Some developments in penal policy and practice in Holland

Dr Hans Tulkens

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by Dr. Hans Tulkens

Head of the Dutch Prison Administration

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1.1 *The Times* of 16th September 1978 mentioned the Fifteenth Report of the House of Commons Expenditure Committee on "The Reduction of Pressure on the Prison System". This report expresses concern about the rise of the number of prisoners in England and Wales (from 12,000 in 1945 to 42,000 in 1978) and about the overcrowding of prisons (approximately 11,000 prisoners are accommodated two to a cell and nearly 5,000 three to a cell). The Committee makes a series of recommendations, which particularly stress the necessity of restricting and shortening sentences of imprisonment. NACRO's Annual Report for 1977/78 expresses the same concern, and your Director, Ms. Stern's, concise, well documented and therefore convincing review of the year primarily and amply pays attention to this problem.

So it cannot be surprising, that NACRO at this Annual Meeting proposes to concern itself with penal policy and penal practice, with special reference to imprisonment. That an internationally renowned association such as yours should do so is significant, and I consider it an honour to have been invited to address you on this subject.

The fact that you felt you should reflect upon today's theme with reference to the situation in the Netherlands is commendable, though it does call for some delicacy on my part. I am expected to tell you something about trends in practice and policy in the Netherlands, which may be of interest to you. However, it is no easy task to do so without being presumptuous and creating the impression that we in Holland have found all the answers, which we have not: one has only to listen to the criticism of the prison system in our country, which is at least as fierce as it is in yours. Besides, I am well aware that we in the Netherlands can and want to learn a great deal from you. The many

visitors you receive with such hospitality and furnish with information on all aspects of the penal field will testify to that.

I will endeavour in broad terms to compare the situation in your country with that in my own. However, since I am not sufficiently conversant with the practice of the British penal system, I shall not be able to do so in respect of every subject I touch upon.

1.2 The reason why considerable interest is shown in penal practice in the Netherlands is, firstly, the small number of prisoners: about 20 per 100,000 inhabitants, compared with 75 for England and Wales. The proportion has not always been that low in the Netherlands: around 1950 the daily population of Holland's prisons and remand houses was twice what it is today. So, what has happened? And is this an isolated phenomenon or is it just one of the symptoms of an all-embracing development in the penal field?

Although these developments are not the outcome of a policy conceived and planned in detail far in advance, there is evidence of gradually increasing reflection in the past on criminal law and on the efficacy of its administration. Moreover, there are in the Netherlands what I would call natural circumstances that have furthered this development.

The crime rate in Holland is supposed sometimes to be lower than in other countries. I wish it were true. There has been a remarkable rise of criminality in both Holland and England and Wales over the last 15 years, which is shown in Appendix 1. During this period the crime rate has nearly trebled. As far as the total numbers are concerned, the number of indictable offences in England and Wales was approximately 2 million in 1975; i.e. nearly four times as many as the number of 500,000 ***misdrijven,*** the group of more or less comparable offences in Holland.

This proportion of 4:1 is not very different from the ratio of the population of both countries: 50 million in England and Wales, nearly 14 million in the Netherlands, i.e. 3½ times as many people (see Appendix 2). Considering the difference of police strengths — 176 per 100,000 inhabitants in Holland compared with 222 in the United Kingdom, i.e. 25% more — one might say that this difference could explain the somewhat higher reported crime rate in your country. This close correspondence of crime rates does not of course demonstrate the comparability of the offences in nature and seriousness. However, there is no indication whatsoever that there might be differences in these respects which could explain the extremely divergent prison populations: 40,000 as against 3,200, i.e. in England and Wales 12 times as high as in Holland.

1.3 Now the question of how permissive or punitive a country is depends, among other things, on the reported crime rate and the sentencing practice. The crime rate is governed by the readiness of the public to report crimes and by the activity of the police. In these respects the Dutch situation quite closely resembles the English and Welsh situation. So it seems reasonable to conclude that the difference in the numbers of inmates is due to the other factor mentioned: the sentencing policy here seems to be notably less tolerant than in Holland. Is that true?

The methods of dealing with a case differ between Great Britain and the Netherlands. The most striking is the expediency principle followed in the Netherlands, which permits the Public Prosecutor to dismiss a case, if necessary conditionally, as a result of which no sentence is passed and the offender does not get a criminal record. So if we try to compare the disposal of cases, we have to take into account the cases in Holland handled and dismissed by the Public Prosecutor.

