



# No One is Left Behind in Our Correctional World! Who and Why Influence the Penal Policies Transfers in Europe?

Iuliana-Elena Cărbunaru

CEP Board Member

Probation Inspector, National Probation Directorate, MoJ, Romania

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I. **"Who learns what from whom"** – reflections from literature

II. From literature to practice. **"The avenues"** of transfer for criminal justice policies across Europe

III. **Good and not so good examples of policy transfer in criminal justice**

IV. **What is the future?**



# I. "Who learns what from whom"...

**Europe** = Council of Europe member states (27 states from European Union and another 19 non-EU states)

Transfer of policies in criminal justice - similar process as in other types of policies

Policy transfer = *knowledge about policies, administrative arrangements, institutions etc. in one time and/or place is used in the development of policies, administrative arrangements and institutions in another time and/or place*



## WHO learns

elected officials, political parties, bureaucrats/civil servants;  
pressure groups; policy entrepreneurs/experts; supra-national institutions

**Voluntary transfer** – dissatisfaction with the status quo (political actors`

**Coercive` transfer** (governments or supra-national institutions)

*Dolowitz and Marsh (1996)*

# I."Who learns what from whom"...

## WHAT can be transferred

- ✓ Policy goals (e.g. Reducing the reoffending, decreasing the prison population)
- ✓ Content (e.g. laws, regulations, procedures, institutions such as probation services, victims support, assets recovery bodies)
- ✓ Instruments (e.g. assessment tools, intervention programmes)

*Lessons can drawn not only from other countries but also within the same nation!*

## By WHOM

Elected officials, political parties (e.g. for promoting changing in the legislation, or as part of their political platform), bureaucrats/civil servants (proposals of policies); pressure groups (proposing policies ideas); policy entrepreneurs/experts (as part of the technical cooperation), and supra-national institutions (e.g standards setting, CoE, UN)

*Dolowitz and Marsh (1996)*

# I."Who learns what from whom"...

## Key factors

- The past/the history of the organisation/country
- Institutional (settings, structures, mentality, technology), political (ideology, punitive vs lenient), bureaucratic (the effort, the necessary steps), economic constrains (budgets!).

*Dolowitz and Marsh (1996)*



the framework of law, politics, economics, criminal justice institutions and practices, technology and commerce, research, pressure groups, networks, public opinion, the ethical environment and culture. *Canton (2009)*

Identifying the best strategy: copying; emulation; hybridization; synthesis; and inspiration

# I. "Who learns what from whom" ...

`a Relationship, a dynamic interaction between both sides` or `Partnership`  
(Durnescu and Haines 2012)

The `transplanted plant` metaphor  
(Canton 2009), `ecological niche` Hacking  
(1999)

