

**Recommendation CM/Rec(2010)1  
of the Committee of Ministers to member states  
on the Council of Europe Probation Rules**

*(Adopted by the Committee of Ministers on 20 January 2010  
at the 1075th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members, in particular through harmonising laws on matters of common interest;

Considering that the aim of probation is to contribute to a fair criminal justice process, as well as to public safety by preventing and reducing the occurrence of offences;

Considering that probation agencies are among the key agencies of justice and that their work has an impact on the reduction of the prison population;

Having regard to:

- the Declaration and Action Plan adopted by the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in particular concerning the security of citizens;
- Resolution No. 2 (paragraph 19) adopted by the 26th Conference of the European Ministers of Justice (Helsinki, 7-8 April 2005);

Taking into consideration:

- the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5);
- the European Convention on the Supervision of Conditionally Sentenced or Conditionally Released Offenders (ETS No. 51);
- the European Convention on the International Validity of Criminal Judgments (ETS No. 70);
- Recommendation No. R (92) 16 on the European rules on community sanctions and measures;
- Recommendation No. R (97) 12 on staff concerned with the implementation of sanctions or measures;
- Recommendation No. R (99) 19 concerning mediation in penal matters;
- Recommendation No. R (99) 22 concerning prison overcrowding and prison population inflation;
- Recommendation Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures;
- Recommendation Rec(2003)22 on conditional release (parole);
- Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners;
- Recommendation Rec(2006)2 on the European Prison Rules;
- Recommendation Rec(2006)8 on assistance to crime victims; and
- Recommendation Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse;

Taking further into consideration:

- the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),

Recommends that governments of the member states:

- be guided in their legislation, policies and practice by the rules contained in the appendices to this recommendation;

- ensure that this recommendation and the accompanying commentary are translated and disseminated as widely as possible and more specifically among judicial authorities, probation agencies, penitentiary services, as well as the media and the general public.

#### *Appendix I to Recommendation CM/Rec(2010)1*

### **Part I: Scope, application, definitions and basic principles**

#### **Scope and application**

These rules guide the establishment and proper functioning of probation agencies. These rules apply also to other organisations in their performance of the tasks covered in these rules, including other state organisations, non-governmental and commercial organisations.

Nothing in these rules should in any way be interpreted as precluding the application of any relevant international human rights instruments and standards that are more conducive to the treatment of offenders.

These rules need to be read together with Recommendation No. R (92) 16 on the European rules on community sanctions and measures.

Furthermore, these rules complement the relevant provisions of Recommendation No. R (97) 12 on staff concerned with the implementation of sanctions and measures, Recommendation No. R (99) 19 concerning mediation in penal matters, Recommendation Rec(2000)22 on improving the implementation of the European rules on community sanctions and measures, Recommendation Rec(2003)22 on conditional release (parole), Recommendation Rec(2003)23 on the management by prison administrations of life sentence and other long-term prisoners, Recommendation Rec(2006)2 on the European Prison Rules, Recommendation Rec(2006)8 on assistance to crime victims and Recommendation Rec(2006)13 on the use of remand in custody, the conditions in which it takes place and the provision of safeguards against abuse, and are to be read together with them.

#### **Definitions**

**Probation:** relates to the implementation in the community of sanctions and measures, defined by law and imposed on an offender. It includes a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of an offender, as well as at contributing to community safety.

**Probation agency:** means any body designated by law to implement the above tasks and responsibilities. Depending on the national system, the work of a probation agency may also include providing information and advice to judicial and other deciding authorities to help them reach informed and just decisions; providing guidance and support to offenders while in custody in order to prepare their release and resettlement; monitoring and assistance to persons subject to early release; restorative justice interventions; and offering assistance to victims of crime.

**Community sanctions and measures:** means sanctions and measures which maintain offenders in the community and involve some restrictions on their liberty through the imposition of conditions and/or obligations. The term designates any sanction imposed by a judicial or administrative authority, and any measure taken before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment.