Doing so, we see that between 1964 and 1975 the number of sentences in England and Wales followed the rising trend of criminality more closely than in Holland. In this period, in both countries the number of reported crimes more or less trebled. In the same period the number of sentences increased in England and Wales by 218%, in Holland by 50% (including the number of dismissed cases).

If sentences only are counted, a rough comparison will produce the following picture for 1975:

	England & Wales	the Netherlands
Fine	56%	43%
Conditional or suspended sentence and probation	27%	26%
Prison sentence	14%	27%
Others	3%	4%

If, on the other hand, the cases dismissed by the Public Prosecutor are taken into account, a totally different picture emerges:

	England & Wales		the Netherlands	
Fine	56%	83%	24%	83%
Conditional or suspended sentence and probation	27%		15%	
Prosecution waived	–		44%	
Prison sentence	14%		15%	
Others	3%		2%	

1.4 These data show a remarkable correspondence of the percentages of cases which did and did not lead to a prison sentence. Within the two categories, however, there are differences. In Holland the majority of the cases ***not*** sentenced to prison are waived, a more permissive policy than in England and Wales. As far as cases given a prison sentence are concerned, a milder policy is also applied in Holland. This can be demonstrated by data concerning the length of prison sentences (see Appendix 3).

Over the last 25 years the length of prison terms in the Netherlands has shown a trend which contrasts with the trend in Britain. Around 1950 the situation in the Netherlands was much the same as in England and Wales. However, by 1975 the situation had changed completely. The percentage of very short sentences, viz. those of less than one month, had doubled in the Netherlands and amounted to 57% of the total. In England and Wales this category of very short sentences has decreased by one third to 18% of the total. At the other extreme, long prison sentences (12 months and over) in the Netherlands have decreased by almost two-thirds, from close on 12% to just over 4%, whilst in England and Wales this category has increased from 16% to 28%. Moreover, in the Netherlands practically every offender sentenced in recent years to imprisonment for 12 months or more has been conditionally released, placed under probation supervision after completing two-thirds of his sentence.

On the other hand, long prison sentences have been passed in Holland in recent years, sentences which used to be fairly rare. The number of prison sentences of 3 years and longer was 113 in 1975 and has since risen by 30% to 149 in 1977. Nevertheless, the average prison sentence does not exceed much more than 2½ months, compared with 5½ months in 1950.

These trends have had consequences for the average prison population. In England and Wales it has increased, in Holland it has fallen (see Appendix 4). To sum up, we have seen that in the Netherlands crime known to the police has increased just as much as in England and Wales. During the last 15 years the sentencing practice in Holland has fallen behind this increasing trend in contrast with England and Wales. In 1975 in Holland, almost half the charges were dismissed by the Public Prosecutor, and 15% of offenders were sentenced to imprisonment. There has also been a marked decline, not in the number of prison sentences, but in the length of terms of imprisonment. By contrast, with a corresponding increase in crime, in England and Wales punishment has become more severe. One might at first sight conclude that neither a strict nor lenient sentencing policy affects criminality. While

I doubt whether this is the right conclusion, at all events the lenient policy is less disadvantageous, gives an ex-prisoner a better chance in society than after a long sentence of imprisonment and — what is also relevant — it is cheaper.

1.5 Even though without more thorough research any explanation of the rather divergent trends between our two countries must be somewhat hypothetical, I would like to say something about them. Doubtless you are familiar with the position the Public Prosecutor occupies in the Dutch penal system.[1] He is not connected with the police, and therefore has no vested interest in prosecution. He decides whether or not a person is to be prosecuted, basing this decision on the police report and sometimes a social report. He also asks for a sentence — severe or light, conditional or otherwise — according to what he considers appropriate. Moreover, according to the law he may ask for a totally conditional or a partially conditional sentence. As a rule, the court in passing sentence, does not go beyond the punishment asked for by the Public Prosecutor.

