. For this reason, follow-up outside prison to accompany employment was developed as a third pillar. The intention here was to further increase the effectiveness of placing by further increasing networked advice and support services, but above all to prevent people dropping out from training and employment. To this end, follow-up units for ex-convicts and employees were created to stabilise employment relationships and to monitor the reintegration impact, computer-aided placement tools for better matching of applicant and supply databases were tried out, transfer-orientated information networks were built up to promote “cooperative competition” among the follow-up institutions, and the involvement of stakeholders on the labour market was enhanced.

The initial results of this pillar were sobering. A main problem was that the support services were seldom taken up, and in most instances not until the employment relationship had already been terminated. In order to be able to save endangered employment relationships in time, the “high-threshold structure”, which obviously demanded too much initiative from the probationers, was replaced by outreach elements. This pillar therefore also ultimately became successful.

The “cooperative competition” between the various follow-up facilities, which were free in the choice of their follow-up concepts, proved to be particularly helpful. A certain competition

pressure was created by virtue of the fact that the various facilities were regularly confronted with comparative interim results of the project evaluation. The players were thus enabled to learn from one another on the basis of best practice examples. It was possible to identify and correct less successful follow-up measures relatively quickly, which led to a continuous improvement in the placement and stabilisation rate.

It also clearly emerged that the results were highly dependent on the degree of networking between the follow-up institutions. For instance, those follow-up agencies were most successful which had been able to establish local or even regional or interregional cooperation with relevant players, such as above all the employment agencies, employers, social authorities, probation agencies and other convict support agencies. This kind of cooperation is particularly well suited to overcome the multiple problem constellations (shortcomings relevant to employment, financial problems, language, housing and addiction problems, etc.) applying to a large share of the clients. It is revealed here and elsewhere that the successful shaping of the transition from detention into tenable employment relationships is above all a coordination task which requires intelligent information management to a much greater degree than additional funding.

In light of this realisation, the “three pillars of vocational reintegration” are now to be further networked and expanded to form systematic transition management. The positive experience of a further model project by the name of INA (*Integrationsplanung – Netzwerkbildung – Arbeitsmarktintegration* [Integration planning – network formation – labour market integration]) sets the stage here for the expansion of regional and inter-regional networks facilitating as seamless a link as possible between treatment within the prisons and follow-up activities outside prison. Cooperation between prisons in terms of modern case management is to be the standard for the future, involving relevant stakeholders on the labour market, particularly in the area of convicts’ labour market integration.

C. Social therapy facilities

Social therapy facilities for the treatment of convicts have existed in Germany since 1969. These are separate prisons, or departments or sub-institutions within large prisons.

The "Act on the Suppression of Sexual Offences and other Dangerous Criminal Offences" (*Gesetz zur Bekämpfung von Sexualdelikten und anderen gefährlichen Straftaten*) of 26 January 1998 included in the Prison Act (*Strafvollzugsgesetz – StVollzG*) an obligation to provide treatment for sex offenders. Transfer to a social therapy institution is mandatory as a matter of principle in those Federal *Länder* in which the Prison Act continues to apply as federal law, in accordance with section 9 subs. 1 sentence 1 of the Prison Act, if the convict has been sentenced to more than two years' imprisonment because of specific sex offences and his/her treatment is medically indicated, as well as to avoid recidivism. Particular significance attaches here to the finding of the treatment indication with sex offenders. Where the Federal *Länder* have adopted their own Prison Acts or submitted drafts on this as a result of the transition of the legislative competence in 2006, these contain at least comparable provisions, but in some cases contain provisions going further, namely not dependent on a minimum prison term.

In content terms, treatment in the social therapy facilities is primarily in line with psychological, psychotherapeutic and (social)pedagogic approaches. Living in accommodation groups (therapeutic community) and the structuring of everyday life also constitute major parts of the social therapy programme which is to prepare for life outside the prison walls. The "Act on the Suppression of Sexual Offences and other Dangerous Criminal Offences" led to a further development of the treatment concepts. More crime-specific approaches were applied that were orientated in line with the risk factors of recidivism and to take into account new knowledge from research as to the effectiveness of specific interventions.

The *Länder* have considerably expanded the possibilities offered by social therapy treatment since the introduction of mandatory treatment in section 9 of the Prison Act. Developments in the field of social therapy treatment have been documented since 1997. Accordingly, the number of social therapy facilities increased from 22 to 61 between 1998 and 2011, the total number of detention places available there rising from 917 to 2,262; occupancy on the set date of 31 March increased from 850 to 1,976. The fact that these possibilities were indeed exhausted emerges from the fact that the annual occupancy rate in this period was between 92.7 % and 87.4 %.[1] Social therapy treatment has been subjected to further scientific

[1] Susanne Niemz, *Sozialtherapie im Strafvollzug 2011*. overview of the results of the set date survey as per 31 March 2011, published by the Centre for Criminology, Wiesbaden 2011, available as an

evaluation. An report on practical implementation of social therapy treatment appeared in 2009.[2] A further report on this matter is currently being drafted, and should appear in 2013. The published report, as well as the latest set date survey, show amongst other things that the "Minimum Requirements of Social Therapy Facilities", which were formulated by an interest group of therapists working in prisons, are being met to a considerable degree, but that there is still room for optimisation.

Internet publication at http://www.krimz.de/texte.html

[2] Melanie Spöhr, *Sozialtherapie von Sexualstraftätern im Justizvollzug: Praxis und Evaluation*, published by the Federal Ministry of Justice in its series entitled *recht*, Forum Verlag Godesberg GmbH, Mönchengladbach 2009, also available on the Internet site of the Federal Ministry of Justice at http://www.bmj.de/DE/Service/StatistikenFachinfaormationenPublikationen/Publikationen/_publikationen_liste/Sozialtherapie_von_Sexualstraftaetern_im_Justizvollzug_doc.html?nn=1470118