**Aftercare:** means the process of reintegrating an offender, on a voluntary basis and after final release from detention, back into the community in a constructive, planned and supervised manner. In these rules, the term is distinguished from the term "resettlement" which refers to statutory involvement after release from custody.

## **Basic principles**

1. Probation agencies shall aim to reduce reoffending by establishing positive relationships with offenders in order to supervise (including control where necessary), guide and assist them and to promote their successful social inclusion. Probation thus contributes to community safety and the fair administration of justice.
2. Probation agencies shall respect the human rights of offenders. All their interventions shall have due regard to the dignity, health, safety and well-being of offenders.
3. In all cases where probation agencies deal with issues related to victims of crime, they shall respect their rights and needs.
4. Probation agencies shall take full account of the individual characteristics, circumstances and needs of offenders in order to ensure that each case is dealt with justly and fairly. The interventions of probation agencies shall be carried out without discrimination on any ground such as sex, race, colour, language, religion, disability, sexual orientation, political or other opinion, national or social origin, association with a minority ethnic group, property, birth or other status.
5. In implementing any sanction or measure, probation agencies shall not impose any burden or restriction of rights on the offender greater than that provided by the judicial or administrative decision and required in each individual case by the seriousness of the offence or by the properly assessed risks of reoffending.
6. As far as possible, the probation agencies shall seek the offenders' informed consent and co-operation regarding interventions that affect them.
7. Any intervention before guilt has been finally established shall require the offenders' informed consent and shall be without prejudice to the presumption of innocence.
8. Probation agencies, their tasks and responsibilities, as well as their relations with the public authorities and other bodies, shall be defined by national law.
9. Probation shall remain the responsibility of the public authorities, even in the case when services are delivered by other agencies or volunteers.
10. Probation agencies shall be accorded an appropriate standing and recognition and shall be adequately resourced.
11. The deciding authorities shall, where appropriate, make use of the professional advice and follow-up of the probation agencies in order to reduce reoffending, and to foster the use of alternatives to the deprivation of liberty.
12. Probation agencies shall work in partnership with other public or private organisations and local communities to promote the social inclusion of offenders. Co-ordinated and complementary inter-agency and inter-disciplinary work is necessary to meet the often complex needs of offenders and to enhance community safety.
13. All activities and interventions undertaken by probation agencies shall conform to the highest national and international ethical and professional standards.
14. There shall be accessible, impartial and effective complaint procedures regarding probation practice.
15. Probation agencies shall be subject to regular government inspection and/or independent monitoring.
16. The competent authorities shall enhance the effectiveness of probation work by encouraging research, which shall be used to guide probation policies and practices.

17. The competent authorities and the probation agencies shall inform the media and the general public about the work of probation agencies in order to encourage a better understanding of their role and value in society.

## **Part II: Organisation and staff**

### **Organisation**

18. The structure, status and resources of probation agencies shall correspond to the volume of the tasks and responsibilities they are entrusted with and shall reflect the importance of the public service they implement.

19. Irrespective of whether probation services are delivered by public or private organisations, agencies shall work in accordance with formal policy instructions and rules provided by the competent authorities.

20. Any private agency providing probation services to offenders shall be approved by the competent authorities in accordance with national law.

### **Staff**

21. Probation agencies shall act in a manner that earns the respect of other justice agencies and of civil society for the status and work of probation staff. The competent authorities shall endeavour to facilitate the achievement of this aim by providing appropriate resources, focused selection and recruitment, adequate remuneration of staff and good management.

22. Staff shall be recruited and selected in accordance with approved criteria which shall place emphasis on the need for integrity, humanity, professional capacity and personal suitability for the complex work they are required to do.

23. All staff shall have access to education and training appropriate to their role and to their level of professional responsibilities.

24. Initial training shall be provided to all staff and shall seek to impart the relevant skills, knowledge and values. Staff shall be assessed in a recognised manner and qualifications awarded that validate the level of competence attained.