It is, I think, of paramount importance that by means of continuous and structured discussion the Department of Public Prosecution questions the efficacy of its policy. The five Attorneys General of the Courts of Appeal hold fortnightly meetings chaired by the Secretary General of the Ministry of Justice on behalf of the Minister; the Chief Public Prosecutors of the three or four District Courts that come under the jurisdiction of a Court of Appeal meet regularly under the chairmanship of their Attorney General; the members of Public Prosecution have regular discussions led by the Chief Public Prosecutor. Besides this structure, there are permanent national committees for the harmonisation of prosecution policy in general and of specific offences; they make policy recommendations and changes. For instance, there are committees that deal with the prosecution policy on traffic offences, the policy pertaining to the Firearms Act, terrorism, the traffic in drugs etc. The fact that Public Prosecution is a relatively small body of about 200 persons, spread over 19 District Courts and five Courts of Appeal, makes such a close-knit structure of co-operation into a highly effective instrument for realising a reasonably homogenous policy and, what is more, for establishing a common basis of principles and points of departure within that policy.

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[1] An interesting comparison between the penal systems of England and Wales and the Netherlands is made by K.S. Sharples in "The Legal Framework of Judicial Sentencing Policy", a study based on the Dutch and English systems, Amsterdam, University Press, 1972.

As an example of policy development I would mention the remarkable change in interpretation of the law which the right to dismiss a case has undergone. The Act gives the Public Prosecutor the power to drop a charge if he considers that it is in the public interest to do so. Until about five years ago the interpretation of this provision was: prosecute, unless prosecution is not required in the public interest. Now the interpretation is: do not prosecute, unless required in the public interest. This change in the approach to cases illustrates the limited importance the Public Prosecutor attaches to a trial.

To my mind, the function of the professional Public Prosecutor, who prosecutes and asks for a sentence to be given; next the expediency principle, and thirdly the legal power to impose a partially conditional sentence have been the major factors in the developments observed in recent years. A further factor of importance is that it is possible for Public Prosecution as a whole to pursue a national policy (see Appendix 5).

However, even these factors are only conditions. They do not indicate the direction a penal policy should follow. What, then, is the explanation for the permissive development in Holland itself? Reference is sometimes made to the limited effects of criminological research. And yet, I believe that the findings of research, more than anything else, have given rise to, or have confirmed and increased the doubts as to the purpose and effect of penal action, that they have underlined the stigmatising effect of having been sentenced and the increased likelihood of recidivism as a result. In circles connected with the judicature as well as in the fields of politics and administration, this criticism has evoked discussion and contemplation. Becoming involved in criminality is considered to be the result of adverse social conditions and poor social prospects; a view undoubtedly strengthened by international criminological research.

Secondly, in this context the extensive provisions in the field of social work and mental health care, which have been developed to a high level in the Netherlands since World War II, have provided Public Prosecution with reasons for a more tolerant and less drastic use of the criminal law.

Thirdly, geographically Holland is a small country; people in the same walk of life know, meet and therefore influence one another; the Parliament, the newspapers and professional periodicals show a conscious and critical attitude towards the imposition of imprisonment and the way it is implemented. These factors have undoubtedly promoted a policy of growing hesitance in the imposition of prison sentences.

1.6 After hearing this, you may be surprised to learn that this development

has not led to alternatives to imprisonment, such as semi-detention or the community service order, any more than it has led to a marked decrease in the ***number*** of prison sentences. I would say the principal explanation lies in the fact that the wide use made of the right to dismiss a case has already withdrawn from criminal proceedings a large number of offences which might have entailed alternative sentences. At the same time one wonders whether the fact that in the Netherlands the probation service is virtually an autonomous, private organisation might not, paradoxically enough, be an obstacle to the development and application of alternatives to imprisonment. For those connected with rehabilitation often tend to take the view that they ought not and will not be held responsible for implementing sentences; that they do not wish to be an extension of "the law".

Such a situation obviously makes it difficult for the judiciary to refrain from imposing a prison sentence in respect of certain offences. The only thing they thought they could do was shorten the sentence, and that they certainly did. And yet, we are still searching for ways and means of reforming the criminal law, in particular to restrict and shorten imprisonment. The law has been amended to limit remand, and since three years ago the time spent on remand has statutorily to be deducted completely from the term of imprisonment. I would further mention the recommendations of the fines committee, which have been laid down in a Bill with the aim of making it possible to impose a fine for all offences, and to empower the Public Prosecutor to make a financial disposition (transaction) instead of prosecuting in the case of offences for which the maximum penalty is six years or less.

Developments of this latter kind do of course entail the risk that, applied indiscriminately, they will again ignore the irrational motives for very many offences, and will nevertheless be expected to have a deterrent effect, whilst – and I think this is even more important – they offer no solution for the social difficulties of delinquents, are no help in plotting the right course.

