



# Foreigners in European prisons

## Results EU study

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## 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



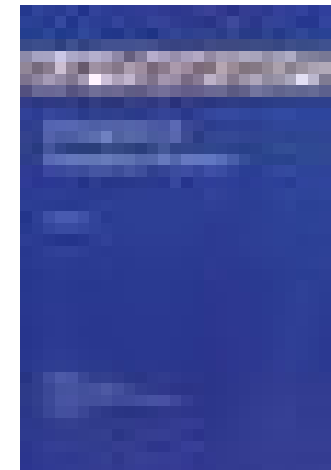
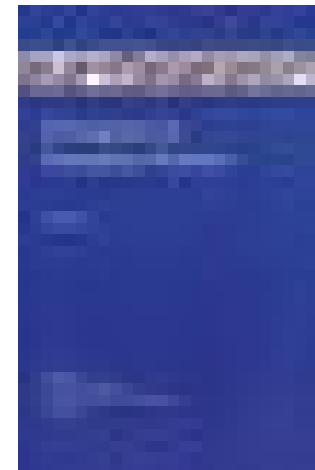
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Social Exclusion

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## Co-ordinator

Tilburg University

## Partners

Foreign Office Dutch Probation Service

Greifswald University

Jesuit Refugee Service-Europe (JRS)

Hungarian Helsinki Committee

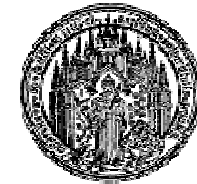
Conférence Permanente Européenne de la Probation (CEP)

## 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).



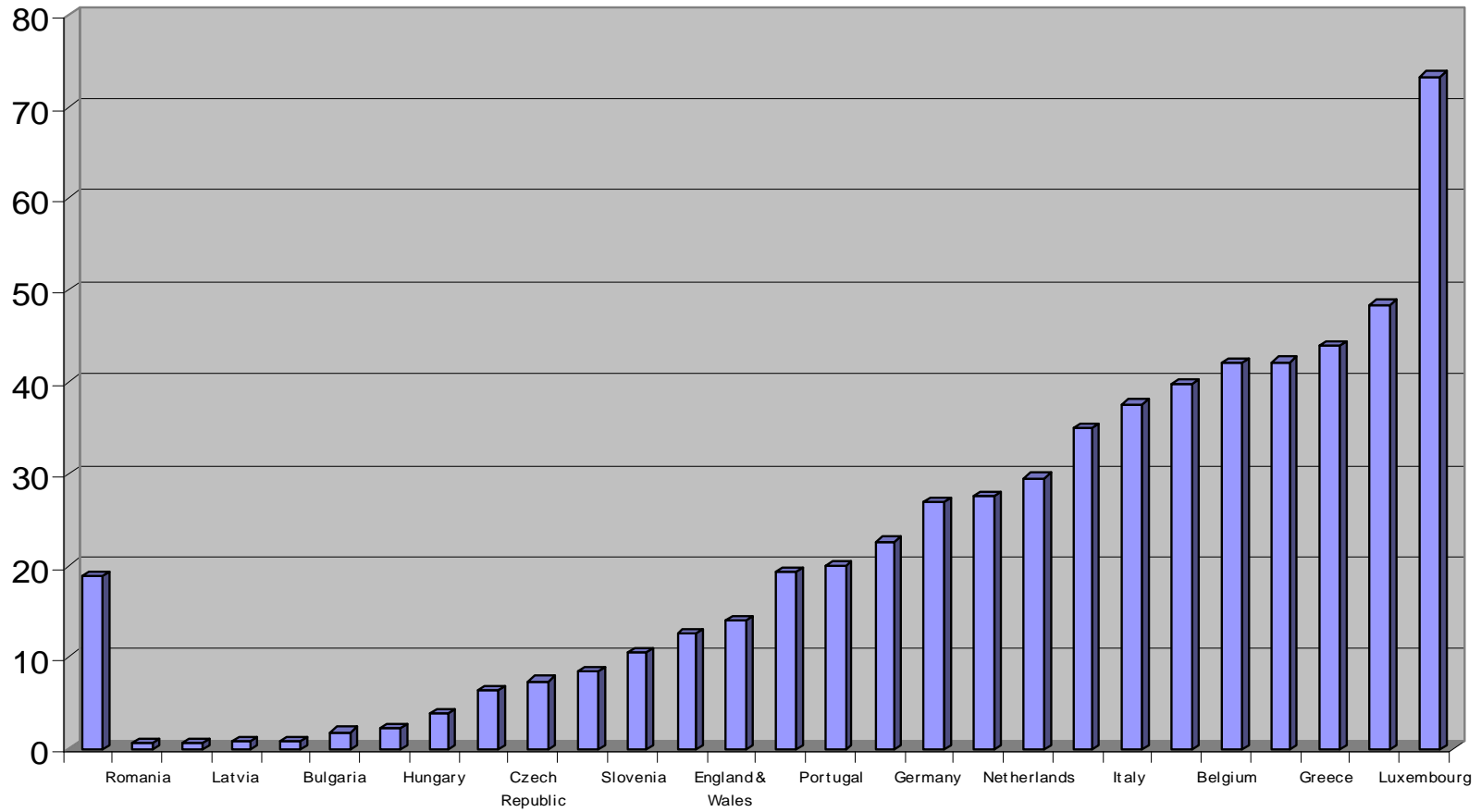
## Percentage Foreign Prisoners on total prison population in EU