25. Throughout their career, all staff shall maintain and improve their knowledge and professional abilities through in-service training and development provided to them.

26. Staff shall be trained and enabled to use their discretion within the framework of law, ethics, organisational policy, up-to-date methodological standards and code of conduct.

27. Staff who work or are to work with offenders who have committed some specific offences shall be given appropriate specialised training.

28. Training shall pay attention to offenders and, where applicable, victims who may be particularly vulnerable or have distinct needs.

29. Probation staff shall be sufficiently numerous to carry out their work effectively. Individual staff members shall have a caseload which allows them to supervise, guide and assist offenders effectively and humanely and, where appropriate, to work with their families and, where applicable, victims. Where demand is excessive, it is the responsibility of management to seek solutions and to instruct staff about which tasks are to take priority.

30. The management shall ensure the quality of probation work by providing leadership, guidance, supervision and motivation to staff. Staff shall be accountable for their practice.

31. The management shall endeavour to develop and maintain sound working relationships and good contacts with other agencies and partners, with volunteers, public authorities, the media and the general public.

32. There shall be arrangements for management to consult with staff as a body on general matters regarding their professional practice and related conditions of employment.

33. Staff remuneration, benefits and conditions of employment shall reflect the standing of their profession and shall be adequate to the exacting nature of their work in order to attract and retain suitable staff.

34. Volunteers may be involved in certain aspects of probation work. They shall be adequately selected, supported and resourced.

### **Part III**

#### **Accountability and relations with other agencies**

35. Probation agencies shall, in accordance with national law, liaise with and provide information to the judicial authorities, and where appropriate, to other competent authorities. This will usually include information on the likely impact of custody and the feasibility of non-custodial sanctions and measures, in general and in particular cases. Where individual reports are required, the information to be provided shall be clearly defined.

36. Probation agencies shall regularly submit general reports and feedback information regarding their work to the competent authorities.

37. Probation agencies shall work in co-operation with other agencies of the justice system, with support agencies and with the wider civil society in order to implement their tasks and duties effectively.

38. Probation agencies shall encourage and facilitate support agencies to undertake their inherent responsibility to meet the needs of offenders as members of society.

39. Whether or not probation agencies and the prison service form part of a single organisation, they shall work in close co-operation in order to contribute to a successful transition from life in prison to life in the community.

40. Where appropriate, inter-agency agreements shall be arranged with the respective partners setting the conditions of co-operation and assistance both in general and in relation to particular cases.

41. Formal and clear rules regarding professional confidentiality, data protection and exchange of information shall be provided by national law and shall be specified whenever such partnerships are established.

### **Part IV**

#### **Probation work**

##### *Pre-sentence reports*

42. Depending on the national legal system, probation agencies may prepare pre-sentence reports on individual alleged offenders in order to assist, where applicable, the judicial authorities in deciding whether to prosecute or what would be the appropriate sanctions or measures. Where this is the case, probation agencies shall regularly communicate with the judicial authorities regarding the circumstances in which such a report may be useful.

43. Pre-sentence reports shall be based on clearly identified information and as far as possible be verified and updated in the course of the proceedings.

44. Alleged offenders shall be given the opportunity to be involved in the preparation of the report, and their opinion, where available, shall be reflected in the report and its contents shall be communicated to them and/or to their legal representative.

### *Other advisory reports*

45. Depending on the national legal system, probation agencies may produce the reports required for decisions to be taken by the competent authorities. They shall include advice on:

- a. the feasibility of the offender's release in the community;
- b. any special conditions that might be included in the decision regarding the offender's release;
- c. any intervention required to prepare the offender for release.

46. Offenders shall be given the opportunity, where appropriate, to be involved in the preparation of the report, and their opinion, if available, must be reflected in the report and its contents must be communicated to them and/or to their legal representative.