2.1 The policy of the Court and the Public Prosecutor is not self-contained. The execution of sentences ties in with that policy. Every effort is made to avoid the negative influences of imprisonment and to offer assistance to inmates with a view to their rehabilitation and the development of their capacities. One example of this striving is the use of conditional release under supervision by the probation service, comparable with parole.

Another development is that known as "early aid", i.e. by social workers of rehabilitation agencies. In contrast with conditional release this

measure is aimed at help in the initial stage of detention. Since 1974 two statutory provisions have been in force. The first one stipulates that the secretary of the Probation Councils – there is one in each Court district, and it co-ordinates all probation work – shall be notified immediately of every order for a suspect to be taken into custody by the police. The second provision decrees that if as a result of such notification a report on the suspect is drawn up, the Public Prosecutor shall acquaint himself with that report before he requests the Court to remand the suspect in custody. The report may be made verbally, as is often done. These two provisions ratified what had already become established practice in various places. Their purpose was to give the probation service an opportunity to establish contact with the suspect immediately after his arrest by the police, to assist him and, where necessary, to avoid his being committed to remand in custody, if that was not strictly necessary.

In practice nothing like the full number of detained and subsequently remanded suspects are visited and reported on by probation officers. In many instances the organisation for co-operation by police, rehabilitation council and Public Prosecutor still suffers from teething troubles. Besides, understaffing means that there is not much elbow room for this new task. Nevertheless, it is vitally important, especially in the first few days following arrest, that someone should concern himself with the prisoner and seek to persuade him to accept and co-operate in the offer of aid.

2.2 Also the substance and form of detention are more and more expressly and continuously geared to resocialisation. This aim is a fiction as long as imprisonment is too long, too rigid and gives too much the impression of an act of vengeance to be credible for the inmate as a means to help him. In this sense too, resocialisation as an aim of detention is in line with the sentencing policy described above.

I will relate developments in our prisons' practice to the problems prisoners are very often faced with, namely:

1. lack of self-knowledge, insufficient confidence and lack of skill in personal contacts (see 2.4);
2. bad social conditions in regard to home, work and lasting personal relationships, especially those of marriage and family life (see 2.5);
3. insufficient awareness of their own capacities for putting time to good use and for making a living, or under-development of these capacities (see 2.6).

We seek to direct attention towards remedying these three short-comings

in prisons and in remand houses as well (see Appendix 6). Needless to say, the short duration of the sentence imposes certain restrictions, forcing us carefully to consider by what means maximum interest and co-operation on the part of the prisoner can be secured, since these are the necessary pre-conditions for assistance or help (see 2.3). We take the line that the best chance of succeeding in this is by offering the inmates: (a) a degree of independence; (b) a community life in small groups; (c) contact with society and personal relations; and (d) a degree of freedom of choice in activities during detention, but not without engagement on their part.

2.3 An important measure, which underlines the independence of the inmate and moreover may stimulate his co-operative attitude, is the system of calling people up to serve their sentences. Persons sentenced to imprisonment are divided into two categories: those remanded in custody who have to serve their sentence following the remand in custody, who number about 6,000 a year, and those sentenced to imprisonment without being remanded in custody, of whom there are about 10,000 a year. The latter are not arrested at the trial but are sent a letter inviting them to report on a certain date at a specified institution, much in the same way as is done with a hospital call-up. If a person responds to the call-up, security measures against escape are considered to be superfluous. Therefore, they serve their sentence in a semi-open institution, that is to say, one without walls or fences designed to prevent escape. Moreover, on the site of the institution these prisoners are allowed almost unlimited freedom of movement.

This call-up system was introduced in 1974. It is a centralised system which provides instant information about the number of sentences and their duration, ensures efficient "booking" and equality in the matter of deferring the start of a sentence, which is granted on reasonable grounds. The system has suffered the inevitable teething troubles but is gradually operating increasingly satisfactorily. Of those called up, usually about 40% report immediately, and 40–45% after requesting deferment; approximately 15 to 20% do not answer and have to be arrested by the police.

Furthermore, one ***confers*** as much as possible with those inmates who have to serve their sentence immediately after their remand in custody concerning the institution where they can best be placed. However, the choice is limited. These prisoners may also be moved to a semi-open or even an open institution straight from the remand prison.

