

Probation and Prisons in Europe, 2021: Key Findings of the SPACE reports

Marcelo F. Aebi, Edoardo Cocco and Yuji Z. Hashimoto *

1. Introduction

This document summarises the main findings of the *2021 Council of Europe Annual Penal Statistics on Persons under the Supervision of Probation Agencies*¹, better known under the acronym SPACE II, and compares them to those of the *2021 Council of Europe Annual Penal Statistics on Prison Populations*, SPACE I, which was published in April 2021².

The rates and percentages presented here correspond to the *European median values and averages* computed on the basis of figures weighted by the population and the number of probationers —or, respectively, of inmates— in each jurisdiction (see *Methodology* for further details). Forty-eight (48) out of the 52 probation agencies (or equivalent institutions) in the 47 Council of Europe member States³ answered the 2021 SPACE II questionnaire, which corresponds to a participation rate of 92%. Their answers are compared to those of the 49 prison services that replied to the 2021 SPACE I questionnaire. The countries that did not answer the SPACE II questionnaire are Albania, Bosnia & Herzegovina, Cyprus, Germany, and San Marino⁴; while Malta and two of the three prison administrations of Bosnia & Herzegovina did not answer to the SPACE I questionnaire.

It must also be mentioned that the 48 probation agencies and the 49 prison administrations that filled in the SPACE questionnaires did not necessarily provide data for all the items included in them. Thus, in the title of each Figure and Table included in this document we indicate the number (N) of probation agencies —or, respectively, of prison administrations— that provided the data required for the analysis⁵.

* The authors are, respectively, professor and researchers at the Research Unit in Criminology of the School of Criminal Sciences at the University of Lausanne, Switzerland. The opinions expressed in this publication are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.

¹ Aebi, M. F. & Hashimoto, Y. Z. (2022). *SPACE II – 2021 – Council of Europe Annual Penal Statistics: Persons under the Supervision of Probation Agencies*. Council of Europe. Available at: www.unil.ch/space.

² Aebi, M. F. & Cocco, E. (2022). *SPACE I – 2021 – Council of Europe Annual Penal Statistics: Prison Populations*. Strasbourg: Council of Europe. Available at: www.unil.ch/space.

³ The Russian Federation was expelled from the Council of Europe on 16 March 2022. The Council of Europe has since then 46 member States. The data collected in 2021 are included in the SPACE 2021 report and in this document.

⁴ According to the latest information received from the countries, probation agencies do not exist in Bosnia & Herzegovina, and Germany does not produce probation statistics at the federal level.

⁵ Many Figures include data from the two Spanish probation agencies (Catalonia and the State Administration) as well as the overall total for Spain. In these cases, only two probation agencies are counted in the N indicated in the title of the Figures. That N also excludes the European median values and averages. Readers counting the bars included in each Figure are kindly asked to keep these exceptions in mind.

2. Defining probation and community sanctions and measures (CSM)

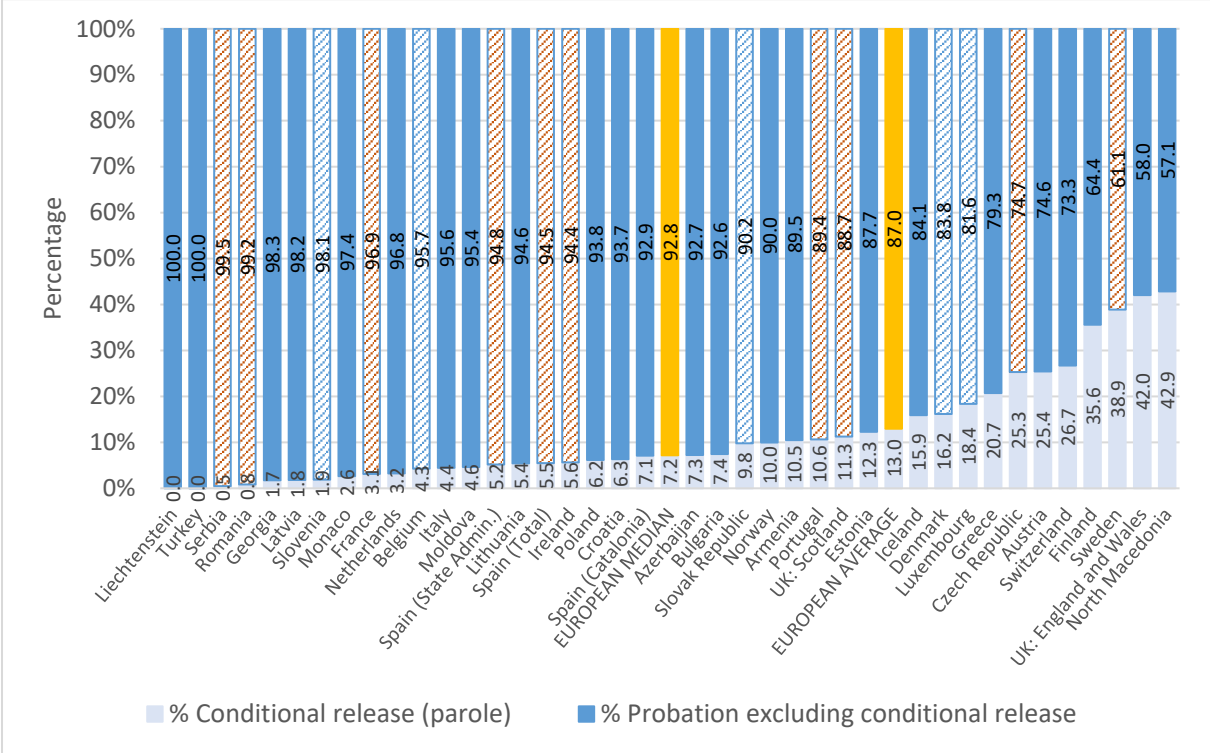
According to Appendix I to the Council of Europe's Recommendation CM/Rec (2010)1, **probation** "relates to the implementation in the community of sanctions and measures, defined by law and imposed on an offender. It includes a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of an offender, as well as at contributing to community safety". At the same time, according to the Council of Europe's Recommendation CM/Rec(2017)3, "the expression '**community sanctions and measures**' means sanctions and measures which maintain suspects or 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".

These conceptualisations show that the Council of Europe adopts broad definitions of probation and of community sanctions and measures. For example, according to the Council of Europe's Recommendation Rec(2003)22 on **conditional release (parole)**, "[c]onditional release is a community measure" that "means the early release of sentenced prisoners under individualised post-release conditions". This implies that persons conditionally released and placed under the supervision of probation agencies are considered as *probationers* and not as a separate category (usually called *parolees* in common law jurisdictions). As the distinction between these two large categories is useful when analyzing the use of probation, Figure 1 presents the percentage of persons conditionally released among the total number of probationers on 31 January 2021 in the 38 jurisdictions that provided the necessary data. That percentage varies widely across Europe, from zero in Turkey to 43% in North Macedonia. In broad terms, the highest percentages are found in Western and Northern European countries. Nevertheless, some probation agencies included in Figure 1 do not use the *person* as the counting unit in their probation statistics (those presented in *blue* stripes) and others do so partially (those presented in *orange* stripes).

Whenever a probation agency does not use the *person* as the counting unit in its statistics, there is a risk of double counting. This means that the same probationer can be counted more than once when, for example, he or she is serving two or more community sanctions or measures. As the reader will soon realise that methodological issue—which affects all the indicators presented in SPACE II—is addressed in every analysis presented in this document. All in all, 25 probation agencies use the *person* as the counting unit for their stock, seven do not use it, and 12 do so partially⁶; however, not all of them are included in every Figure. That explains why in Figure 1, for example, the reader can count five probation agencies not using the *person* as their counting unit, while in Figure 2 we mention seven.

⁶ The seven probation agencies that do not use the *person* as the counting unit of their statistics are those of Belgium, Denmark, Hungary, Luxembourg, the Slovak Republic, Slovenia, and Ukraine. The nine ones that only use *partially* the person as their counting unit are those of the Czech Republic, France, Ireland, Portugal, Romania, Serbia, Sweden, Scotland, and the State Administration of Spain. Consequently, the *total* figures for Spain are also based only *partially* on persons, even if the Catalan probation agency does use the *person* as the counting unit of its statistics.

