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CEP/Europris Workshop on Foreign Nationals in Prison and Probation

## Summary Report

24-25 November, 2016

Bruges, Belgium



**FOREIGN OFFENDERS IN EUROPE - A RESEARCH PERSPECTIVE**

**'Foreigners in European prisons between 2000 & 2016; trends, rates and explanations'**  
**Natalia Delgrande, University of Lausanne, Switzerland**

The presentation focused on Foreign National Prisoners in European Prisons between 2000 and 2016. Explained was that the definition 'Foreigner' is artificial; The construct induced by 3 requirements: (1) Diversity: historical need, (2) Inclusion: social need and (3) Tolerability: political need.

- In general there are 2.4x proportionally more foreign people in prisons than in general population; 38% Foreign National Prisoners in Europe are EU citizens; 22+% people in prisons in Europe are foreign National Offenders
- 90% FNP's in the EU are detained in Western European Countries; Between 2000 and 2010 the number of foreigners held in prison increased about 1,5 times
- It is unclear until now how many FNP's are transferred in Europe under the regime of FD 909

**'Current situation regarding Foreign Prisoners in Belgium'**  
**Dr. Steven De Ridder, Vrije Universiteit Brussel, Belgium**

The presentation focused specifically on the quest for rehabilitation and reintegration of Foreign National Prisoners in Belgium.

- Several definitions of rehabilitation and reintegration were mentioned: (Jeremy Travis): primary objective of re-entry = preventing the recurrence of antisocial behavior, (Sonia Snacken & Dirk van Zijl-Smit) : resocialiation or social rehabilitation = prisoners need to be re- socialized with regard to some forms of deficiencies and (Chad Maruna): judicial rehabilitation = restoration as a full citizen/lengthy process starting before and continuing after release.
- The Belgium release System (2006 Prison Act) contains different rules for Belgian prisoners and FNPs *with residence rights* (Eligible for conditional release Eligible for sentence implementation modalities) and FNPs *without residence rights* (Eligible for provisional release in view of expulsion).
- A distinction is made in cases of provisional release in the view of expulsion: Sentences up to 3 years; 2 contra-indications: (1) (quasi-)automatically released after 1/3 of the sentence; (2) released 4 months before meeting the time conditions in case of imminent removal. Provisional release in the view of expulsion: Sentences more than 3 years: 4 contra-indications: (1) proof of shelter, (2) risk of recidivism, (3) attitude against the victims, (4) payments civil parties.



## **PRISON & PROBATION PRACTICE WITH FOREIGN OFFENDERS**

### **'Managing foreign national prisoners - the Belgian experience'**

**Sophie Vantomme, Prison Governor, Bruges, Belgium**

The presentation focused on how to manage a prison facility on a day-to-day basis in Belgium with a huge amount of Foreign National Prisoners.

- Working with the early release scheme of foreign national prisoners in Belgium is challenging in daily practice;
- Good and ongoing cooperation between the Justice department and the Immigration Liaison Office is something to pay attention too constantly.
- Foreign national prisoners in remand may have special needs
- A new challenge is how to deal with (FNP) terrorists in detention; this group is separated detained in different prisons, Prison staff have to cooperate with 'specialized services'.

### **'Foreign Offenders – the challenge to Offender Management'**

**Toyin Folawiyo, Manager Foreign Nationals Unit, National Probation Service London Division, England**

Currently the National Probation Service in London is the only Probation Service in England and Wales with a special Foreign National Unit.

- The current government policy is to deport Foreign National prisoners and reduce the population of Foreign Nationals in prisons.
- The special Foreign national unit of the London NPS works actively on cooperation with relevant partners (immigration) to underpin resettlement of FNP's back to their home countries.

### **'Foreign offenders in Italy – response of prison & probation services?'**

**Luisa Ravagnani, University of Brescia & Italian Prisoners Abroad**

In 2013 Italy was sentenced by the United Nations High Commissioner for Refugees UNHCR for the situation on overcrowding in prisons.