### *Community service*

47. Community service is a community sanction or measure which involves organising and supervising by the probation agencies of unpaid labour for the benefit of the community as real or symbolic reparation for the harm caused by an offender. Community service shall not be of a stigmatising nature and probation agencies shall seek to identify and use working tasks which support the development of skills and the social inclusion of offenders.

48. Community service shall not be undertaken for the profit of probation agencies, their staff or for commercial profit.

49. In identifying suitable tasks, the probation agencies shall take into account the safety of the community and of the direct beneficiaries of the work.

50. Health and safety precautions shall adequately protect offenders assigned to community service and shall be no less rigorous than those applied to other workers.

51. Probation agencies shall develop community service schemes that encompass a range of tasks suitable to the different skills and diverse needs of offenders. In particular, there must be appropriate work available for women offenders, offenders with disabilities, young adult offenders and elderly offenders.

52. Offenders shall be consulted about the type of work they could undertake.

### *Supervision measures*

53. In accordance with national law, probation agencies may undertake supervision before, during and after trial, such as supervision during conditional release pending trial, bail, conditional non-prosecution, conditional or suspended sentence and early release.

54. In order to ensure compliance, supervision shall take full account of the diversity and of the distinct needs of individual offenders.

55. Supervision shall not be seen as a purely controlling task, but also as a means of advising, assisting and motivating offenders. It shall be combined, where relevant, with other interventions which may be delivered by probation or other agencies, such as training, skills development, employment opportunities and treatment.

### *Work with the offender's family*

56. Where appropriate, and in accordance with national law, probation agencies, directly or through other partner agencies, shall also offer support, advice and information to offenders' families.

### *Electronic monitoring*

57. When electronic monitoring is used as part of probation supervision, it shall be combined with interventions designed to bring about rehabilitation and to support desistance.

58. The level of technological surveillance shall not be greater than is required in an individual case, taking into consideration the seriousness of the offence committed and the risks posed to community safety.

### *Resettlement*

59. Where probation agencies are responsible for supervising offenders after release they shall work in co-operation with the prison authorities, the offenders, their family and the community in order to prepare their release and reintegration into society. They shall establish contacts with the competent services in prison in order to support their social and occupational integration after release.

60. Probation agencies shall be afforded all necessary access to prisoners to allow them to assist with preparations for their release and the planning of their resettlement in order to ensure continuity of care by building on any constructive work that has taken place during detention.

61. Supervision following early release shall aim to meet the offenders' resettlement needs such as employment, housing, education and to ensure compliance with the release conditions in order to reduce the risks of reoffending and of causing serious harm.

### *Aftercare*

62. Once all post-release obligations have been discharged, probation agencies may continue, where this is allowed by national law, to offer aftercare services to ex-offenders on a voluntary basis to help them continue their law-abiding lives.

### *Probation work with offenders who are foreign nationals and with nationals sanctioned abroad*

63. Probation agencies shall provide services accessible to offenders of foreign nationality, especially in respect of community supervision and resettlement.

64. In the operation of legal provisions authorising the transfer of probation interventions with regard to offenders who are foreign nationals, the latter shall be informed of their rights in this respect. As far as possible, continuing close co-operation with the relevant probation agency(ies) in their country of origin shall be established and maintained in order to facilitate the necessary supervisory arrangements on the return of the offenders to their country.

65. Probation agencies shall aim, with the consent of the national authorities, to facilitate ongoing contact with and support to nationals sanctioned abroad, who are known to them, and to encourage them to make use of the relevant support agencies on their return.

## **Part V**

### **Process of supervision**

#### *Assessment*

66. When required before and during supervision, an assessment of offenders shall be made involving a systematic and thorough consideration of the individual case, including risks, positive factors and needs, the interventions required to address these needs and the offenders' responsiveness to these interventions.

67. Wherever possible, offenders shall be enabled to make an active contribution to the formal assessment. This includes giving due weight to the offenders' views and personal aspirations, as well as their own personal strengths and responsibility for avoiding further offending.