Figure 1. Percentages of persons on conditional release among probationers on 31 January 2021 (N=38)⁷



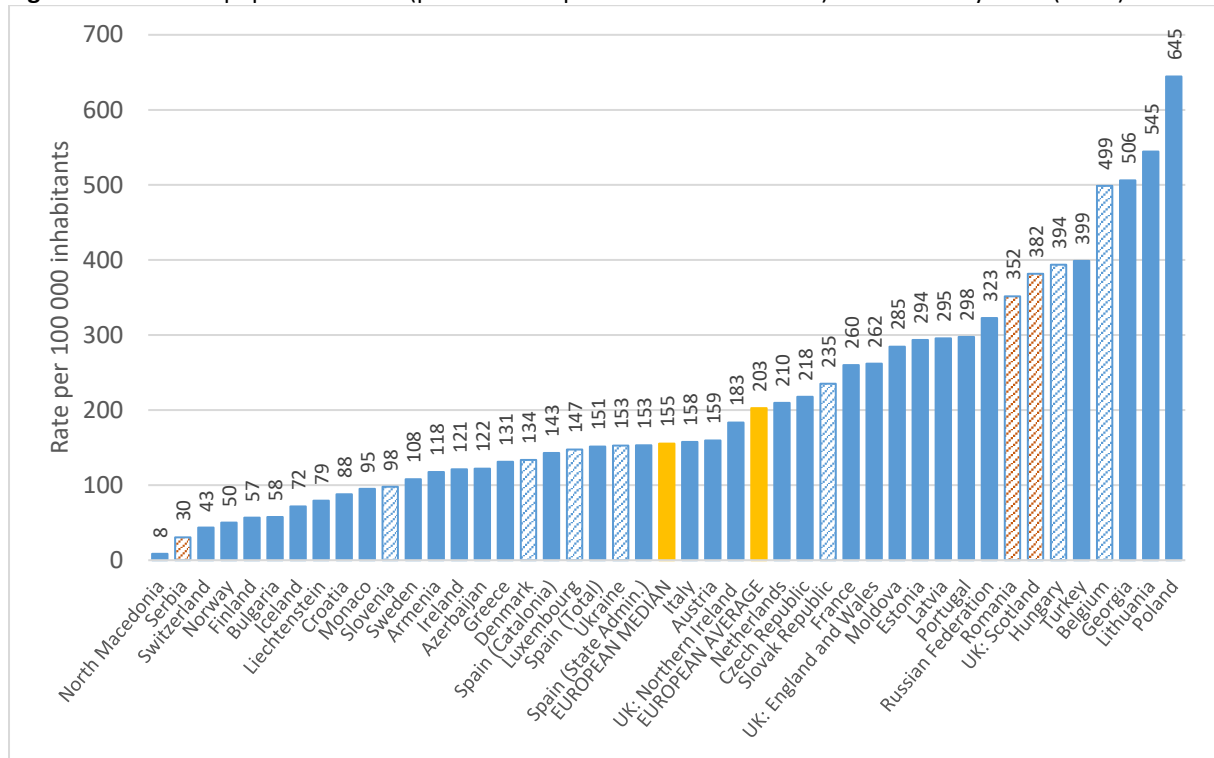
Note to Figure 1: Probation agencies not using the *person* as the counting unit of their statistics are presented in blue stripes, while those using it only *partially* are presented in orange stripes.

⁷ The European median and average values shown in Figure 1 are calculated on the basis of data from the probation agencies that use the *person* as the counting unit of their statistics (in blue in the Figure). These include the Czech Republic, France, Ireland, Portugal, Spain, Sweden, which count the *person* for the *total probation stock* but use *other* counting units (such as the *cases*) for the different forms of probation; consequently, these five countries mentioned that they only *partially* use the *person* as the counting unit of their statistics (and are presented in orange stripes in the Figure). Although Romania, Serbia and Scotland also *partially* use the *person* as their counting unit (and therefore are also presented in orange stripes), they do not use it when calculating their probation stock and are as a result excluded —together with the probation agencies using other counting units (in blue stripes in the Figure)— from the computation of the European median and average values (see note 5 for details).

3. Probation and prison populations on 31 January 2021

Among the 48 probation agencies that completed the SPACE II questionnaire, 42 answered the item on the total number of persons under their supervision (*stock*). However, ten among these indicated that they do not use the *person* as the counting unit for the total probation stock (see note 6), which leaves 32 agencies to be included in any analyses based on the total number of *probationers*. On 31 January 2021, there were 1 773 556 probationers under the supervision of these 32 probation agencies, which corresponds to a median probation population rate of 155 probationers per 100 000 inhabitants. The probation population rates of each probation agency are presented in Figure 2. The European median and average rates are calculated on the basis of the data provided by the 32 probation agencies that use the *person* as the counting unit for their stock of probationers (see note 6).

Figure 2. Probation population rates (probationers per 100 000 inhabitants) on 31 January 2021 (N=45)



Note to Figure 2: Probation agencies not using the *person* as the counting unit of their statistics are presented in blue stripes, while those using it only *partially* are presented in orange stripes.

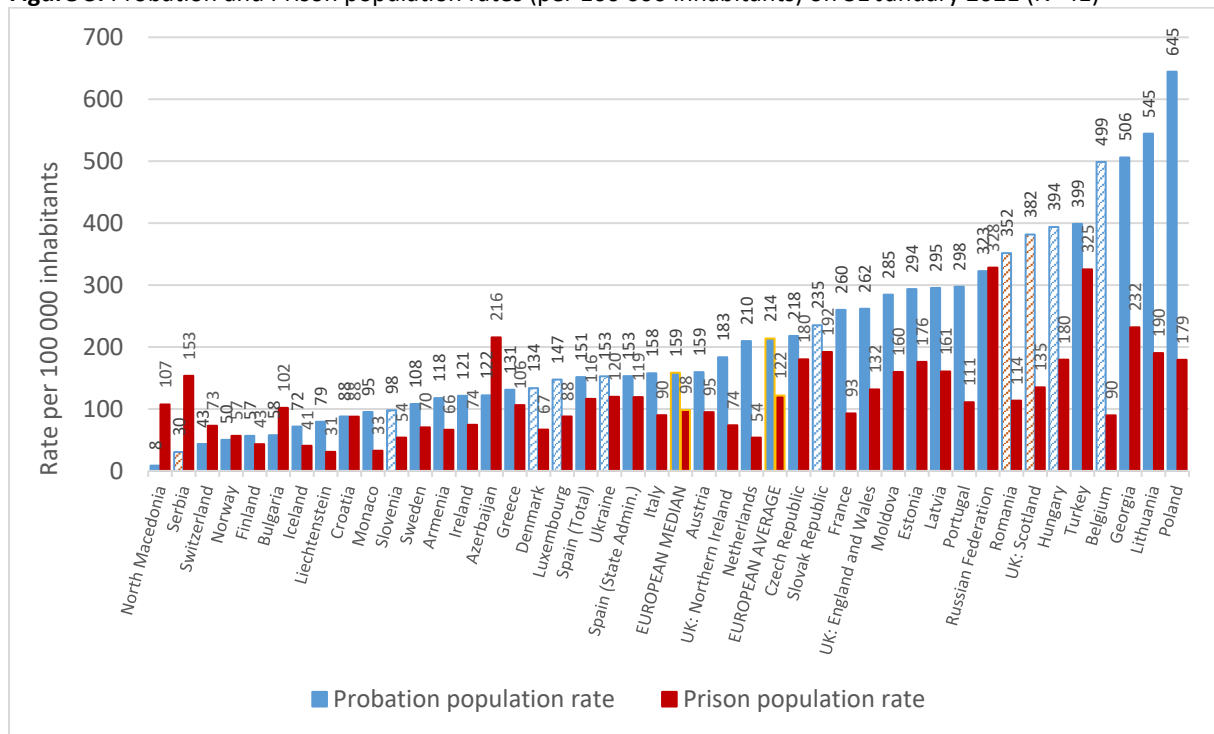
The highest probation population rates are found in Poland, Lithuania and Georgia; while the lowest are in North Macedonia, Serbia, and Switzerland. However, as noted earlier, comparisons across jurisdictions must be conducted carefully because the way in which data are collected varies across them. As in the previous Figure, data provided by the probation agencies that do not use the *person* as the counting unit for the total number of probationers are presented in a striped pattern. More specifically, Belgium, Denmark, Hungary, the Slovak Republic, Slovenia and Ukraine reported that their counting unit is the *case* or the *file*. Luxembourg does not count *persons* but did not specify its counting unit. Romania, Serbia and Scotland indicated that they partially count the *person*; however, they specified that they count the *case*, the *verdict*, or the *order* for the probation stock. These different counting units could explain the high probation population rates observed in Belgium and Scotland. Romania specified that “[t]he vast majority of persons are registered only once, but a small part of them [...] are registered twice or several times [...]” (see page 25 of the 2021 SPACE II report). Unfortunately, we do not have information on the percentage of probationers counted more than once in the rest of the probation agencies that do not use the *person* as their counting unit.