Inmates are entitled to appeal against committal to a particular institution or not being sent to the institution they prefer, the appeal being

lodged with a national committee of independent people which has judicial powers. A prisoner is also given the right by law to lodge *complaints* with an independent committee attached to the institution, having similar judicial powers to overrule certain decisions taken by the governor of an institution relating, for instance, to the refusal to allow visitors, correspondence, literature, or a disciplinary sanction imposed. The inmate has the right to appeal against the committee's decision to a national committee. These regulations have given rise to several problems. The consequences of decisions of committees, opposing the decisions and the policy of the governor and the prison staff, sometimes cause difficulties. Further we are confronted with deliberate misuse of these legal rules by some inmates, causing trouble not only to the institution but to the judicial committee as well. This does not alter the fact that these regulations play a role in making prisoners more independent, and in compelling prison authorities and the Ministry of Justice to ask themselves very explicitly and as a matter of principle what interests can be served or damaged by certain decisions.

2.4 So much for the way in which one endeavours to recognize the independence and responsibility of the inmates and to bring about a constructive attitude on their part. I would like to focus attention on certain measures employed in pursuance of the three aims mentioned above, measures which — I am quite sure — will achieve no noticeable effects if this basic condition of willingness to co-operate is not fulfilled. The first objective is to overcome lack of self-knowledge, self-confidence and skill in personal contacts. We believe that placing inmates in small groups of, say, ten to a maximum of twenty affords good opportunities for this.

The members of such groups are not concerned with more people than they can cope with, personal contact is possible, counselling by the staff can be more direct and extend beyond mere supervision, the chances of negative informal ganging up and intimidation are reduced.

This group set-up calls for a large staff, and this objective has been achieved. It has to be mentioned in particular that the prison officers are charged more and more with some sort of group guidance and with making contacts with inmates; so they do not act merely as guards.

Although our prisons are in general much smaller than yours, nevertheless division into groups is not yet possible everywhere without reconstruction of the buildings. Yet, even in old premises, everything possible is being done in the way of organisational measures to bring about division into groups, for instance by having permanent staff

members for each group of inmates, by providing group recreation rooms, etc. However, the number of staff employed will give you some idea of the cost entailed by this system: for the average daily population of around 3,200 inmates, the total number of staff required is 4,400 or 1.4 per inmate. I would, however, hasten to add that this large number of officers is attributable not only to the system of operating, the group set-up, but also to the favourable terms of employment in the Netherlands.

In accordance with the group-concept, since 1975 the traditionally hierarchied staff-structure of the institutions has gradually changed. The prison officers are, or are to be, divided into teams, responsible for one or two groups of inmates. On the basis of the linking-pin-model, developed by Remsis Likert, a communication structure is being developed by which, from the top to the bottom of the organization and vice versa, day-to-day problems and general policy can be discussed.

The second problem with which prisoners are often faced is the social conditions under which they live. Generally speaking, the probation service in collaboration with the social workers working in that direction endeavour to grapple with such problems.

To structure this co-operation in such a way that the work is synchronised with that of the staff inside the institution is a gigantic task. In order to improve the prospects of achieving this aim, regionalisation of the institutions has been chosen as a fundamental tenet of policy. If the institutions are run on a regional basis, aid will be more effective and more regular visits by relatives and friends will be possible. Unfortunately, the locations of the institutions constitute an obstacle to early implementation of this policy.

In addition to co-operation between institutions and outside agencies rendering aid and regionalisation of the institutions, consulting hours for legal aid in various fields have been introduced in a number of prisons. These consulting hours are held by external bureaux which also provide free legal aid for ordinary citizens. These bureaux receive assistance from the Law Association and are subsidised by the Ministry of Justice.

Next I would mention in particular the introduction of prison leave regulations, a measure of the utmost importance, specifically intended to promote resocialisation. The granting of leave is a long-established tradition in the prison system. However, until recently leave was granted mainly by reason of external circumstances, such as illness or death of

a close relative, to enable a prisoner to get his own business out of very serious difficulties, an interview for a job, etc. In open prisons,[2] to which selected long-term prisoners are committed during the last six months of their sentence, the prisoner was also granted a few leaves so as to enable him to familiarise himself once again with his family and social environment. Leave was not, however, actively used as a means of confronting the prisoner with the inevitable personal and social problems, and of helping him to overcome them.