68. The offenders shall be made aware of the process and outcomes of the assessment.
69. Assessment is a continuing process and its accuracy and relevance shall be periodically reviewed.
70. Assessment is recommended:

- a. at the time of determining the appropriate sanction or measure or when diversion from formal criminal proceedings is being considered;
- b. at the beginning of a period of supervision;
- c. whenever there are significant changes in the offenders' life;
- d. when consideration is being given to a change in the nature or the level of supervision;
- e. at the end of the supervision measure.

71. Staff shall be trained to carry out assessments in conformity with the present rules. Where national systems use assessment instruments, staff shall be trained to understand their potential value and limitations and to use these in support of their professional judgement.

### *Planning*

72. A work plan for the implementation of all sanctions and measures shall be prepared by the competent authorities and included in the case record. This plan shall guide the probation agency's work and shall enable staff and offenders to assess progress towards the objectives set.

73. The work plan shall be negotiated and, as far as possible, agreed with the offender.

74. The plan shall be based on the initial assessment and shall set out the interventions that will be put in place.

75. Whenever the assessment is reviewed, the work plan shall correspondingly be revised as necessary.

### *Interventions*

76. Interventions shall aim at rehabilitation and desistance and shall therefore be constructive and proportionate to the sanction or measure imposed.

77. Probation agencies should be able to use a variety of methods based on an interdisciplinary approach and sound knowledge derived from relevant research.

78. Offenders shall be fully informed beforehand about any proposed intervention. Every attempt shall be made to ensure their active participation in such interventions.

79. In arranging interventions and making referral, the probation agencies shall, where appropriate, call upon support agencies.

80. Irrespective of the number of persons contributing to working with an offender, there shall in every case be an identified responsible member of staff whose task it is to assess, elaborate and co-ordinate the general work plan and to ensure contact with the offender and compliance. This is especially important where offenders are subject to more than one intervention or when more than one agency is involved.

### *Evaluation*

81. The progress of the individual offender shall be evaluated at regular intervals and this process shall influence the work plan during the remainder of supervision. The evaluation shall form part of the case record and, when required, of the follow-up reporting to the deciding authority.

82. Evaluation shall also reflect the extent to which the agreed work plan has been defined, put into effect and produced its intended consequences. Probation agencies shall be able to apply to the deciding authority to alter or end the supervision, when appropriate.



83. The offenders' view regarding the relevance of supervision shall be included in the evaluation.

84. At the end of the period of supervision, a final evaluation shall be made. Offenders must be made aware that this evaluation will remain in their case records and that they may be referred to in the future.

#### *Enforcement and compliance*

85. Probation agencies shall work to ensure the active compliance of offenders with their supervision and with any conditions imposed. In gaining the offenders' co-operation, they shall not rely solely on the prospect of sanctions for non-compliance.

86. Offenders shall be made fully aware of what is required of them, of the duties and responsibilities of probation staff and of the consequences of non-compliance.

87. Where offenders fail to comply with any of the conditions imposed, probation staff shall respond actively and promptly. The response shall take full account of the circumstances of the failure to comply.

#### *Recording, information and confidentiality*

88. All probation agencies shall keep formal, accurate and up-to-date records of their work. These records shall typically include personal details of the individuals concerned relevant to the implementation of the sanction or measure, a record of their contact with the agency and work undertaken in relation to them. They shall also record assessment, planning, intervention and evaluation.

89. Records are subject to principles of confidentiality and data protection as set out in national law. Confidential information shall only be shared with other relevant agencies based on strict procedures of handling and used for clearly defined purposes.

90. Records are an important means of ensuring accountability. They shall be checked regularly by managers and shall be available for formal inspections and monitoring as required.

91. Probation agencies shall be able to give an account to the judiciary and other competent authorities of the work being undertaken, offenders' progress and the extent of their compliance.

92. Offenders shall have access to case records kept about them to the extent that this is foreseen in national law and does not infringe the right to privacy of others. The offenders shall have the right to contest the contents of these records.