Even if all probation agencies were to apply the same statistical counting rules, the interpretation of the ranking of jurisdictions that stems from Figure 2 would not be straightforward. For example, the probation agency of Serbia was created only in 2011, which suggests that its low probation population rate could be due to the fact that probation is still developing in the country. The same interpretation can be made for North Macedonia, where the first probation office was opened in November 2017 and the rest of the offices started operating only in November 2019.

Lastly, there is no “magic formula” to estimate a rate of probationers that would be appropriate for a jurisdiction. The reason is that probationers are serving community sanctions and measures, which are frequently referred to as *alternatives to imprisonment* because they aim at the social inclusion of the offender by keeping them in the community. Consequently, the probation rate cannot be interpreted without comparing it to the prison population rate. For that reason, Figure 3 shows the probation and prison population rates for the 41 probation agencies and prison services that answered both SPACE questionnaires in 2021.

In Figure 3, jurisdictions are arranged according to their probation population in ascending order. It can easily be seen that this distribution is completely different from the one that would be obtained if they were ranked by their prison population rate. One notable result of this comparison is that, in 34 out of the 41 probation agencies and prison services included in Figure 3, the probation population rate is higher than the prison population rate. The exceptions are (in order of magnitude) North Macedonia, Serbia, Switzerland, Norway, Bulgaria, Azerbaijan, and the Russian Federation, where the rates of inmates are higher than the rates of probationers per 100 000 inhabitants. Again, it is important to emphasise the fact that not all probation agencies use the same counting unit. Accordingly, the European median and the European average rates for both the probation population rate and the prison population rate were computed excluding the probation agencies that do not count *persons* (see note 6). Nevertheless, there are still major divergences across jurisdictions. In order to better illustrate these divergences, Figure 4 shows the ratio of probationers per 100 inmates.

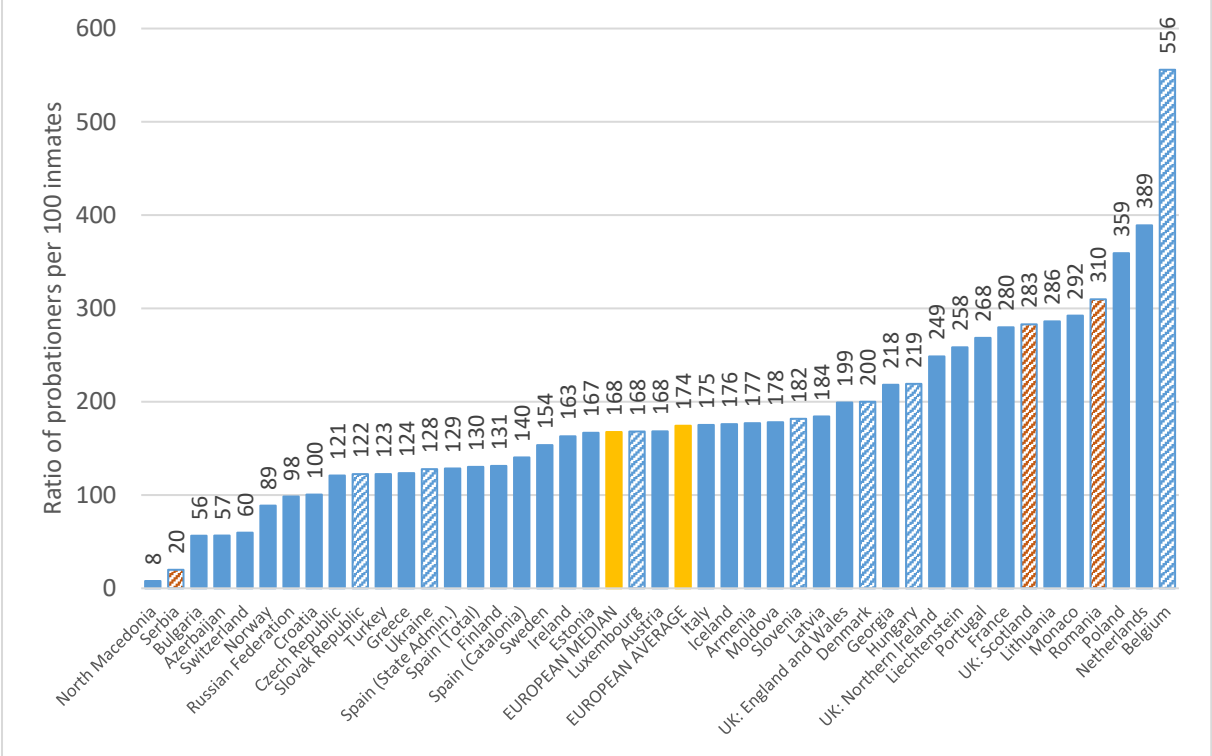
Figure 3. Probation and Prison population rates (per 100 000 inhabitants) on 31 January 2021 (N=41)



Note to Figure 3: Probation agencies not using the *person* as the counting unit of their statistics are presented in blue stripes, while those using it only *partially* are presented in orange stripes.

Figure 4 shows that, in jurisdictions using the *person* as the counting unit, the highest ratio of probationers per inmates can be found in the Netherlands —where there are 389 probationers per 100 inmates— and the lowest in North Macedonia, where the ratio is 8 probationers per 100 inmates. As explained above (see the comments to Figure 2), the low ratio observed in North Macedonia seems due to the short history of its probation service, while the elevated ratio observed in Belgium is partially explained by the fact that the country counts *cases* instead of *persons* in its probation statistics.

Figure 4. Ratio of probationers per 100 inmates on 31 January 2021 (N=42)



Note to Figure 4: Probation agencies not using the *person* as the counting unit of their statistics are presented in blue stripes, while those using it only *partially* are presented in orange stripes.

In order to categorise the jurisdictions according to the relationship between their probation and prison population rates, Table 1 presents the different ways in which both rates are combined in practice. Given that the median prison population shown in Figure 3 is 98 per 100 000 inhabitants, the jurisdictions in Table 1 are categorised as follows: a probation or prison population rate up to 100 per 100 000 inhabitants is considered as low, a rate higher than 100 but lower than 200 per 100 000 inhabitants is considered as relatively high, and a rate equal or superior to 200 is considered as high. **Entries in *italics* mean that the probation agency (or equivalent institution) specified that it does not use the *person* as the counting unit for the stock of probationers (see note 6).**

Table 1. Relationship between probation and prison population rates on 31 January 2021 (N=41, 8 categories)

