

Developing the Council of Europe Recommendation Concerning Foreign Prisoners

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The sub group discussed the existing draft Recommendation, what additions or amendments it would wish to make to the draft and how these could be brought forward.

The group acknowledged that the Recommendation would assist statutory authorities within each country to better understand the needs of foreign national prisoners within their jurisdiction and raise awareness about the expectations placed upon them in addressing their specific needs.

The group discussed whether it would be technically possible to include a particular recommendation within the document concerning the provision of pre- and post-release support for foreign national prisoners returning to their country of origin or to the country where they were habitually resident and where their family, friends and/or societal ties exist. An issue was identified insofar as the Recommendation refers to foreign prisoners and the aforementioned amendment related to persons who could no longer be classified as 'foreign', nor could they be considered 'prisoners'. At the same time it was mentioned that in the Probation Rules of the Council of Europe (2010) it was clearly seen as a responsibility of the probation agencies to pay attention to nationals detained abroad: "Probation agencies shall aim, with the consent of the national authorities, to facilitate ongoing contact with and support to nationals detained abroad, who are known to them, and to encourage them to make use of the relevant support agencies on their return." It was hoped that this article would be expanded upon in the Recommendation Concerning Foreign Offenders.

The group also noted the issue of 'risk' as regards foreign national prisoners and the obvious necessity for adequate resources to be expended by the Probation Services in the country of imprisonment and the country to which that person may return as an ex-offender. Risk assessments could be conducted when determining the appropriate allocation of resources in respect of a particular person.

The group discussion also focused on the important function Embassies and Consulates perform and whether a recommendation or an observation in the Commentary could be included, so as to stimulate or maintain consular interest in the welfare of one of their citizens imprisoned abroad. The value of appointing consular staff with a judicial or legal background was also highlighted, as was the practise in the UK of organising an annual meeting between the National Offender Management Service and representatives of the various consulates, in order to ensure that contact between consulates and their detained nationals in the UK is maintained and improved upon where possible.