Foreigners in European prisons

Results EU study

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Nieuwersluis, CEP conference 16-17 October 2008
Introduction EU study
Numbers
Overview percentages and absolute numbers per country
General outcomes EU study
Good practices
European legislation
Follow-up
Time for questions
Introduction

Why foreign prisoners?

- Rising prison populations (+/- 9 ¼ million worldwide)
- Rapidly increasing number of foreign prisoners
- Overrepresentation
- Forgotten group
- Excluded from basics (work/education/contact family/aftercare)
- Situation is likely to have negative effect on successful resettlement

Objectives study

- Analyse situation in EU
- Identify good practices to address situation

Who are they?

- All persons without citizenship of the state in which they are detained
Funded by: European Commission, DG Employment, Social Affairs and Equal Opportunities

Budget line: Community Action Programme to Combat Social Exclusion

Period: 1 year (Sept 2005-Sept 2006)

Presentation: European Parliament

Publication: May 2007
Co-ordinator
Tilburg University

Partners
Foreign Office Dutch Probation Service
Greifswald University
Jesuit Refugee Service-Europe (JRS)
Hungarian Helsinki Committee
Conférence Permanente Européenne de la Probation (CEP)

Nationale Experts
One per EU country

Organisations
Aire Centre / ICPS / Prisoners Abroad
Numbers

- More than half a million prisoners in EU (608,973) on October 13th, 2008
- Total number foreigners in EU prisons is 114,832
- Average percentage is 18,9%
- The numbers vary greatly per country: < 1% to > 73%
- Highest percentages in Luxembourg (73,3%), Cyprus (48,4%), Greece (43,9%), Austria (42,2%) and Belgium (42,2%)
- Highest absolute numbers in Spain (25,066), Germany (20,190), Italy (18,476), England & Wales (11,682) and France (10,806).
### Percentage Foreign Prisoners on total prison population in EU


<table>
<thead>
<tr>
<th>Rank</th>
<th>Country</th>
<th>Percentage</th>
<th>Rank</th>
<th>Country</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Luxembourg</td>
<td>73.3%</td>
<td>15.</td>
<td>England &amp; Wales</td>
<td>14.0%</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Scotland 1.8%</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Northern Ireland 9.9%</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Cyprus</td>
<td>48.4%</td>
<td>16.</td>
<td>Ireland</td>
<td>12.6%</td>
</tr>
<tr>
<td>3.</td>
<td>Greece</td>
<td>43.9%</td>
<td>17.</td>
<td>Slovenia</td>
<td>10.5%</td>
</tr>
<tr>
<td>4.</td>
<td>Austria</td>
<td>42.2%</td>
<td>18.</td>
<td>Finland</td>
<td>8.5%</td>
</tr>
<tr>
<td>5.</td>
<td>Belgium</td>
<td>42.1%</td>
<td>19.</td>
<td>Czech Republic</td>
<td>7.4%</td>
</tr>
<tr>
<td>6.</td>
<td>Malta</td>
<td>39.7%</td>
<td>20.</td>
<td>Estonia</td>
<td>6.4%</td>
</tr>
<tr>
<td>7.</td>
<td>Italy</td>
<td>37.6%</td>
<td>21.</td>
<td>Hungary</td>
<td>3.8%</td>
</tr>
<tr>
<td>8.</td>
<td>Spain</td>
<td>35.0%</td>
<td>22.</td>
<td>Slovakia</td>
<td>2.2%</td>
</tr>
<tr>
<td>9.</td>
<td>Netherlands</td>
<td>29.5%</td>
<td>23.</td>
<td>Bulgaria</td>
<td>1.9%</td>
</tr>
<tr>
<td>10.</td>
<td>Sweden</td>
<td>27.5%</td>
<td>24.</td>
<td>Lithuania</td>
<td>0.9%</td>
</tr>
<tr>
<td>11.</td>
<td>Germany</td>
<td>26.9%</td>
<td>25.</td>
<td>Latvia</td>
<td>0.9%</td>
</tr>
<tr>
<td>12.</td>
<td>Denmark</td>
<td>22.6%</td>
<td>26.</td>
<td>Poland</td>
<td>0.6%</td>
</tr>
<tr>
<td>13.</td>
<td>Portugal</td>
<td>19.9%</td>
<td>27.</td>
<td>Romania</td>
<td>0.7%</td>
</tr>
<tr>
<td>14.</td>
<td>France</td>
<td>19.2%</td>
<td></td>
<td>Average Percentage</td>
<td>18.9%</td>
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</tbody>
</table>