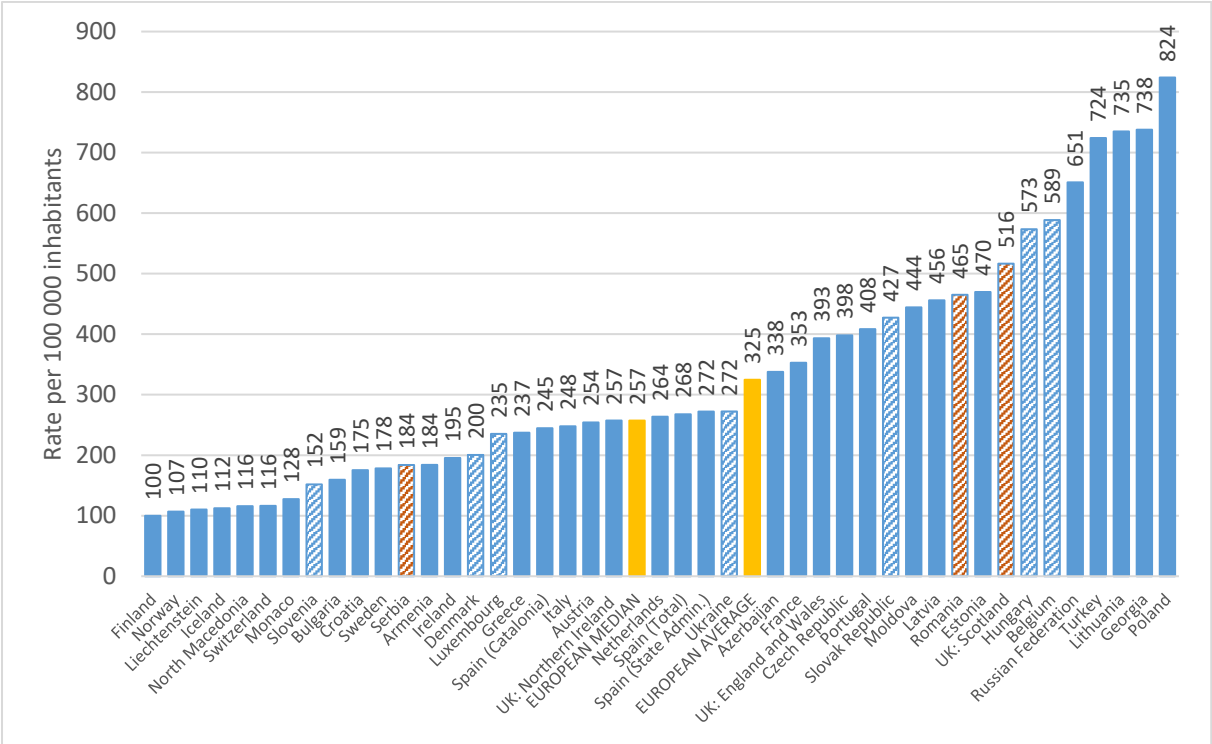
Jurisdiction	Probation population rate	Prison population rate
1. Jurisdictions with a low probation population rate (≤ 100 per 100 000 inhabitants) and a low prison population rate (≤ 100 per 100 000 inhabitants)		
Switzerland	43.5	72.9
Norway	50.2	56.6
Finland	56.7	43.3
Liechtenstein	79.4	30.7
Croatia	87.9	87.5
Monaco	95.0	32.5
<i>Slovenia</i>	<i>97.9</i>	<i>53.9</i>
2. Jurisdictions with a low probation population rate (≤ 100 per 100 000 inhabitants) and a relatively high prison population rate (>100 to <200 per 100 000 inhabitants)		
North Macedonia	8.5	107.3
<i>Serbia</i>	<i>30.4</i>	<i>153.4</i>
Bulgaria	57.5	101.9
3. Jurisdictions with a relatively high probation population rate (>100 to <200 per 100 000 inhabitants) and a low prison population rate (≤ 100 per 100 000 inhabitants)		
Sweden	108.0	70.3
Armenia	117.5	66.4
Ireland	121.1	74.4
<i>Denmark</i>	<i>133.6</i>	<i>66.8</i>
<i>Luxembourg</i>	<i>147.5</i>	<i>87.8</i>
Italy	157.6	90.0
Austria	159.4	94.8
UK: Northern Ireland	183.4	73.8
4. Jurisdictions with a relatively high probation population rate (>100 to <200 per 100 000 inhabitants) and a relatively high prison population rate (>100 to <200 per 100 000 inhabitants)		
Greece	131.0	106.1
Spain (Total)	151.4	116.3
Ukraine	152.7	119.6
Spain (State Admin.)	153.0	119.1
5. Jurisdictions with a relatively high probation population rate (>100 to <200 per 100 000 inhabitants) and a high prison population rate (> 200 per 100 000 inhabitants)		
Azerbaijan	122.0	215.6
6. Jurisdictions with a high probation population rate (≥ 200 per 100 000 inhabitants) and a low prison population rate (≤ 100 per 100 000 inhabitants)		
Netherlands	209.6	53.9
France	259.9	92.9
<i>Belgium</i>	<i>498.8</i>	<i>89.7</i>
7. Jurisdictions with a high probation population rate (≥ 200 per 100 000 inhabitants) and a relatively high prison population rate (>100 to <200 per 100 000 inhabitants)		
Czech Republic	217.8	180.2
<i>Slovak Republic</i>	<i>235.1</i>	<i>192.1</i>
UK: England and Wales	261.8	131.5
Moldova	284.5	159.8
Estonia	293.5	176.0
Latvia	295.5	160.5
Portugal	297.5	110.8
<i>Romania</i>	<i>351.6</i>	<i>113.5</i>
<i>UK: Scotland</i>	<i>381.6</i>	<i>134.9</i>
Hungary	393.7	179.7
Lithuania	544.5	190.3
Poland	644.6	179.4
8. Jurisdictions with a high probation population rate (≥ 200 per 100 000 inhabitants) and a high prison population rate (≥ 200 per 100 000 inhabitants)		
Russian Federation	322.6	328.1
Turkey	398.7	325.4
Georgia	506.0	231.9

The countries in the first category of Table 1 (Switzerland, Norway, Finland, Liechtenstein, Croatia, Monaco, and Slovenia) are those that seem to be using prison and probation most parsimoniously, because they show low rates in both indicators. Countries in the eighth category (the Russian Federation, Turkey, and Georgia) are exactly in the opposite situation. These countries appear to be using community sanctions not as alternatives to imprisonment, but rather as supplementary sanctions. The reason is that their probation population rate is remarkably high, but their prison population rate remains above the European median value. This observation also applies to the probation services included in the seventh and most populated category. In between these categories, the situation of the jurisdictions differs considerably.

Adding the total number of probationers (1 773 556) and the total number of inmates (1 977 718) reported by the jurisdictions that participated in at least one of the two 2021 SPACE surveys and use the *person* as the counting unit for both indicators of stock, one reaches the impressive number of 3 751 274 persons which are, in one way or another, under the supervision of state institutions of formal criminal justice control in Europe. Moreover, that number can be considered as a low estimate of the so-called *correctional population*, because it is based only on the 32 probation agencies that provided data on their total number of probationers (Andorra, Malta, and Montenegro answered some items of the SPACE II questionnaire, but they could not assess their total number of probationers) and which use the *person* as the counting unit (see note 6), and the 48 prison services that reported their total number of inmates when answering the 2021 SPACE I questionnaire.

Forty-two (42) out of all these jurisdictions provided data on both their total number of probationers (or number of cases/files/orders) and their total number of inmates. Adding both numbers one obtains the correctional population for each jurisdiction, which can then be related to the jurisdiction’s population in order to estimate the correctional population rate (number of probationers and inmates per 100 000 inhabitants). Figure 5 presents the estimated correctional population rates for these 42 prison services and probation agencies. Once more, it must be stressed that these rates are *estimates*, instead of fully reliable figures allowing direct comparisons. The reason, once more, is that the *person* is not systematically used as the counting unit in probation statistics across the continent; in particular, there is a risk of double counting in the jurisdictions presented in a striped pattern (blue or orange) in Figure 5 (see note 6).

Figure 5. Estimated correctional population rate (inmates + probationers) per 100 000 inhabitants on 31 January 2021 (N=42)



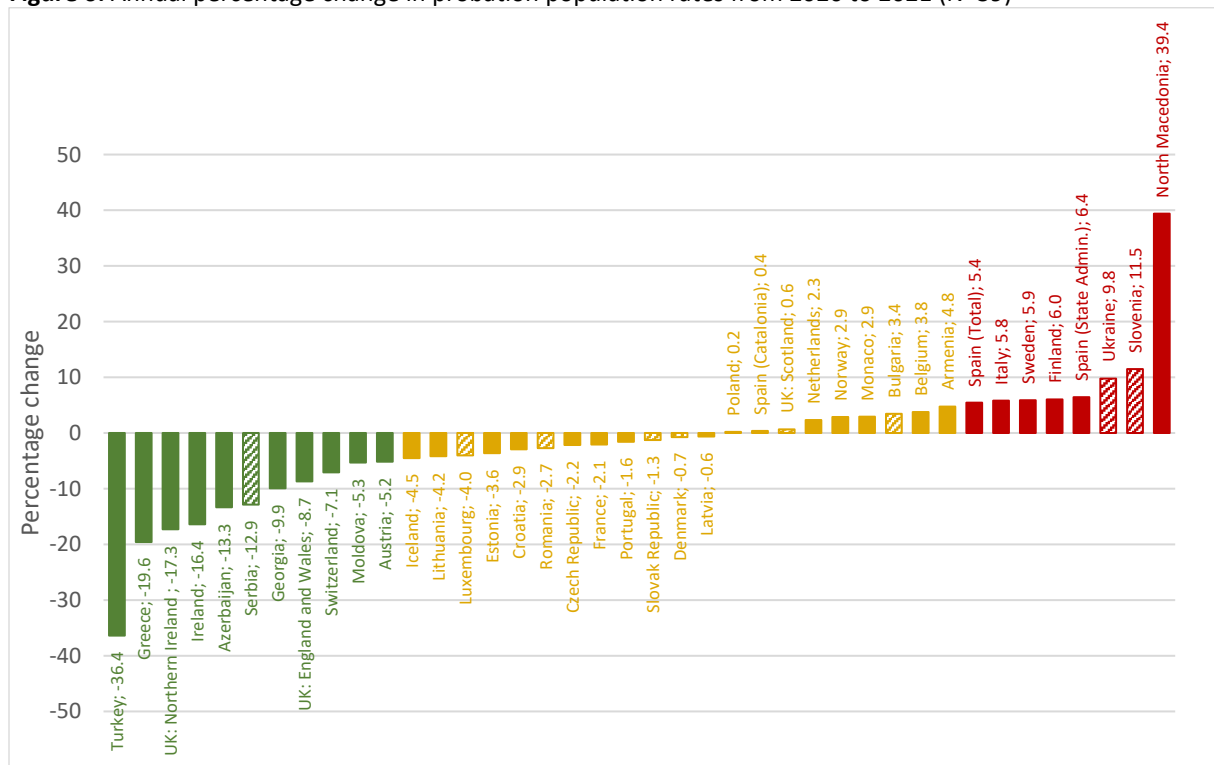
Note to Figure 5: Probation agencies not using the *person* as the counting unit of their statistics are presented in blue stripes, while those using it only *partially* are presented in orange stripes.

