



# Report

## Workshop on Foreign Nationals in Prison and Probation

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## Opening

Kirsten Hawlitschek, executive director of EuroPris, introduced the workshop. Foreign nationals are an important subject as this group makes up an increasingly significant proportion within European prison and probation populations. The workshop is following up on the one in Brugge in 2016 and London in 2014. Nick Hammond, FNPP Expert Group coordinator, put together the agenda.

The Dutch Director of the Sanctions and Youth Department and CEP-board member Carsten Herstel welcomed everyone to the Netherlands and to the venue which was in the most multicultural part of The Hague. In the Netherlands 22% of prisoners are foreign nationals. There are some extra challenges working with foreign national prisoners because of language issues and also in working with re-socialization and resettlement matters.

Lately, The Netherlands has been involved in large projects which involved foreign nationals; Norway and Belgium were until recently, 'renting' two Dutch prisons, no longer required due to the falling Dutch prison population. The three countries have been cooperating to reduce overcrowding in European prisons. Mr Herstel said that he is very satisfied with the cooperation and that it is also what organisations like EuroPris and CEP is all about, to cooperate and to share knowledge and experiences.

## Imprisoned abroad – the experience of a Dutch prisoner abroad

Carmen was imprisoned in Greece, convicted of drug trafficking and sentenced to 25 years imprisonment. For Carmen, her Greek prison experience meant no visits, a new language and a new culture to cope with. Every day was unpredictable and this was very stressful and communication was extremely difficult. Carmen was only allowed a few minutes phone contact with her relatives each week.

After six years Carmen was released and expelled, returning to live in The Netherlands. Her advice to prison professionals is that prisoners need people that genuinely care about them. She graphically described the need for psychologists though more importantly, prison staff who genuinely cared about their prisoners – as she said, “prisoners are people with a mind and a heart, they are human beings”. In Greece, she described her experience of prison guards as ‘often yelling and screaming, inmates being treated as animals’. Being imprisoned is like a time capsule. “Time stops in prison and you need a hobby, you need to stay busy”, Carmen commented.

Once per month, a volunteer of the International Office of the Dutch Probation Service visited her in prison. These visits were very much appreciated by Carmen, they were a ‘life line’, she said. After her release and return to The Netherlands, Carmen joined the organisation Exodus and she got support through them to re-integrate back home successfully and she now has her own place. Carmen stressed that being imprisoned, especially abroad, is all about survival, “you need to be strong, to fight for yourself every day and not expose yourself as vulnerable”, crying is not an option”, she said. Carmen gave the Workshop a strong personal statement of how it felt to be a foreign prisoner abroad.

## Foreign offenders in Europe - what do statistics tell us?

*Prof. Marcelo F. Aebi, School of Criminal Sciences, University of Lausanne*

*Natalia Delgrande, School of Criminal Sciences, University of Lausanne*

Marcelo Aebi and Natalia Delgrande are authors of the Annual SPACE Statistics, I & II, which are the Council of Europe's (CoE) official statistics on Prison and Probation Services in Europe; <https://www.coe.int/en/web/prison/space>. In 2015 the median average number of foreign national prisoners in Council of Europe (CoE) countries was 13.7 % , although if the numbers are limited to countries with more than 1 million inhabitants, a more accurate median figure is 7.5 %. In 2015 there were approximately 152,400 foreign national prisoners in CoE member countries., 35% of these being held in pre-trial detention, 34,000 persons.

Regarding the geographical distribution, it is clear that there are significant differences between the northern and central Europe and southern Europe. There are a substantial proportion of EU nationals in European Prisons, especially in northern and central Europe. In southern Europe there is a different profile of foreign nationals in prison. Even though the implementation of the EU framework decisions 909, 947 and 829 facilitated transfers of offenders, prisoners and those on remand, within EU this has certainly not led, as yet, to a decrease in this group within European prisons. The numbers are stable between 2000 and 2015. In pre-trial detention there is small reduction, the median has gone down from 39.5 % in 2005 to 34.7 % in 2015.

One interesting topic is the interaction between the numbers of foreign nationals within different countries population and the numbers of foreign national prisoners in their national prison system. Natalia Delgrande has looked into whether there is a link between the number of foreign nationals in the different countries and the proportion of foreign nationals in each countries prisons system. In the northern and central part of Europe there is a 1:1 ratio, so it reflects the society as whole and foreign nationals are not disproportionately represented. The real problem is in the southern part of Europe where it is a 1:6 ratio, which is heavily disproportional. In northern and central Europe there are in general 5.5% foreign nationals in the general population and 4.4% foreign nationals in prison. In the southern part of Europe there is 1.2% in the general population and in prison 7.4%. Natalia hypothesised that there is a very strong link between non-assimilated parts of migrant stock in general population and the percentages of foreign nationals being held in custody across Europe and that this link is becoming stronger. In northern and central Europe it is clear that many foreign nationals come from neighbouring countries. In the southern part of Europe the foreign national prisoners comes from outside Europe, for example from Syria and northern Africa.

There is a commonly held view that foreign nationals that are sentenced to prison have travelled to the another country for economic reasons, though recent research suggests that the strongest factor for migrating is related to the situation of migration in general, as the geo-political situation in different regions.

The SPACE II statistics show that foreign nationals are in general underrepresented in community sanctions and overrepresented in the prisons. There should be a research report published in November this year regarding foreign nationals in alternative sanctions, but the results indicate that the foreign nationals are low and that they represent less than 20% of the probation population and that 1/3 of this group are EU citizens. Both EuroPris and CEP collect data on the transfer of foreign nationals under the EU Framework Decisions, 909 and 947, though, it is challenging to get comprehensive returns and numbers. One of the reasons it would seem that it can be more difficult to transfer alternative sanctions/community sentences than prison sentences because of the different structures of the alternative sanctions in different European countries.