Source: World Prison Brief October 2008

1.	Luxembourg	73,3	15.	England & Wales <small>Scotland 1,8% Northern Ireland 9,9%</small>	14,0
2.	Cyprus	48,4	16.	Ireland	12,6
3.	Greece	43,9	17.	Slovenia	10,5
4.	Austria	42,2	18.	Finland	8,5
5.	Belgium	42,1	19.	Czech Republic	7,4
6.	Malta	39,7	20.	Estonia	6,4
7.	Italy	37,6	21.	Hungary	3,8
8.	Spain	35,0	22.	Slovakia	2,2
9.	Netherlands	29,5	23.	Bulgaria	1,9
10.	Sweden	27,5	24.	Lithuania	0,9
11.	Germany	26,9	25.	Latvia	0,9
12.	Denmark	22,6	26.	Poland	0,6
13.	Portugal	19,9	27.	Romania	0,7
14.	France	19,2		<b>Average Percentage</b>	<b>18,9 %</b>



### Percentage of Foreign Prisoners on total prison population EU







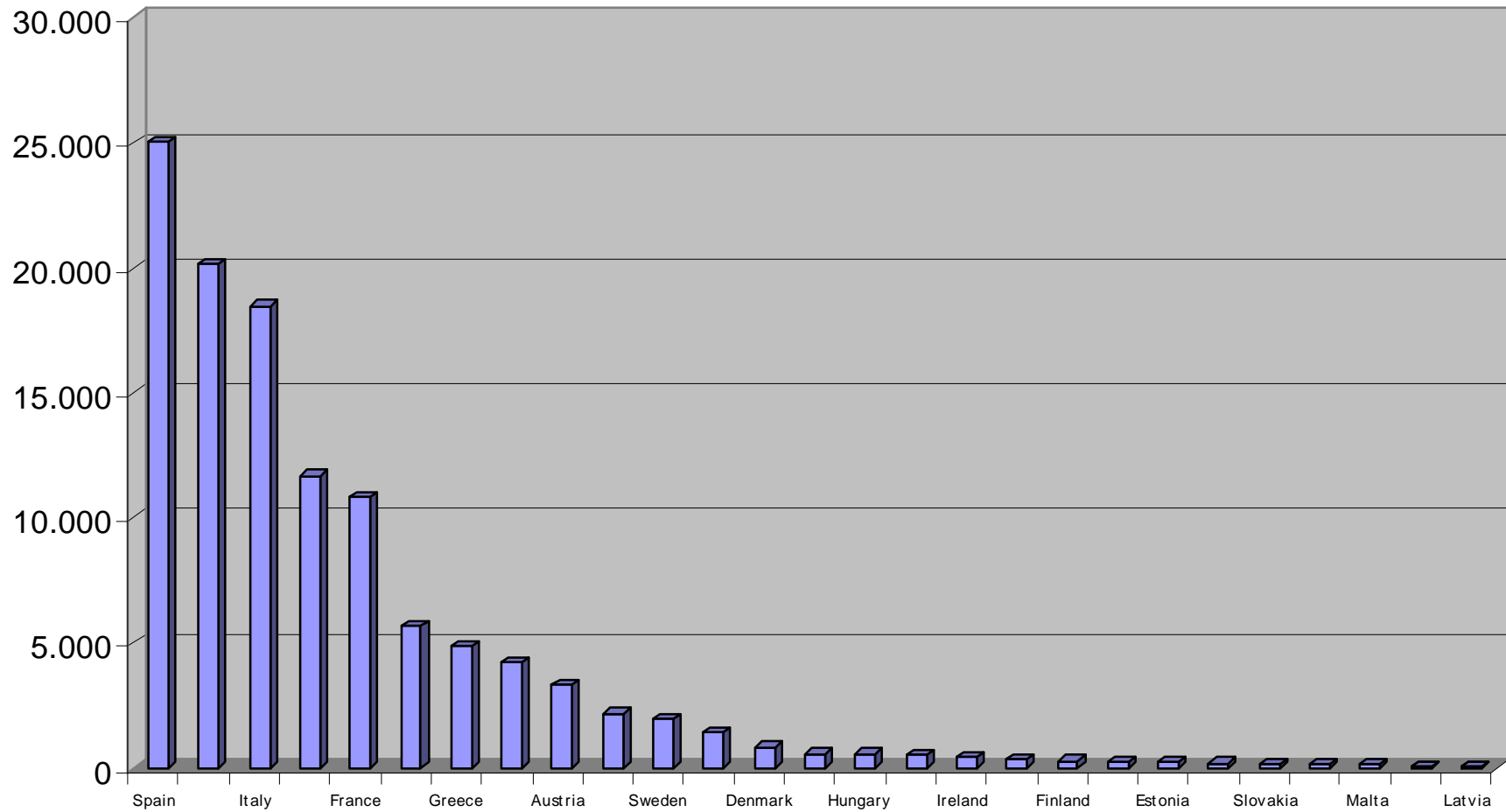
## Absolute number of Foreign Prisoners in EU

Source: World Prison Brief October 2008

1.	Spain	25.066	15.	Hungary	545
2.	Germany	20.190	16.	Poland	510
3.	Italy	18.476	17.	Ireland	419
4.	United Kingdom <small>Scotland 143 / Northern Ireland 156</small>	11.682	18.	Cyprus	319
5.	France	10.806	19.	Finland	286
6.	Netherlands	5.645	20.	Bulgaria	232
7.	Greece	4.882	21.	Estonia	222
8.	Belgium	4.211	22.	Romania	195
9.	Austria	3.338	23.	Slovakia	176
10.	Portugal	2.180	24.	Slovenia	140
11.	Sweden	1.973	25.	Malta	140
12.	Czech Republic	1.399	26.	Lithuania	71
13.	Denmark	824	27.	Latvia	60
14.	Luxembourg	546	<b>Total number</b>		<b>114.832</b>



### Absolute number Foreign Prisoners in EU





## 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 out comes 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 NGOs addressing needs of foreign prisoners



## Good practices

### Before imprisonment

- “ Alternative sentencing

### During imprisonment

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

### After imprisonment

- “ Reception centre first days (assistance paper work / house / social service)
- “ 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)





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# Time for questions!

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