4. Year-on-year trend of the probation population rates

The high rates of probationers observed in several jurisdictions corroborates **the expansion of community sanctions and measures across the continent since the 1990s**. However, this increase **has not necessarily been accompanied everywhere by a parallel decrease of imprisonment**, which community sanctions and measures are supposed to substitute (see the SPACE I series). In order to continue monitoring that trend —which can be seen as a signal of the development of mass probation in some jurisdictions— Figure 6 shows the annual variation of the probation population rate in the 39 probation agencies that provided data on their probation population for 2020 and 2021.

As the aim of this analysis is to measure the trend in the use of probation in each jurisdiction, the use of different counting units in different jurisdictions does not affect the comparison, as long as they do not change their counting unit from one year to the other. Hence, Figure 6 includes data on 30 probation agencies that count the number of persons and on nine that count the number of cases, files, or orders (presented in a striped pattern). Figure 6 shows that, comparing 2021 to 2020, less than half of these jurisdictions (16) registered an increase of their overall rate of probationers, cases or orders. However, if one considers increases and decreases between -5% and 5% as indicating stability, there were only seven probation agencies that registered significant increases (5% or more), 11 that experienced significant decreases (-5% or more), and 21 where the situation remained stable⁸. This means that, overall, probation population rates remained relatively stable between 2020 and 2021.

Figure 6: Annual percentage change in probation population rates from 2020 to 2021 (N=39)



Note to Figure 6: Probation agencies not using the *person* —or using it only *partially*— as the counting unit of their statistics are presented in stripes.

⁸ As indicated in footnote 4 and in the Methodology Section, in order to avoid double counting, Spain (total) is not counted as a separate probation agency because it corresponds to the sum of Spain (State Administration) and Spain (Catalonia).

If we restrict the comparison to the 30 probation agencies that count *persons* and provided data both for 2020 and 2021, the total number of probationers declined from 1 511 887 in 2020 to 1 302 789 in 2021, which represents a 14% decrease (see Table 2 towards the end of this document). However, this is almost entirely due to a decrease of 187 786 probationers in Turkey, which had 521 151 probationers in 2020 but 333 365 in 2021. Excluding Turkey —whose probation population represented one third of the total number of probationers in Europe in 2020— there would have been 990 736 probationers in Europe in January 2021 and 968 623 in January 2020. That corresponds to an overall decrease of 2.2%, which reflects, in fact, that the probation population remained stable from 2020 to 2021.

In that perspective, it must be highlighted that the European Probation Population is heavily influenced by the number of probationers in Russia, Turkey and Poland. In 2021, there were 1 773 556 probationers in the European countries that use the *person* as their counting unit, of which 470 736 (27%) were in Russia —that cannot be included in Figure 6 because it did not provide data for 2020— 333 365 (19%) in Turkey, and 243 901 (14%) in Poland. Hence, these three countries accounted for 59% of the total number of probationers.

The relative stability of probation population rates between 2020 and 2021 contrasts with the decrease of prison population rates observed in the 2021 SPACE I report. As explained in the Key Findings of that report, “readers should keep in mind that the restrictions on movement introduced across the world to limit the spread of the COVID-19 pandemic during 2020 modified the structure of opportunities to commit crimes and led to a decrease of most offline offences (Nivette et al. 2021)⁹ and an increase of some types of online offences (Kemp et al., 2021)¹⁰; in addition, they slowed down the functioning of prosecutors and courts. Consequently, there was a decrease of the number of persons entering into penal institutions (flow of entries) and this, combined with the fact that some countries released inmates as another preventive measure against COVID-19, had an influence on the number of inmates held in detention (stock) during 2020 (Aebi & Tiago, 2020a, 2020b)¹¹ and on 31 January 2021” (Aebi et al., 2022)¹². The decrease of offline offences —which constitute the majority of crimes known to the police because the reporting rates of online offences are still extremely low— and the slowdown of the criminal justice system seem thus to have also had an impact on the number of persons placed under the supervision of probation agencies during 2020. Until then, probation population rates were following an overall upward trend, which was interrupted by the side effects of the pandemic.

It can be seen in the SPACE I report that in 2020 some countries released inmates, provisionally or definitively, to limit the spread of COVID-19. These inmates were most probably put under some sort of supervision; however, they had no real impact on the size of the probation population. In that perspective, it must be kept in mind that the staff of probation agencies was also affected by the COVID-related restrictions on movements (see the comments of the national correspondents in the SPACE II report), which means that agencies were not functioning at full capacity.

In sum, probation population rates remained relatively stable from 2020 to 2021 and that stability can be seen as an unintended consequence of the measures introduced to reduce the spread of the pandemic, which led to a decrease in crime and a differential functioning of criminal justice agencies.

⁹ Nivette, A. E. et al. (2021). A global analysis of the impact of COVID-19 stay-at-home restrictions on crime. *Nature Human Behaviour*, 5(7), 868-877.

¹⁰ Kemp, S. et al (2021). Empty streets, busy internet: A time-series analysis of cybercrime and fraud trends during COVID-19. *Journal of Contemporary Criminal Justice*, 37(4), 480-501.

¹¹ Aebi, M. F. & Tiago, M. M. (2020a). *Prisons and Prisoners in Europe in Pandemic Times: An evaluation of the short-term impact of the COVID-19 on prison populations*. Series UNILCRIM 2020/3. Council of Europe and University of Lausanne.

Aebi, M. F. & Tiago, M. M. (2020b). *Prisons and Prisoners in Europe in Pandemic Times: An evaluation of the medium-term impact of the COVID-19 on prison populations*. Series UNILCRIM 2020/4. Council of Europe and University of Lausanne. Available at www.unil.ch/space.

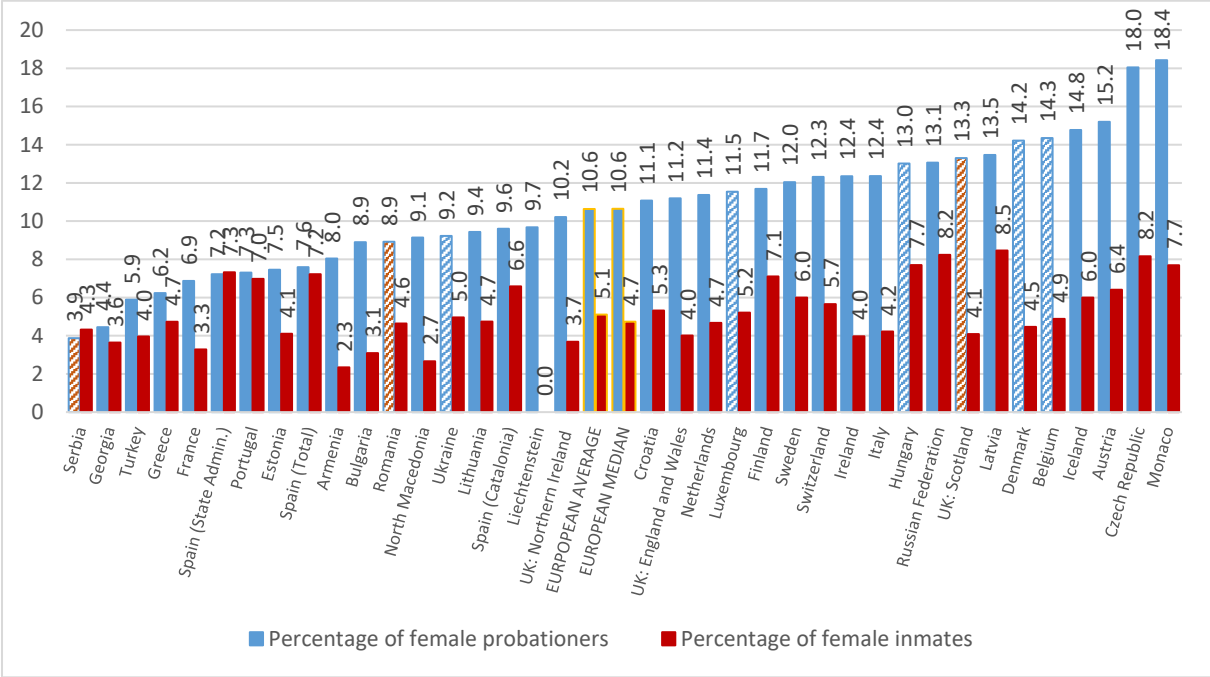
¹² Aebi, M. F., Cocco, E., Molnar, L. & Tiago, M. M. (2022). *Prisons and Prisoners in Europe 2021: Key Findings of the SPACE I report*. Series UNILCRIM 2022/3. Council of Europe and University of Lausanne. Available at www.unil.ch/space.