- ✓ Climate
- ✓ Soil
- ✓ Competitors and predators

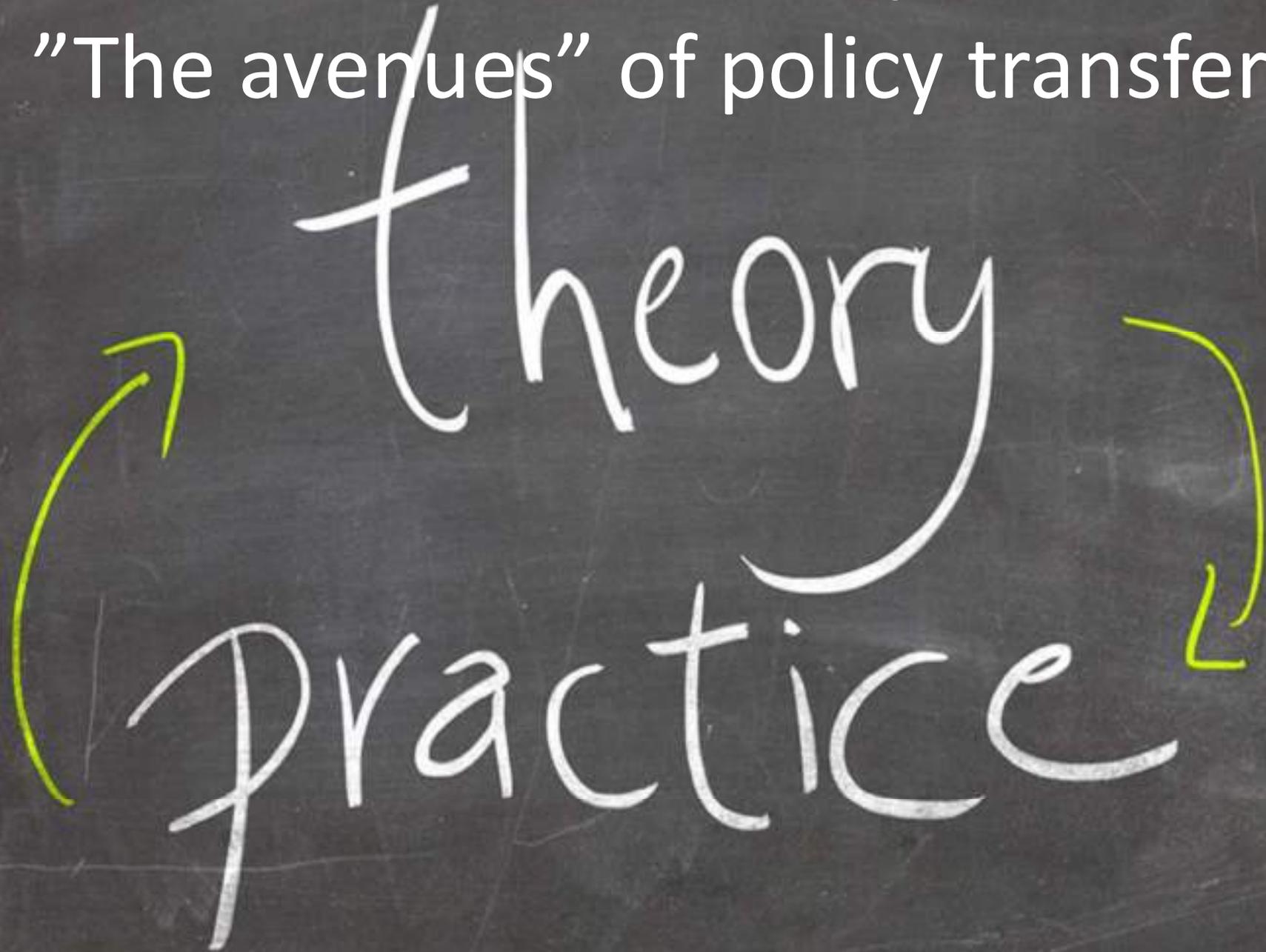


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II. From literature to practice.

"The avenues" of policy transfer



# II. From literature to practice. "The avenues" of policy transfer

**For sure policies, ideas, attitudes, tools `travels`!**

- ✓ **Bilateral/regional agreements** (language, history, context as facilitators) - UK-US, Nordic countries, former soviet countries, Balkans)
- ✓ **International Political agreements** (EU accession process)
- ✓ **Supra-national institutions guidance** (standards settings, standard monitoring, ECtHR, EU Directives)
- ✓ **At the experts levels - advancing knowledge** (international professional networks – CEP, EuroPris, ICPA, staff internships, students exchange programmes)

How this `travel` is taking place through the lens of Globalization (Ritzer, 2004) and the Network Theory (Granovetter, 1973)



# II. From literature to practice.

## “The avenues” of policy transfer

### DIAMOND CLUBS

Supra-national  
organisations

### GOLD CLUBS

Bilateral relations

### SILVER CLUBS (`FAMILY CLUBS`)

Professional networks  
Relationships and Partnerships



# III. Promising and not so promising examples

- ✓ Transferring laws/concepts (Eastern European countries Criminal Codes)
- ✓ The implementation of the CoE standards (new EU member states)
- ✓ Implementing directives (e.g. victims support) (new EU member states)
- ✓ Risk assessment tools
- ✓ Electronic Monitoring
- ❖ No institutional frameworks in place
- ❖ Using only one model – probation as a penalty itself
- ❖ Overlapping competences
- ❖ `Copying strategy` -without local validation
- ❖ Without an integrated policy for managing offenders



# IV. What is the future?

European Union



Council of Europe



# IV. What is the future?

- The role of UK (due to Brexit) as a `borrower` state can be replaced ?
- New `borrowers` at the horizon



# IV. What is the future?



# IV. What is the future?

Technology and communication

`fast lanes` for policies transfer



# Thank you!

[iulianaelena.carbunaru@gmail.com](mailto:iulianaelena.carbunaru@gmail.com)  
[icarbunaru@just.ro](mailto:icarbunaru@just.ro)



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Iuliana Carbunaru

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