- In 2015 an action plan regarding prison overcrowding was introduced: 200 experts took place in 18 'discussion groups' (one expert group was established on the specific situation of Foreign National Prisoners)
- The FD 909, 947 were implemented in 2015 and a start was made with transfers of FNP's
- Lately the Italian Prison Service started an EU project (DERAD) to prevent radicalisation in prison (EU projects)



**‘Working with expelled FNPs - the view from Romania and Albania’ Prison Administration Romania’**

**‘Our prisons working with returned prisoners from abroad (the view from Romania)’  
Andreea Catalina Cana, Prison Inspector - Romanian Prisons Administration**

An overview of the Romanian Prison System was given. 27 605 inmates are detained in Romania; there are prisons with an open and semi-open regime; closed and high security regime; remand centers; 2 special units for juveniles and young offenders and 1 prison for women

- The Romanian prison Administration took part in an EP-Trans project some years ago : *The Ethnography of the Prisoner’s Transitions*.
- Project on prisoner’s expectations about a transfers (Roma and Romanian prisoners) Aim was to develop knowledge of the re-entry process from the prisoner’s perspective (Romania & Norway); 60 participants (Romanians and Roma); Data collection took place via: Questionnaires, In-depth interviews, Observations. Main conclusions: Family is the best support in the reintegration process (moral as well as practical) and 2-3 weeks after release are very important: optimism, ambition/hope and family credit; employment interventions should be intensified as soon as possible after release.

**‘Understanding the impact on the Albanian Prison Service, of receiving back nationals’**

**Mr. Erjon Tema, Director of Legal, Social, Health and Training Affairs, Albanian Prison Service**

An overview of the Albanian Prison System was presented. Out of a population of 6198 prisoners, 89 prisoner are foreigners. Albanian prisons are overcrowded 114% prison.

- There are (transfer) mechanisms working with returned prisoners
- Those mechanisms have a direct effect on the Albanian prison service. It Increases the level of overcrowding. One finds difficulties of networking and cooperation with other legal bodies, There is a lack of activities in Albanian prisons.
- Stated is that European prisons need to prepare Albanian prisoners for transfer.

**SCANDINAVIAN APPROACHES TO FOREIGN OFFENDERS**

**‘Foreign national prisoners – the Swedish experience’**

**Jennie von Alten, Prison Governor, Prison and Probation Service Sweden**

- The tasks, values and vision of the Swedish Prison and Probation Service was presented. There are 5.600 (2014) detained in Sweden; 25 % of the Swedish prison population are Foreign National Prisoners (800 FNP will be deported). There is no special approach in treatment of FNP's; the population in prisons is ‘mixed’.
- Values of the Swedish Prison and Probation Service are to be close to as possible the client, to act professional and to be reliable as an organization.



- The vision of the Swedish Prison and Probation Service is that it is always better to stay outside the prison (last resort), escapes and drugs are not accepted as well as criminal activities in prison and violent behavior in prison.
- Explained was that 'incidents' mainly determine prison policy; if incidents happen there is a strong emphasis on security instead of attention to rehabilitation.

### **'A Scandinavian perspective - Foreign offenders'**

#### **Hendrik Bonde Marker, Prison Governor, Prison and Probation Service Denmark**

- Compared to the Swedish Prison Administration there are many similarities in Denmark on working with and treatment of Foreign National Prisoners; there is a Special unit in the Nyborg prison for Foreign national offenders: In Total 281 inmates; 35 % foreign inmates; 22 % will be deported after they have served their sentence.
- Part of the prison activities is that Foreign National Prisoners have to work in Prison (37/hours week)
- It was stated that compiling inmates who are not part of a language or cultural community would reduce the level of conflicts as a whole.
- Notable is that there is no extra budget reserved for Foreign National Prisoners

### **'Foreign national offenders in Norway'**

#### **Gerhard Ploeg, Senior Policy Advisor, Prison and Probation Service Norway**

The number of Foreign citizens in Norway increased from 2007 (Schengen) +10%. The number of Foreign Nationals in probation increased up till 10% (mainly people from Central and Eastern Europe). In Norway 4023 people (2016) are detained of which 33% are Foreign Nationals.

- Main barriers (but also the challenges in working with Foreign National offenders are the 'language', the cultural differences, the legitimacy and in general trust in prison staff.
- There is a special handbook available on how to work with FNP's
- There are two special prisons where FNP's are detained: Kongsvinger & PI Norgerhaven (Netherlands)
- **Kongsvinger prison:** activities for FNP's focus on labour, education on digital skills, cooking, driving, leisure time activities, religious activities and activities focused on relations. It was stated that many FNP's face posttraumatic stress disorder (PTSD) symptoms.
- **Norgerhaven (Netherlands).** Remarkably Norway has hired a prison in the Netherlands. State policy is not to build no more prisons in Norway; it is better to rent temporarily. Transfers to Norgerhaven only take place on a **voluntary bases**; the last two months must be detained in Norway. Most Norwegian FNP's in Norgerhaven are from Poland, Romania, Lithuania, Latvia and Albania. Advantage for the FNP's is that Norgerhaven is much easier (and cheaper) to visit by the family; there are extra facilities in Norgerhaven for skype/phone calls ect. The first results are positive