5. Characteristics of the probationers under the responsibility of European probation agencies, and comparison with the inmates held in penal institutions

5.1. Gender

In the 36 probation agencies that provided data on both the gender of probationers and the total probation stock, the median percentage of males was 89% and the median percentage of females was 11%. The same percentage of 11% women among probationers is reached when the estimations are restricted to the 28 jurisdictions counting *persons*. The low proportion of women corroborates the gender distribution of offending, an activity disproportionately concentrated on the male population. At the same time, the comparison of the percentage of women on probation to that of women in prison, presented in Figure 7, reveals major differences. In fact, with the exception of Serbia and Spain (State Administration), the percentage of women is systematically higher on probation than in prison. Roughly speaking, the former is the double of the latter, as 11% of the probationers are women, while in prison women represent only around 5% of the total number of inmates. This discrepancy could be explained by the fact that probation is being used for the less serious offences and, while women are in general underrepresented among offenders, this underrepresentation is particularly important for serious offences (namely violent offences), which are the ones that usually lead to a prison sentence. For the same reason, women could be seen as less likely to recidivate and therefore they would be more easily placed on probation or granted conditional release. Another reason for that differential treatment could be that women remain the primary caregivers of minor children (i.e., men are seldom placed on probation or granted conditional release because they are fathers of young children).

Figure 7. Percentage of female probationers in the probation population and percentage of female inmates in the prison population on 31 January 2021 (N=36)



Note to Figure 7: Probation agencies not using the *person* —or using it only *partially*— as the counting unit of their statistics are presented in stripes.

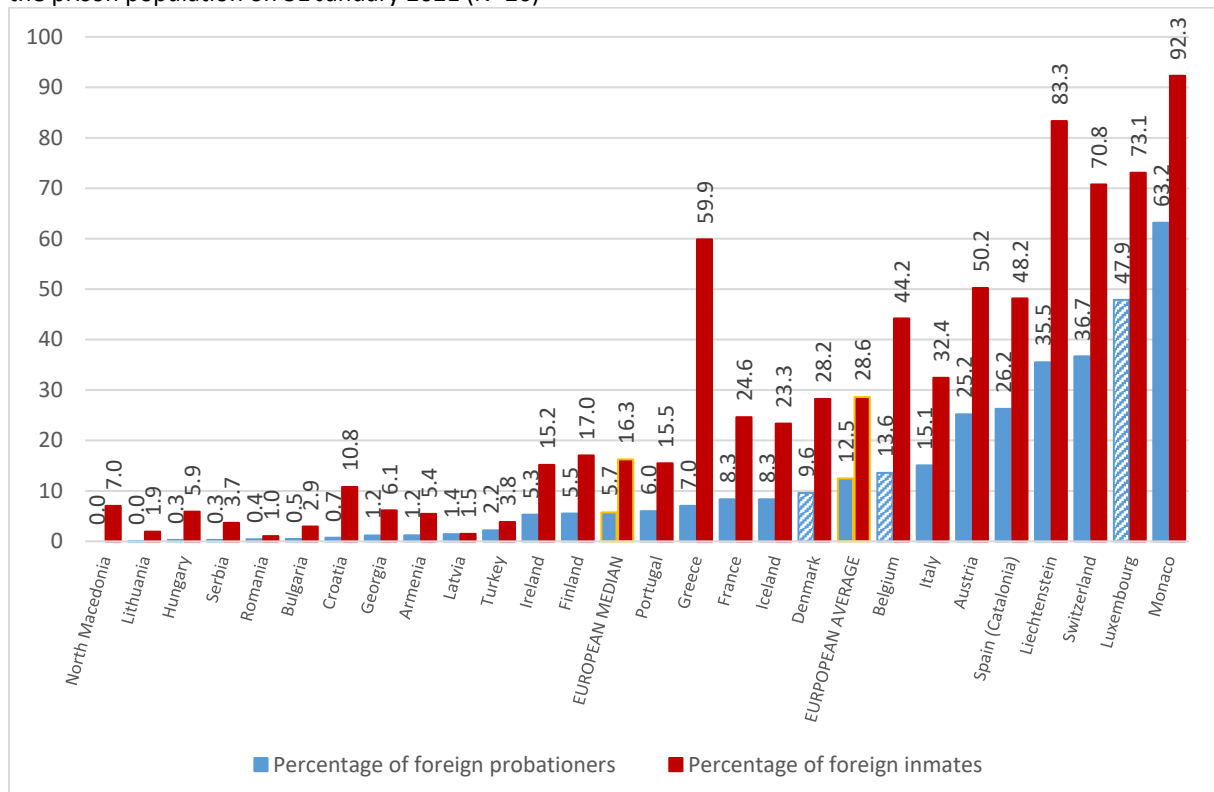
5.2. Nationality

In the 28 probation agencies that provided data on both the number of foreign probationers and the total probation stock, **94% of the probationers were nationals and 6% were foreign citizens** (it is also 6% if we restrict the analysis to jurisdictions counting *persons*; see note 6). Although there is a great diversity in these percentages, **most of the foreign probationers are placed under supervision in Western and Central Europe**. Indeed, information on nationality is not collected in several Eastern European countries, which suggests that the issue has no relevance for policy-makers in that region. This overall distribution of foreign probationers across the continent is similar to the one observed for foreign inmates in the 2021 SPACE I report, although the percentages of the latter are much higher. In particular, on 31 January 2021, 15% of the inmates placed in European penal institutions were foreigners, but that percentage was usually lower than 5% in Eastern Europe, while in Central and Western Europe it was at least of 10% and, in a few countries, it reached 50% or more.

When the estimations are restricted to the 26 jurisdictions that provided demographic data for both their probation (SPACE II) and their prison (SPACE I) populations, the median percentage of foreign probationers is 6% (the same is true when we restrain the analysis to jurisdictions counting *persons*; see note 6), while the median percentage of foreign inmates reaches 16%. This distribution is due to the fact that among the jurisdictions that participated both in SPACE and SPACE II there are several Western European EU countries, where the percentages of foreign inmates are among the highest (see the right half of Figure 8).

Figure 8 shows that **in all jurisdictions the percentage of foreign inmates is higher —usually it is at least the double— than that of foreign probationers**. This difference is at least partially due to the fact that it is more difficult for a foreign citizen than for a national to meet the conditions required to be placed on probation. The main obstacle in that context is the requirement of having a stable address in the country where probation is being served. Furthermore, in some cases, it is plausible to assume that some of the foreign inmates have also been the object of a deportation order to be applied after release, which means that they will be expelled from the country after serving their prison term and have no possibility of being placed on probation.

Figure 8. Percentage of foreign probationers in the probation population and percentage of foreign inmates in the prison population on 31 January 2021 (N=26)