The leave arrangements now introduced or in the course of preparation are expressly aimed at this confrontation. The arrangements provide for structured co-operation between probation/rehabilitation services and the prison authorities, with a view to making this leave counselling as intensive as necessary. Now weekend leave is granted weekly in the open institutions; in the semi-open institutions, a scheme for monthly leave will come into force before the end of the current year.

For sentenced inmates of the other institutions, a general scheme is being considered permitting prisoners individual leave – either once or periodically – during the last twelve months preceding their conditional release. This restriction is not severe because of the shortness of sentences. In practice there will be the drawback that many non-Dutch prisoners, namely those who after serving their sentence will have to leave the country, will not be eligible for leave. Foreign nationals account for 20 per cent of all prisoners and constitute a growing problem.

These leave-regulations are explicitly meant to be a means for resettlement. If we should fail to gain the willing co-operation of the inmates with the efforts to help them create a socially satisfying future, then prison leave will make no appreciable contribution towards realizing a punishment which has a social use for the person punished.

The third point to which attention is paid during detention is how prisoners spend their time. An inmate often has no desire to accustom himself to any routine if the activities do not appeal to him. The inclination or otherwise may centre on the work itself or on the reward. The latter element continues to be a problem: I do not think full-scale remuneration is feasible, and the reason is not just financial, so I think we have to concentrate on the work itself and on all kinds of meaningful activities. If activities are to be provided which appeal to an

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[2] Open prisons lodge around 20 long term prisoners, i.e. people serving a sentence of about 9 months and over; they work individually outside with an employer.

inmate, it must be remembered that any initial interest will wane, if he does not achieve tangible results soon; results, moreover, which are clearly attributable to his personal effort. The results must be short-term results, and they must be recognisable to him as personal results.

Owing to the shortness of prison sentences, we have been compelled to reflect on short-term projects. Once it is realised that a complete vocational training course during detention is an illusion, and accustoming prisoners to regular work is also a doubtful objective, one begins to wonder whether all those other activities performed in prisons, usually as leisure activities, really serve any useful purpose. Careful consideration led to the conclusion that the first essential was to offer inmates such a variety of activities (educational, cultural, group discussions, handicrafts etc.) that they had a wider choice, by which co-operation was expected to increase. Taking part in these activities should not be optional, even though they are varied. Some were in the nature of a course (e.g. a language course, training for a retailer's licence, a welder's diploma or a fork-lift truck driver's licence). Other activities are more occupation-oriented, stimulating the discovery and development of individual skills, interests and hobbies (e.g. handicrafts, motor-car engineering, community orientation, role play).

As a first attempt to realise this scheme, the daily programme in some institutions, apart from the leisure hours, has been split into two: one part of the day is devoted to normal working, the other part to the aforementioned activities. At one institution a major part of the work consists of constructing playgrounds, animal farms for children, zoological gardens, public gardens, etc. in neighbouring municipalities. At another institution a start has been made with the setting up of work projects which enable the inmates to make complete products, using those tools and appliances which nowadays are to be found in many a home.

The next step we hope to take is to draw up the work and activity programmes in such a way that a prisoner, on arrival, can be asked to select a "package" of activities in which he undertakes to participate for the duration of his sentence. In this way we hope to be able by gradual stages to introduce, side by side with the more traditional work, a range of other activities which will enable the prisoner to discover more of his capacities and interests.

It is clear, from the foregoing, that an approach geared to individual needs is becoming possible: the call-up system, the placement procedures, the statutory regulations regarding the legal status of the prisoner, the division of the inmates into small groups, the structuring

of fixed teams of staff in charge of the care of groups of inmates, individual aid including legal aid and schemes for periodic leave, regionalisation as a principle and the introduction of work and training programmes with scope for individual choice. Much of what I have told you about is still in the making; ultimate completion will take a lot more time.

All this will not make imprisonment the most desirable or successful instrument for rehabilitation. But if only in the years ahead we succeed in resorting to imprisonment less frequently, in imposing shorter sentences, in carrying them into effect in close collaboration with external aid services in a manner which makes the prisoner less aware of his personal shortcomings and more aware of his personal potentialities, and in fact allows him to discover these, then we can — I believe — do a great deal to help a group of people who, despite every preference for alternative forms of punishment, will not be eligible for them just yet.