



Report

EuroPris & CEP Foreign Nationals in Prison and Probation Expert Group Meeting

26-27 March 2019

The Hague, Netherlands

Nick Hammond

**United Kingdom
August 2019**

**PROMOTING
PROFESSIONAL
PRISON
PRACTICE**



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Minutes
EuroPris & CEP Foreign Nationals in Prison and Probation Expert Group Meeting
Tuesday 26th – Wednesday 27th March 2019
The Hague, Netherlands

Participating Experts:

| | | |
|-----------------------|---|-----------------|
| Isabelle Storme | Prison Service | Belgium |
| Henrik Marker Bonde | Prison and Probation Service | Denmark |
| Tijs Bagchus | Custodial Institutions Agency | Netherlands |
| Gerhard Ploeg | Directorate of Norwegian Correctional Service | Norway |
| Yannik MacKenzie | Her Majesty's Prison & Probation Service | England & Wales |
| Marjolein Groot | Foreign Office Dutch Probation Service | Netherlands |
| Brian Hanley | Irish Council for Prisoners Overseas | Ireland |
| Nick Hammond | EuroPris | United Kingdom |
| Willem van der Brugge | CEP | Netherlands |
| Kirsten Hawlitschek | EuroPris | Netherlands |
| Maria Lindstrom | Liaison & Policy Officer CEP | Sweden |

Apologies:

Roisin Mulgrew, University of Nottingham, United Kingdom
Luisa Ravagnani, University of Brescia, Italian Prisoners Abroad, Italy
Pauline Crowe, Prisoners Abroad, United Kingdom

Tuesday 26th March 09.30 – 17.00

Chair: Willem van der Brugge

1. Introductions & roundtable

Henrik Marker Bonde: Ninety prisoners, a third of the population in Henrik's prison, are now low-risk foreign national prisoners (FNP) with a third remand and a third other prisoners. No education provision is provided to FNPs except English language courses. Henrik has seen a reduction of his staff. All prisoners are obliged to work. FNPs appear to be the easiest prisoners to manage as a group compared to other prisoner groups; FNPs are kept in two prisons in Denmark in similar proportions. In the Danish 'popular press', illegal immigrants are frequently blamed for rising crime rates; there are plans to house FNs with ongoing immigration proceedings on an island where they will have to report every day on the island, otherwise they would be transferred to prison detention for 40 day periods.

Yannik MacKenzie: Outlined current situation regarding FNPPs in HMPPS and various organizational changes. Negotiations about prolonging the contracts for the Community Rehabilitation Companies (CRC) ending in 2020, there will be a report out later this year about new contractual arrangements. New Ministers focus on resettlement and rehabilitation policy development recognizing the fact that after release, ex-prisoners have to end up somewhere. Renewed focus on improved probation and prison staff cooperation in prisons with FNPs. Seconded probation officer into Home Office/Immigration, to increase cooperation. Minister plans to prohibit prison sentences of below 6 months, replacing them by community sanctions. Jo Ferra is replacing Michael Spur at end of March 2019 with Phil Copple being the DG for prison, Sonia Crozier for NPS.



Gerhard Ploeg: Nothing significantly changed since his report on Norwegian situation at FNPP Workshop in October 2018. 30% prisoners are FNPs, mainly from Poland, Romania, Lithuania and Albania. There is one FNP only prison in Kongsvinger (only housing those that will be expelled on sentence completion), with 140 persons, out of 1040 FNPs in total throughout the whole country. Norway is closing its smaller open prisons; though with the considerable increase in prison sentence length they are building two new prisons in 2020, making them 'digital prisons', implementing in them the concept of normalization of the prison experience as much as it is feasible. Reorganization coming in to removing regional authorities proved difficult; pilot to have prison and probation under same management, directly reporting to head office = seamless organization bringing prison and probation to work closer together, intention to move to this structure for all of Norway.

Tijs Bagchus: Netherlands continuing to close prisons, four more recently. Prisoner numbers steadily are going down, though there might be some prison place shortages in the near future. FNP numbers are going up slightly and along with the FN only prison Ter Apel, now a prison near Rotterdam will also be for FNP use.