## **Part VI**

### **Other work of probation agencies**

#### *Work with victims*

93. Where probation agencies provide services to victims of crime they shall assist them in dealing with the consequences of the offence committed, taking full account of the diversity of their needs.

94. Where appropriate, probation agencies shall liaise with victim support services to ensure that the needs of victims are met.

95. Where probation agencies are in contact with victims and/or seek their views, the latter shall be clearly informed that decisions regarding the sanctioning of offenders are taken based on a number of factors and not only the harm done to a particular victim.

96. Even where probation agencies do not work directly with victims, interventions shall respect the rights and needs of victims and shall aim at increasing offenders' awareness of the harm done to victims and their taking responsibility for such harm.

#### *Restorative justice practices*

97. Where probation agencies are involved in restorative justice processes, the rights and responsibilities of the offenders, the victims and the community shall be clearly defined and acknowledged. Appropriate training shall be provided to probation staff. Whatever specific intervention is used, the main aim shall be to make amends for the wrong done.

#### *Crime prevention*

98. Where provided by national law, the expertise and experience of probation agencies shall be used in developing crime reduction strategies. This may include making use of joint interventions and partnerships.

### **Part VII**

#### **Complaint procedures, inspection and monitoring**

99. National law shall provide for clear, accessible and effective procedures to investigate and respond to complaints regarding probation practice.

100. These procedures shall be fair and impartial.

101. In all cases, the complainant shall be duly informed of the process and the findings of the investigation.

102. Probation agencies shall ensure that there are reliable systems in place to monitor and improve their own practice and to ensure that it meets the standards required.

103. Probation agencies shall be accountable to the competent authorities and subject to regular government inspection and/or independent monitoring and shall co-operate fully with all such scrutiny. The findings of independent monitoring bodies shall be made public.

### **Part VIII**

#### **Research, evaluation, work with the media and the public**

104. Probation policy and practice shall be as far as possible evidence based. The authorities shall provide the resources necessary for rigorous research and evaluation.

105. Revision of existing laws, policy and practice shall be based on sound scientific knowledge and research that meets internationally recognised standards.

106. The media and the public shall be provided regularly with factual information about the work carried out by probation agencies. They shall be informed about the purposes and results of the work in order to encourage a better understanding of their role and value in society.

107. The competent authorities shall be encouraged to publish regular reports on developments in the field of probation.

108. Statements of policy and practice of probation agencies shall be made available to other agencies, to service users and to the general public, both nationally and internationally, in order to promote confidence and improve probation standards and practices.

## **Glossary of the terms used**

**Aftercare** means the process of reintegrating an offender, on a voluntary basis and after final release from detention, back into the community in a constructive, planned and supervised manner. In these rules the term is distinguished from the term “resettlement” which refers to statutory involvement after release from custody.

**Assessment** means the process of estimating the risks, needs and strengths of an offender before planning an intervention and/or providing advice to judicial or other competent authorities. In addition, assessment seeks to identify the causes of offending, and whether measures can be taken to reduce the likelihood of its reoccurrence.

**Assistance** is to be seen as forming an integral part of the supervision process alongside control. It usually covers one or more of the following services: providing assistance in finding housing, employment, education, providing family support, etc. In some legal systems it may be provided by separate agencies.

**Complaint** refers both to filing an application before a judicial authority and to appealing to an administrative body.

**Community sanctions and measures** mean sanctions and measures which maintain offenders in the community and involve some restrictions on their liberty through the imposition of conditions and/or obligations. The term designates any sanction imposed by a judicial or administrative authority, and any measure taken before or instead of a decision on a sanction, as well as ways of enforcing a sentence of imprisonment outside a prison establishment.

**Conditions and obligations** mean any requirements which are integral to the sanction or measure imposed by the deciding authority.