## **Femke Hofstee: Picture it in Prison**

Picture it in prison is a pocketsize 'Foreign National Prisons picture dictionary'. It contains 450 pictures on different themes (prison rules, health, food, trial etc.). There is also a paragraph on basic human rights of FNPs in the booklet. 'Basic' words are mentioned in 20 languages

- Aim is to empower FNP's by stimulating communication with prison staff and fellow prisoners
- Many FNPs encounter difficulties related to the language obstacle
- The booklet costs €6 can be ordered via [prisonwatch@prisonwatch.org](mailto:prisonwatch@prisonwatch.org)

## Notes presentations day 2:

### **'Foreign offenders and criminal justice?'**

**Professor Nick Hardwick, Chair of Parole Board, ex-Chief inspector of Prisons & Chair Refugee Council**

- presentation focused on the situation of Foreign National Offenders (FNO) in the UK Immigration and in Prisons
- there is always a risk for prisoners in detention due to the power imbalance; this is even more the case for FNO who are more isolated due to language problems and who face uncertainty about their immigration status
- it is important to apply the principles as laid down in the Mandela rules in relation to health, communication, work and return arrangements
- currently the Immigration removal centres are too much looking like prisons
- UK prisons face problems with overcrowding, self-harm and bad conditions

### **'Better Educational Opportunities for Foreign Prisoners, FORINER Project'**

**Inge van Acker, FORINER project lead**

- the FORINER project explores possibilities for providing long distance language education to the Foreign National Prisoner in a digital or non-digital way; the education will be provided by the home country of the FNP
- during the project there will be pilots taking place between for example education providers in Belgium with Prison Services that hold Belgian prisoners
- the project is still looking for Prison Services and education providers that are interested in participating in the pilot projects
- the pilots will run from January to June 2017

### **'What is in it for you? Groups working with their nationals imprisoned abroad'**

**Marjolein Groot, Bureau Buitenland, Netherlands; Pauline Crowe, Prisoners Abroad (England)**

- both organisations presented their way of supporting their nationals in prisons abroad and upon return to their home country



- Bureau Buitenland mainly works with a large network of volunteers that live outside the Netherlands and support the Dutch detainees that are imprisoned in the country these volunteers live
- Prisoners Abroad work with prisoners in prison, support them in keeping family relations, and upon their return to England
- both stressed the importance to have upon return a place to live, employment and health issues covered, as well as connection to a family network
- there are not many organisations in Europe that engage in this kind of work; other organisations active in this field are currently only in Ireland and Italy

### **‘Prison & Probation and Interagency cooperation with foreign offenders’**

**Cheryl Cates, Head of Prison Operations and Removal Team, UK Immigration Service**

- presentation focused on Immigration Enforcement
- the so-called Hub & Spoke model was set up to provide better service to FNO in the sense of a faster deportation process and the provision of an early release scheme for deported FNO’s
- in the Hub prisons an embedded team of Immigration officers is placed
- the Spoke prisons get regular visits of Immigration officers

### **‘Reintegration of irregular migrants with criminal background in their country of origin – a Belgian Immigration office’**

**Geert Verbauwhede, Director of Identification & Removal Section Immigration office, Belgium**

- Belgian Immigration Office presented a job creation project for Moroccan prisoners that provides support in housing and employment (call centers); the project started recently
- the Immigration office also provides support to specific groups of vulnerable persons or persons with special needs (medical conditions, elderly, pregnant women etc) in cooperation with local organisations in the home countries

### **‘Reflections on the issue of foreign national prisoners, looking back and forwards with research in six countries’**

**Professor Tom vander Beken, Institute for International Research on Criminal Policy, Ghent University, Belgium**

- the presentation elaborated on the travel of John Howard in the 18<sup>th</sup> century, visiting a large number of prisons in England and a wide range of European countries
- at that time John Howard already mentioned the importance of an equal treatment of prisoners, including foreigners
- van der Beken travelled in the footsteps of Howard to six European countries and reflects on this in his book ‘The role of prison in Europe: travelling in the footsteps of John Howard’



- important questions to address in relation to FNO's are: Why would one invest in FNO's return to their home country? What responsibility should be given to FNO's?