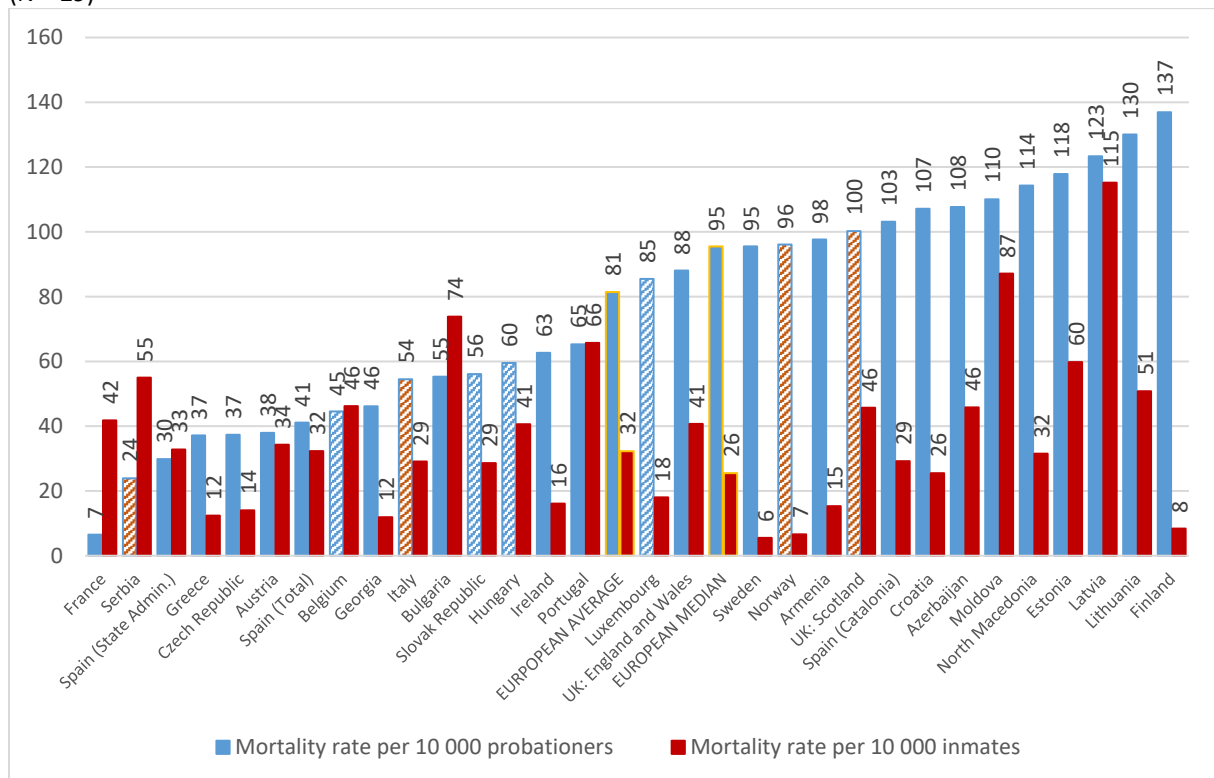
Note to Figure 8: Probation agencies not using the *person* —or using it only *partially*— as the counting unit of their statistics are presented in stripes.

6. Mortality rates

In the 32 probation agencies that provided data on both the deaths of probationers and the total probation stock¹³, the median mortality rate was 64 deaths per 10 000 probationers (95 per 10 000 if we restrict the analysis to counts of *persons*¹⁴). Figure 9 presents the probation mortality rates for the year 2020 as well as the prison mortality rates (deaths per 10 000 inmates) for the same year. Iceland, Liechtenstein, and Monaco reported no deaths in 2021 and are excluded from the Figure and the computation of the median and average European rates (see Table 3 for the relevant data).

Figure 9 shows that the probation mortality rates are usually higher than the prison mortality rates. In fact, in a number of jurisdictions, the probation mortality rates are several times higher than the prison mortality rates. There are at least three plausible explanatory hypotheses for that difference: (a) the constraints of the prison environment reduce the risk of engaging in risky behaviour or suffering a fatal accident; (b) inmates suffering from terminal or serious illnesses are frequently released from prison and placed on probation; and (c) suicide is more common while on probation than while in prison. In order to test the latter hypothesis, the 2021 SPACE II questionnaire asked for data on suicides among probationers. However, virtually none of the Council of Europe member states was able to provide data on that issue.

Figure 9. Deaths of inmates per 10 000 inmates and deaths of probationers per 10 000 probationers during 2020 (N = 29)



Note to Figure 9: Probation agencies not using the *person* —or using it only *partially*— as the counting unit of their statistics are presented in stripes.

¹³ These 29 jurisdictions also provided data on deaths of inmates in 2009 (SPACE I).

¹⁴ As deaths are a subcategory of the *flow of exits*, the European median and average mortality rates exclude jurisdictions that do not use the *person* as the counting unit to compute their flow. See note 5 for the general approach.

7. Methodology

Throughout this document, the term *jurisdiction* is often preferred to *country* because some countries have more than one probation agency. Hence, in Spain, both the General State Administration and the Administration of the Autonomous Community of Catalonia provide data, while in the United Kingdom data are provided separately by England and Wales, Northern Ireland, and Scotland.

Unless stated otherwise, the remarks made in the body of this document refer, for each indicator, to the *European median value*. The *median* is the value that divides the data in two equal groups so that 50% of the countries are above the median and 50% are below it. The median is preferred to the *arithmetic mean* (commonly referred to as the *average*) because the latter is extremely sensitive to very high or very low values (technically known as *outliers*). Outliers are quite common in the sample of countries included in the SPACE reports because some member states, like Liechtenstein, Monaco or San Marino, have a very small number of inhabitants and, as a consequence, a change in only one person can have a big impact on their percentages and rates. The *average* value is, however, regularly included in the Figures presented throughout the document.

The European median values are weighted according to the population and the number of probationers in each country. This means that they are estimated on the basis of the percentages and rates per 100 000 inhabitants of each country (or jurisdiction of the country) and not on the absolute numbers for the whole continent. Using the latter would produce different values, which could hide the diversity observed across countries. For example, on 31 January 2021, there were 1 773 556 probationers under the supervision of the 32 probation agencies of the Council of Europe member states which use the *person* as the counting unit for their stock of probationers. At the same time, the total population of the territories in which these probation agencies are located was around 636 million inhabitants, which would lead to a probation population rate of 279 probationers per 100 000 inhabitants. However, when the European median value is estimated on the basis of the population and the number of probationers of each country, it corresponds to 155 probationers per 100 000 inhabitants, as stated at the beginning of this document (see Figure 2).

The questionnaire used for the SPACE II series of Council of Europe Annual Penal Statistics asks countries to provide data on stock indicators using the person as the counting unit. For example, the number of probationers on 31st January (*stock*) should correspond to the number of *persons* placed under the supervision of probation agencies on that day. However, some probation agencies do not use the *person* as the counting unit of their statistics. The risk when an agency uses *files*, *cases* or *orders* as their counting unit is that the same person may be counted more than once (*e.g.*, a person placed in home arrest with electronic monitoring could be counted as two persons: one for the home arrest order and another for the electronic monitoring order). This issue is addressed systematically throughout this document, which indicates for each indicator, Figure, and Table the jurisdictions that do not use the person as the counting unit of their probation statistics. These jurisdictions are presented in stripes in the Figures, unless they have specified that they use the person as the counting unit for the *specific* indicator presented in the Figure. For example, nine jurisdictions mentioned that they *only partially* use the person as the counting unit in their probation statistics (for details, see note 5), but six of them specifically count the *person* when computing the total stock of probationers on 31st January (for details, see note 6). Consequently, the latter are not presented in stripes in the relevant Figures (see, for example, Figure 2). In order to allow comparisons, the same logic was applied when computing the European median and average values as well as other measures based on the number of probationers: jurisdictions not using the person as the counting unit in their probation statistics are excluded from the computation, unless they have stated that they use the person for that specific indicator.

The Tables presented include one decimal but, in the comments, all numbers equal or superior to 10 are in principle presented in round numbers (*i.e.*, without decimals), while those inferior to 10 are presented with one decimal. In order to facilitate the reading, numbers have also been rounded in the Figures except when the majority of them were lower than 10.

The sample size (N) indicated on top of each Figure and Table is computed excluding the bars and lines that present the European average and the European median, as well as the total figures for Spain whenever data for the two probation agencies of the country (Catalonia and the State Administration) are also included. This explains why the N is smaller than the number of columns or lines found in the Figures and Tables. To avoid double counting, the overall total for Spain is also excluded from the computation of the European averages and median whenever data for the two probation agencies of the country are available.