FNP in prison are easy to handle; FNPs in immigration detention are increasingly proving to be a difficult group particularly amongst younger, mobile FN's, frequently possessing a total lack of respect for authority, heavy drug abuse and creating a violent atmosphere. One Dutch prison this year experienced a breakdown in control, requiring riot teams having to be sent in to restore order. Policy changed with regard to FNPs without residence permit now no longer eligible for early release but can apply for suspension of their sentence after serving 2/3 of sentence.

Brian Hanley: No transfers under the CoE Prison Transfer Convention in Ireland at present due to absence of legislation on determining the sentence length after transfer. Creating substantial difficulties as can be envisaged amongst Irish national prisoners abroad and foreign national prisoners in Ireland. Legislation to incorporate EU Framework Decision 909 still not moving forward.

Isabelle Storme: Described good collaboration between Prisons and the Migration Office. There is a new 'Special Needs Program' established for foreign prisoners with personality problems which aims to find treatment in the countries to which they are being expelled/deported to. FNPs are spread over different prisons and can in theory participate in all prison activities, however language problems are frequently a barrier for their actual participation. A comparatively large share of the prison budget goes on radicalization issues; sometimes it feels, at the expense of other categories of prisoners.

Participation in developing our group's CoE FNP E-Learning module has been supported by her manager though not in terms of workload reduction; plus, the project has been more work than any of us expected. Some important amendments are required before the module is finished, such as the removal, if possible, of the reference to 'Preventing Radicalisation' from the modules title and subtitle due to sensitivities to how the module will be perceived.

2. Report on group's activities

a) E-Learning & CoE work/Synergy contract - Isabelle and Nick

The FNP E-Learning module being created by Isabelle, Roisin and Nick through the CoE HELP Radicalisation Prevention Programme is nearing completion. The latest version, received that morning, was shown to members. Suggestions and comments made, following a brief demonstration were welcomed. Members were also asked for sending further comments on the module. They will receive e-mail with access details. CoE IT contractors have work to do on it before it is signed off. Isabelle, Nick and Tatjana (EuroPris Office Manager), attended a 'Train the Trainers' event hosted by the CoE in Strasbourg the previous week, along with representatives from the Dutch & Swedish Prison Services interested in using the module for

staff training. The module can be used either in the 'public' version which will be accessible to anyone via the CoE HELP site or through a link that EuroPris and CEP will promote. Alternatively, a prison service can modify the module to be a 'tutored' course where a teaching format can be created to meet the particular needs and requirements of their service, with control over who uses it, requirements on completion and submissions, deadlines, etc. More details to follow when the module is finally completed this summer.

The grant from Nottingham University through the ESRC IMPACT Programme obtained by Roisin has been awarded to Synergy, an IT firm in N Ireland. With the grant the design of an E-Learning book which can also be printed to accompany the E-Learning module will be financed. The delay in finalizing the E-Learning module has also delayed this task. In addition, we are aiming at designing a 'Moodle' page linked to our E-Learning module which will contain a range of relevant information about the management of FNPs. This page we can be continuously updated to support the E-learning programme. The page will include examples of good practice and contact details of organisations across Europe which provide services to FNPs and their nationals imprisoned abroad, which we have been collecting over recent years. Many thanks to Isabelle and Roisin for their substantial and on-going work to complete this significant work of the Expert Group.

b) Compilation of groups working with foreign prisoners and offenders in Europe - Nick

This exercise was completed in February 2019 through Maria Lindstrom, Senior Policy Officer of CEP and Gustav Tallving, the EuroPris Communications Officer. It requires more responses, particularly from Probation Services. The results will be placed on the 'Moodle'. Thanks to Maria and Gustav for their work on this enquiry across EuroPris & CEP members.

3. Sharing and learning

a) Groups working abroad for their nationals; ICPO, BB, PA, IPA - Brian

Summary of issues mainly from the ICPO perspective though with contributions from other NGOs though a telephone conference prior to meeting when presentation and responses to the organizational review were discussed. In Ireland, reduction seen in number of FNPs from outside of Europe. Significant problems with literacy arising, a strong focus on family visits and support, though language is probably the most important challenge to deal with. GDPR makes some contacts and exchange of information about persons very difficult to achieve. Challenge is to make prisoners aware of existence of ICPO for first time offenders or in countries outside the UK. Importance of support for nationals that return to their country of origin after serving a sentence abroad on-going. Reduction of prison staff causing frequent lockdowns with increasing self-harm of prisoners.

b) Prison perspective - Isabelle & Tijs

Language issues effect all aspects in prison life especially regarding reintegration. Wonder about advantages of a common language for staff and prisoners – such as English, a transferable skill etc? Less costly to involve multilingual staff instead of interpreters.