**Control** means activities limited to ascertaining whether or to ensuring that any conditions or obligations imposed by a sanction or measure are complied with by the offender. Such activities usually include using, or threatening to use stricter sanctions or measures in case of non-compliance. The notion of control is narrower than that of supervision.

**Crime prevention** means any policy and practice implemented by the agencies of the criminal justice system and other competent agencies and aimed at preventing (or, more plausibly, reducing) crime.

**Deciding authority** means a judicial, administrative or other authority empowered by law to impose or revoke a community sanction or measure or to modify its conditions and obligations.

**Desistance** means the process by which, with or without the intervention of criminal justice agencies, offenders terminate their offending activities and maintain crime-free lives through the development of their human capital (such as individual skills and knowledge) and their social capital (such as employment, family, social connections and ties and engagement in civil society).

**Early release** comprises all forms of discharge from prison before the prison sentence has been fully served, such as provisional release, conditional release (parole) or conditional pardon.

**Evaluation** is a thorough review of the extent to which set objectives have been achieved. In this process decisions are taken about what needs to be done next.

**Implementation** means the carrying out of the practical aspects of the work of a probation agency to ensure that a community sanction or measure is properly enforced.

**Intervention** means any action taken to supervise, treat, assist or guide offenders in order to divert them from committing further offences and to help them lead law-abiding lives. Intervention therefore does not refer to providing information or writing reports.

**Judicial authority** means a court, a judge or a prosecutor.

**National law** means not only primary legislation passed by the national legislator, but also any other binding regulations and orders, as well as the case law of courts and tribunals, in as far as these forms of creating law are recognised by the national legal system.

**Offender** means any person who is alleged to have or who has committed an infringement of the criminal law. For the purpose of this recommendation and without prejudice to the presumption of innocence and the establishment of guilt by a judicial decision, the term “offender” shall be understood to include anyone facing criminal proceedings.

**Post-release supervision** means supervision during the period of early release.

**Probation** relates to the implementation in the community of sanctions and measures, defined by law and imposed on an offender. It includes a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of an offender, as well as at contributing to community safety.

**Probation agency** means any body designated by law to implement the above tasks and responsibilities. Depending on the national system, the work of a probation agency may also include providing information and advice to judicial and other deciding authorities to help them reach informed and just decisions; providing guidance and support to offenders while in custody in order to prepare their release and resettlement; monitoring and assistance to persons subject to early release; restorative justice interventions; and offering assistance to victims of crime.

**Rehabilitation** is a broad concept which denotes a wide variety of interventions aimed at promoting desistance and at the restoration of an offender to the status of a law-abiding person.

**Resettlement** begins during the period of detention. It is the process of a prisoner’s reintegration back into the community in a positive and managed way. In these rules, resettlement refers to the period of supervision after the offender has left prison but is still subject to certain statutory obligations – for example, a period of parole. It is to be distinguished from “aftercare”.

**Restorative justice** includes approaches and programmes based on several underlying assumptions: *a.* that the response to crime should repair as much as possible the harm suffered by the victim; *b.* that offenders should be brought to understand that their behaviour is not acceptable and that it has had some real consequences for the victim and the community; *c.* that offenders can and should accept responsibility for their action; *d.* that victims should have an opportunity to express their needs and to participate in determining the best way for the offender to make reparation, and *e.* that the community has a responsibility to contribute to this process.

**Supervision** refers both to assistance activities conducted by or on behalf of an implementing authority which are intended to maintain the offender in the community and to actions taken to ensure that the offender fulfils any conditions or obligations imposed, including control where necessary. Supervision may be mandatory or voluntary (upon the offender’s request).

**Victim** means a natural person who has suffered harm, including physical or mental injury, emotional suffering or economic loss, caused by acts or omissions that are in violation of criminal law. The term “victim” also includes, where appropriate, the immediate family or dependants of the direct victim.

**Volunteer** means is a person carrying out probation activities who is not paid for this work. This does not exclude the payment of a small amount of money to volunteers to cover the expenses of their work.