8. Tables

Table 2. Stock indicators on 31 January 2021

Country	Total number of probationers	Probation population rate	Total number of inmates	Prison population rate	Ratio of probationers per 100 inmates	Total correctional population (probationers + inmates)	Correctional population rate
Figure	2 & 3		3		4	5	
Albania			4 595	162.4			
Andorra	...		61	78.9			
Armenia	3 482	117.5	1 967	66.4	177.0	5 449	183.9
Austria	14 243	159.4	8 465	94.8	168.3	22 708	254.2
Azerbaijan	12 350	122.0	21 813	215.6	56.6	34 163	337.6
Belgium	57 688	498.8	10 379	89.7	555.8	68 067	588.5
BH: state level							
BiH: Fed. BiH							
BiH: Republika Srpska							
Bulgaria	3 979	57.5	7 049	101.9	56.4	11 028	159.4
Croatia	3 548	87.9	3 531	87.5	100.5	7 079	175.4
Cyprus			600	67.0			
Czech Republic	23 310	217.8	19 286	180.2	120.9	42 596	398.0
Denmark	7 802	133.6	3 902	66.8	199.9	11 704	200.4
Estonia	3 904	293.5	2 341	176.0	166.8	6 245	469.5
Finland	3 140	56.7	2 395	43.3	131.1	5 535	100.0
France	175 306	259.9	626 73	92.9	279.7	237 979	352.9
Georgia	20 145	506.0	9 232	231.9	218.2	29 377	737.9
Germany			59 045	71.0			
Greece	13 999	131.0	11 334	106.1	123.5	25 333	237.1
Hungary	38 310	393.7	17 483	179.7	219.1	55 793	573.4
Iceland	264	71.6	150	40.7	176.0	414	112.3
Ireland	6 064	121.1	3 724	74.4	162.8	9 788	195.5
Italy	93 415	157.6	53 329	90.0	175.2	146 744	247.6
Latvia	5 594	295.5	3 038	160.5	184.1	8 632	455.9
Liechtenstein	31	79.4	12	30.7	258.3	43	110.1
Lithuania	15 223	544.5	5 320	190.3	286.1	20 543	734.8
Luxembourg	936	147.5	557	87.8	168.0	1 493	235.2
Malta							
Moldova	11 450	284.5	6 429	159.8	178.1	17 879	444.3
Monaco	38	95.0	13	32.5	292.3	51	127.5
Montenegro	NAP		836	134.7			
Netherlands	36 636	209.6	9 415	53.9	389.1	46 051	263.5
North Macedonia	175	8.5	2 220	107.3	7.9	2 395	115.8
Norway	2 706	50.2	3 053	56.6	88.6	5 759	106.8
Poland	243 901	644.6	67 894	179.4	359.2	311 795	824.0
Portugal	30 641	297.5	11 412	110.8	268.5	42 053	408.4
Romania	67 450	351.6	21 774	113.5	309.8	89 224	465.0
Russian Federation	470 736	322.6	478 714	328.1	98.3	949 450	650.7
San Marino			9	26.5			
Serbia	2 092	30.4	10 540	153.4	19.8	12 632	183.8
Slovak Republic	12 838	235.1	10 489	192.1	122.4	23 327	427.3
Slovenia	2 064	97.9	1 136	53.9	181.7	3 200	151.7
Spain (Total)	71 745	151.4	55 110	116.3	130.2	126 855	267.7
Spain (State Admin.)	60 689	153.0	47 228	119.1	128.5	107 917	272.1
Spain (Catalonia)	11 056	142.8	7 882	101.8	140.3	18 938	244.7
Sweden	11 205	108.0	7 297	70.3	153.6	18 502	178.3
Switzerland	3 767	43.5	6 316	72.9	59.6	10 083	116.3
Turkey	333 365	398.7	272 115	325.4	122.5	605 480	724.1
Ukraine	63 249	152.7	49 520	119.6	127.7	112 769	272.3
UK: England and Wales	155 679	261.8	78 180	131.5	199.1	233 859	393.2
UK: Northern Ireland	3 515	183.4	1 414	73.8	248.6	4 929	257.2
UK: Scotland	21 053	381.6	7 441	134.9	282.9	28 494	516.5

Notes: (1) Data refers to 31 January 2021 (for exceptions, see the SPACE reports); (2) Average and median values were calculated from the original database, which contains all the decimals not shown in this Table.

Table 3. Composition of the probation and prison populations on 31 January 2021 and mortality during 2020

Country	Percentage of female probationers in the probation population	Percentage of female inmates in the prison population	Percentage of foreign probationers in the probation population	Percentage of foreign inmates in the prison population	Deaths of probationers per 10 000 probationers (2020)	Deaths of inmates per 10 000 inmates (2020)
Figure	6	6	7	7	8	8
Albania		1.3		2.4		56.6
Andorra		13.1		57.4		0.0
Armenia	8.0	2.3	1.2	5.4	97.6	15.3
Austria	15.2	6.4	25.2	50.2	37.9	34.3
Azerbaijan		2.7		2.2	107.7	45.8
Belgium	14.3	4.9	13.6	44.2	44.5	46.2
BH: state level						
BiH: Fed. BiH						
BiH: Republika Srpska						
Bulgaria	8.9	3.1	0.5	2.9	55.3	73.8
Croatia	11.1	5.3	0.7	10.8	107.1	25.5
Cyprus		4.7		43.3		16.7
Czech Republic	18.0	8.2		8.0	37.3	14.0
Denmark	14.2	4.5	9.6	28.2		10.3
Estonia	7.5	4.1		33.3	117.8	59.8
Finland	11.7	7.1	5.5	17.0	136.9	8.4
France	6.9	3.3	8.3	24.6	6.5	41.8
Georgia	4.4	3.6	1.2	6.1	46.2	11.9
Germany		5.7		25.5		18.5
Greece	6.2	4.7	7.0	59.9	37.1	12.4
Hungary	13.0	7.7	0.3	5.9	59.5	40.6
Iceland	14.8	6.0	8.3	23.3	0.0	0.0
Ireland	12.4	4.0	5.3	15.2	62.7	16.1
Italy	12.4	4.2	15.1	32.4	54.5	29.1
Latvia	13.5	8.5	1.4	1.5	123.3	115.2
Liechtenstein	9.7	0.0	35.5	83.3	0.0	0.0
Lithuania	9.4	4.7	0.0	1.9	130.1	50.8
Luxembourg	11.5	5.2	47.9	73.1	85.5	18.0
Malta						
Moldova		5.8		1.2	110.0	87.1
Monaco	18.4	7.7	63.2	92.3	0.0	0.0
Montenegro		3.2		17.7		
Netherlands	11.4	4.7		20.9		20.2
North Macedonia	9.1	2.7	0.0	7.0	114.3	31.5
Norway		5.8		24.6	96.1	6.6
Poland		4.5		1.9		18.0
Portugal	7.3	7.0	6.0	15.5	65.3	65.7
Romania	8.9	4.6	0.4	1.0		34.4
Russian Federation	13.1	8.2	0.6			50.1
San Marino		14.3		11.1		0.0
Serbia	3.9	4.3	0.3	3.7	23.9	55.0
Slovak Republic		7.5		2.1	56.1	28.6
Slovenia		4.9		31.6		44.0
Spain (Total)	7.6	7.2		28.9	41.1	32.3
Spain (State Admin.)	7.2	7.3		25.7	29.8	32.8
Spain (Catalonia)	9.6	6.6	26.2	48.2	103.1	29.2
Sweden	12.0	6.0	17.2		95.5	5.5
Switzerland	12.3	5.7	36.7	70.8		14.2
Turkey	5.9	4.0	2.2	3.8		4.7
Ukraine	9.2	5.0		2.4		77.5
UK: England and Wales	11.2	4.0		12.2	88.1	40.7
UK: Northern Ireland	10.2	3.7		10.5		14.1
UK: Scotland	13.3	4.1			100.2	45.7

Notes: (1) Data on females and foreigners refer to 31 January 2021 (for exceptions, see the SPACE reports); (2) Data on deaths refer to the entire year 2020; (3) Average and median values were calculated from the original database, which contains all the decimals not shown in this Table.

9. Definitions

Conditional release: According to the Council of Europe’s Recommendation Rec(2003)22 on conditional release (parole), “Conditional release is a community measure” that “means the early release of sentenced prisoners under individualised post-release conditions”. As a consequence, persons conditionally released and placed under the supervision of probation agencies are considered as probationers.

Community sanctions and measures: According to the Council of Europe’s Recommendation CM/Rec(2017)3, “the expression ‘community sanctions and measures’ means sanctions and measures which maintain suspects or 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.” Community sanctions and measures are frequently referred to as *alternatives to imprisonment* and some of them are also referred to as *diversionary measures*.

Correctional population rate: Corresponds to the addition of the number of inmates (including pre-trial detainees) and probationers per 100 000 inhabitants of a given country, as of 31st January of each year.

Probation agency: Council of Europe’s Recommendation CM/Rec(2014)4 defines a probation agency as “a body responsible for the execution in the community of sanctions and measures defined by law and imposed on an offender. Its tasks include a range of activities and interventions, which involve supervision, guidance and assistance aiming at the social inclusion of offenders, as well as at contributing to community safety. It may also, depending on the national legal system, implement one or more of the following functions: 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. A probation agency may also be, depending on the national legal system, the ‘agency responsible for supervising persons under electronic monitoring’.”

Probation: According to Appendix I to the Council of Europe’s Recommendation CM/Rec (2010)1, 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”.

Probationers: Persons placed under the supervision of probation agencies.

Probation population rate: Corresponds to the number of persons placed under the supervision of probation agencies per 100 000 inhabitants of a given country, as of 31st January of each year. This indicator is also known as the *probation stock* or the *stock of probationers*.

Suggested citation [APA Style 7th edition]:

Aebi, M. F., Cocco, E. & Hashimoto, Y. Z. (2022). *Probation and Prisons in Europe 2022: Key Findings of the SPACE reports*. Series UNILCRIM 2022/4. Council of Europe and University of Lausanne.

© Council of Europe & University of Lausanne, 2022

Reproduction is authorised, except for commercial purposes, provided that the source is acknowledged.

Series UNILCRIM - ISSN: 2673-1983