Recent successful example in Belgium with career counselling for national prisoners. Possibility to translate this into other languages; linked to needs assessment. Norway has experience with needs and resource assessment that is comparable.

- import model brings services into the prison from the community
- what kind of activities can be offered in which language is not so important
- work is important for them also for making some money
- using computer programs that offer self-learning possibilities in English for FNPP

c) General issues regarding FNPPs

- Western countries have more dealing with FNPs but not many on a strategic level.
- How can information about support organisations be brought to the places where it is needed?
- How to address the special needs of FNPs?
- How to cooperate with prison services in the country where FNPPs go to (they might have interesting information for education and job markets)?

d) Foreign prisoners and offenders; a Probation perspective - Yannik and Gerhard

What are the barriers for FNPPs to receive community sanctions? One of the direct barriers is not having a work permit which sometimes legally removes the option of a community sentence, indirectly sometimes it maybe deterrent or discriminatory sentencing. Do community sentences for FNPP replace prison sentences? Maybe FNPPs are given community sentences for offences for which others would receive fines? Yannik's presentation in October 2018 suggested this maybe a feature of sentencing of FNOs. What kind of specific tailored sanctions for FNOs could tempt courts to replace a prison sentence? Choosing contents requires a minimum of communication; placing similar nationalities together in a work project; or addressing the causes that make courts choose prison rather than community sentences.

Is there is a cultural challenge for FNOs to understand how they are dealt with through sentences such as community sentences in different countries? Do they have an understanding of the 'soft approach' of North & West European countries; is not lenient as such but reflecting their approach to offending.

Useful presentation & discussion on the effects of Brexit and the main risks for European offenders and UK offenders serving sentence in Europe lead by Yannik. Discussion on one specific issue of access to information databases about background and previous sentences of European offenders would become limited.

Wednesday 27th March 09.00 – 13.00

Chair: Kirsten Hawlitschek, EuroPris

Facilitator: Maria Lindstrom, CEP

Summary of organizational review of EuroPris/CEP FNPP Expert Group - below**1. Brainstorm session about the continuation of FNPP work by EuroPris & CEP**

Purpose of the Group: Does the group have a valid and useful role to continue, are its goals and objectives still valid in meeting the needs of its member organisations and individual members?

2. Summary

Attention continues to be needed for FNPPs and for our nationals imprisoned abroad. They are a marginalised, isolated and neglected offender & prisoner group, growing in numbers across Europe. As such, a focus on the work of Prison, Probation & others remains important. There is no other group dedicated to this subject in Europe. Relevance & importance to Western, Northern & Southern European countries self-evident. They need to interest & influence Eastern European countries, the main providers of FNPPs in rest of Europe. This remains a challenge.

3. Purpose of group

Essentially continue to address the needs of Prison & Probation Services, NGOs and other groups in their work with foreign national prisoners and offenders in the community, at a policy, practice and research level. Group priorities are networking, sharing information and promising practice, influencing policy where possible, support and promoting the CoE Recommendations on FNPPs, hosting workshops and meetings, meeting annually as a FNPP Network Group.

4. Continuation of the group

Strength in having focus on both policy, practice & research on FNPPs and on our nationals' imprisonment abroad. Although sometimes difficult to see common ground, reaffirmed there is sufficient ground to justify current configuration and membership. Spread of focus acknowledged as a challenge though ultimately a beneficial way of approaching issue for all concerned. NGOs - PA, ICPO, BB & IPA, need time to meet separately at the annual meeting. Expert Group may be better described and termed as a Network Group. Terms of Reference therefore need to be revised.