Average Percentage 18.9%
# Absolute number of Foreign Prisoners in EU


<table>
<thead>
<tr>
<th>Rank</th>
<th>Country</th>
<th>Number</th>
<th>Rank</th>
<th>Country</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Spain</td>
<td>25,066</td>
<td>15.</td>
<td>Hungary</td>
<td>545</td>
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<tr>
<td>2.</td>
<td>Germany</td>
<td>20,190</td>
<td>16.</td>
<td>Poland</td>
<td>510</td>
</tr>
<tr>
<td>3.</td>
<td>Italy</td>
<td>18,476</td>
<td>17.</td>
<td>Ireland</td>
<td>419</td>
</tr>
<tr>
<td>4.</td>
<td>United Kingdom</td>
<td>11,682</td>
<td>18.</td>
<td>Cyprus</td>
<td>319</td>
</tr>
<tr>
<td></td>
<td>(Scotland 143 / Northern Ireland 156)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>France</td>
<td>10,806</td>
<td>19.</td>
<td>Finland</td>
<td>286</td>
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<tr>
<td>8.</td>
<td>Belgium</td>
<td>4,211</td>
<td>22.</td>
<td>Romania</td>
<td>195</td>
</tr>
<tr>
<td>11.</td>
<td>Sweden</td>
<td>1,973</td>
<td>25.</td>
<td>Malta</td>
<td>140</td>
</tr>
<tr>
<td>12.</td>
<td>Czech Republic</td>
<td>1,399</td>
<td>26.</td>
<td>Lithuania</td>
<td>71</td>
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<td>13.</td>
<td>Denmark</td>
<td>824</td>
<td>27.</td>
<td>Latvia</td>
<td>60</td>
</tr>
<tr>
<td>14.</td>
<td>Luxembourg</td>
<td>546</td>
<td></td>
<td>Total number</td>
<td>114,832</td>
</tr>
</tbody>
</table>

Total number of Foreign Prisoners in EU: 114,832
General outcomes EU study

- Due to linguistic problems no or poor communication
- Lack of knowledge about legal rights / position / case
- Inadequate or even lack of (free) legal aid
- Consular assistance varies
- Less access to medical/psychiatric care
- Often exclusion from work / education and training
- Poor quality of training prison staff
- Difficult to maintain contact with family
- Deprivation of contact with outside world
- No/less opportunities for early/conditional release
- Less opportunities for resettlement programmes
General outcomes EU study

In general prison authorities do (can/will) not take into consideration the special needs of foreign prisoners

Foreign prisoners hardly receive probation service during detention and are often excluded from it after release

Consular assistance varies from pro-active to no interest at all

Good / free and professional legal aid is hardly available

There are a limited number of NGO's addressing needs of foreign prisoners
Good practices

Before imprisonment
Å Alternative sentencing

During imprisonment
Å Translation of prison rules / introduction fellow prisoner who speaks language
Å Recruitment (multi-cultural / bi-lingual) and training (diversity) staff
Å Participation in work / education / training
Å Flexible times to keep in contact with family by phone and via visits
Å Respect cultural and religious needs (prayer / food / clothing / holidays)
Å No exclusion from prison leave / conditional release / transfer to more relaxed regimes
Å Providing access to NGO’s / volunteers
Å Preparation for release

After imprisonment
Å Reception centre first days (assistance paper work / house / social service)
Å Aftercare by outside agencies / Probation Services
European legislation

European Prison Rules (2006) by Council of Europe

Foreign nationals

37.1 Prisoners who are foreign nationals shall be informed, without delay, of their right to request contact and be allowed reasonable facilities to communicate with the diplomatic or consular representative of their state.

37.2 Prisoners who are nationals of states without diplomatic or consular representation in the country, and refugees or stateless persons, shall be allowed similar facilities to communicate with the diplomatic representative of the state which takes charge of their interests or the national or international authority whose task it is to serve the interests of such persons.

37.3 In the interests of foreign nationals in prison who may have special needs, prison authorities shall co-operate fully with diplomatic or consular officials representing prisoners.

37.4 Specific information about legal assistance shall be provided to prisoners who are foreign nationals.

37.5 Prisoners who are foreign nationals shall be informed of the possibility of requesting that the execution of their sentence be transferred to another country.
European legislation

Recommendations No. R (84) 12 by Council of Europe

‘Measures to reduce isolation and promote social resettlement’

2. Facilitate communication with other person of same nationality
3. Provide access to reading material (via consular services)
4. Prisoner likely to remain in country of detention, assist in assimilation
5. Same access to education and vocational training
6. Facilitate visits and other contacts with outside world
7. Ordinarily foreign prisoners should be eligible for prison leave
8. Prison rules and information should be made clear
9. Provide translation and interpretation services
10. Provide language training courses
Follow up

- New EU transfer regulation of sentenced EU citizens (Feb 2007)
- EGPA (European Group for Prisoners Abroad) became a special interest group within CEP (Oct 2007)
- 14th Conference of Directors of Prison Administration (CDAP) of Council of Europe countries (Nov 2007)
- CEP conference (Oct 2008)
Time for questions!

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