5. Group activities

Current and future work commitments of group members

- FNPP workshops; useful events - though attracting prison and probation practitioners is challenging. No workshop is planned for 2020 at present.
- FNPP E-Learning Module, useful vehicle to explain and promote the CoE FNPP Recommendation. Work required to complete module and get it used. Work remaining to utilise the IMPACT grant from the University of Nottingham to create Moodle page on FNPPs linked to E-Learning module.
- FNPP newsletter, to consider whether to produce one in the Autumn/Winter 2019/2020 depending on other outstanding work.
- Compilation of information on groups across Europe working with FNPPs.

6. Membership of FNPP Network Group

To continue with:

- Groups working with their nationals imprisoned abroad, founder/core members of Expert Group -BB, PA, ICPO and IPA.
- EuroPris and CEP nominees. Membership to be for a 2-year period with a second two-year term available. Kirsten and Willem to meet to discuss nominees into Network group.
- Academic and researchers in area of foreign offenders and prisoners.
- Co-opted members as required.

ACTIONS FROM BOTH DAYS

- 1) To seek comments from Group members on E-Learning module after providing link to current version - **Nick**
- 2) Amend FNPP Expert Group Terms of Reference and pass to group members for comment – **Nick & Maria**.
- 3) FNPP E-learning Module to be finalised in cooperation with the CoE. To be presented at EuroPris AGM in May; CoE HELP launch 23-24 September in Brussels; try to get invitation for expert group - **Nick**
- 4) CEP and EuroPris to call for nominations for new network – **Willem & Kirsten**
- 5) Collect newsletter input from expert group members - **Nick**
- 6) Collect stories – service user experience – for a newsletter in autumn – **Marjolein**

7) Collect information for e-book from members - Nick

7. Reflection from the brainstorm

a) Purpose

Why are we doing this? Why a group on Foreign Nationals?

- clarifying if we are still on the right track, having a shared vision
- there is no other group addressing this
- FNPP = large group, in mainly Western countries
- does the group have an impact on policy?
- share practice, low cost solutions
- depending on the national situation what can be done with the information back home
- policy and practice

Is there a need for an expert group?

- there is a need to focus on FNPP – share ideas and influence policies – not sufficiently done by workshops only
- status of the group when advising Ministers – stating that this expert group has a certain view on the topic
- sometimes difficult to see the common ground between the group with different perspectives from different backgrounds; but still enough common ground
- mainly to be a network with one meeting a year; exchange of information that happened in the past year; identify specific topics to discuss within the group or within a workshop
- knowing about the developments in Europe and informing each other
- much attention given to work of the expert group – not setting priorities too high for the expert group
- promoting the work of the CoE on Recommendations; increase awareness

Do we need to have a common product?

- networking, website, newsletter = top priorities
- there is a need, but we need to look at the form – being an expert group or a network
- combine academic and practical level

Main focus

- policy or practice?
- practitioner organisations; practice closely linked to policy
- conclude from practice if there is a need for promoting policy
- policy development for CoE and national level – advising ministers
- promoting research
- resource of expertise
- sharing is at the start of it all
- role in influencing policy
- networking function is important

b) Method

- when, where and how often to meet?
- once a year for the network to meet
- identify contents for the workshop or need for other topics
- network is more than the annual meeting
- possibility to invite guest experts to the meeting
- groups enlarging, refreshing regularly
- workshop only when there is a need for that
- ownership of the contents of the meeting

- choosing specific subjects for each meeting
- network to decide what the group does – workshops or alternatives?
- Netherlands is preferred option, when not linked to another activity

c) Outputs

- newsletter / dedicated newsletter every two years

d) Membership

- countries with many FN or who deliver FN
- all three organisations
- what are the skills and knowledge of the persons that participate; should they be from different backgrounds or all from policy for example
- refreshing the group is needed; being a network might be a reason to stay longer
- 2 years with a possibility to renew another 2 years
- NGO's might want to have a separate program part at the meeting
- consider having break out groups for prison, probation and NGO's

c) What is the next step?

- putting the new network together with 6 experts' prison and probation and determine refreshment cycle
- newsletter with input from members
- Marjolein to gather stories for a newsletter or an article – service user experience – planned for fall
- CoE HELP launch in Brussels 23=24 September – try to invite expert group for the launch
- Nick collecting information for the e-book from the members



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