## **Foreign offenders in Austria, a Prison and Probation perspective**

*Dr. Caroline Wasler, University of Vienna & Austrian Ministry of Justice*

In Austria they have seen a large increase of foreign nationals, in prison and probation especially in pre-trial detention. The prison population has been relatively stable over time with about 9000 inmates, an imprisonment rate of 102 inmates/ per 100 000 inhabitants, a low rate within Europe. Foreign nationals in prison have risen from 7% in 1980 to over 50% today. Over-representation is highest in pre-trial detention for juveniles (77%) followed by adults in pre-trial detention, sentenced juveniles in prison and then sentenced adults in prison. Prison life in Austria has changed significantly in recent years with such a high proportion of foreign prisoners with new challenges emerging such as language and communications, provision of purposeful activities and feasible resettlement and rehabilitative work etc.

The Austrian authorities have tried to analyse the reasons behind these dramatic changes particularly the high proportion of remand foreign nationals. It seems probable that it is believed that the risk of absconding is considered higher for foreigners. The rate of court cases is also higher among foreigners than EU citizens and Austrian citizens. Convictions after trial in general are also more common in the foreigner group and particularly sentences of imprisonment. Diversion alternatives are also used less for foreigners. Nationality also seems to play a part in decisions on 'enforcement relaxation' (temporary leave from prison), although that should not be the case. Apart from a higher rate of drug related crime, foreign offenders as a group have a similar crime profile as national offenders.

## **Preparation for prison transfer under Framework Decision 909, 'What can prisons do'?**

*Katja Dogovic, Prison and Probation Service, Finland*

Katja Dogovic gave an introduction to the EU framework decision 909 which came into force in 2012 and is now implemented in 26 EU countries (excl. Bulgaria and Ireland). FD 909 makes it easier to transfer prisoners between EU countries even if there are no other prison transfer agreements between the countries. A new feature of FD 909 is that there are now limited grounds for a State to refuse a transfer. It is important to remember that a principle aim is to support the social rehabilitation which can sometimes be forgotten. As well as using EU FD 909, the possibility to transfer prison sentences outside the EU using the CoE Prison Transfer Convention remains and indeed the CoE Prison Transfer Convention continues to remain operational for European countries not members of the EU.

The national competent authority that handles FD 909 differs between countries and as there are 28 countries implementing the legislation there are 28 different legislations and 28 ways to tackle it. In some countries there is one centralized competent authority and in some countries there are many decentralized competent authorities. In some countries you have the possibility to appeal to a higher court at both ends and in some countries you don't have this possibility at all, a complex picture.

Sometimes the procedures around a prison transfer takes quite a while, reasons for this include the need to check the grounds for the transfers; that it has to be a final judgement, that you need to figure out where the person is permanently residing, that the transfer promotes social rehabilitation and that the prison sentence needs to have more than 6 months remaining.

Prison staff need to know some basic information about the framework decision in order to inform foreign prisoners. Dogovic presented 10 different steps that always appear in the transfer process of a prison sentence under EU FD 909. The main rule is that the person is serving the sentence according to the national legislation, which for example means that if someone is serving their prison sentence in Finland they are released after half of the time of the prison sentence (for first time prisoners) according to the Finnish legislation.

Dogovic also shows examples from the EuroPris Handbook on Transfers that can be found on the EuroPris website. The handbook contains useful information for everyone working in prison and she encourages everyone to use the information.

<https://www.europris.org/file/europris-resource-book-on-the-transfer-of-sentenced-prisoners-under-eu-framework-decision-909/>

## **EU Framework Decision 947, Transfer of community sanctions - theory into practice**

*Gisella Conrad, Foreign Office of the Dutch Probation Service*

The International Office of the Dutch Probation Service provide advice and a wide range of support for Dutch prisoners abroad. They are also an information point for central authorities, probation staff and Dutch prisoners abroad on prison transfers and other community sanction measures. This desk where Giselle works is staffed by three part-time employees. The team provide a course, devised in collaboration with Foreigners Abroad, the objective being to reduce recidivism.

Gisella Conrad presented a case to exemplify the process of transferring a sentence within the EU FD 947 framework. Mr X was convicted in the Netherlands for aggravated assault to 8 months imprisonment with two years on probation. Gisella used the Mentimeter seminar application to ascertain the view of participants as to whether they would approve the transfer request, 91 % of workshop participants agreeing with the transfer of Mr X to Romania for serving the probation sentence there. In this specific transfer, 12 parties were involved including the issuing state, the executing state and Mr X himself, a particularly high number of parties reflecting the complexity of a transfer request involving mental health considerations. In the executing country contacts need to be taken with for example the forensic hospital, the probation service and a medical foundation that assists repatriation. The transfer under FD 947 was successful and Mr X now lives in Romania getting support from local health and correctional agencies. In the Netherlands the possibilities for adequate familial and community support would have been limited.

Local contact points are vital for the transfer process and Conrad stressed the importance to exchange contacts and network in conferences such as this one. It is also important with regard to awareness among probation officers about the framework decisions. One party needs to have the overview, this helps a lot in the individual case. Finally, a professional contact between probation services in each case will facilitate and will make the process more effective.

Questions arose about the time frame for the process. In the case of Mr X it took four months and until the transfer to Romania he was an inpatient in a forensic clinic. Another issue was language skills. What about if they don't know Dutch or English, in case of a denied transfer? In the Netherlands there are possibilities for treatment using bi-lingual staff in certain treatment centres. If transfer were denied they would try to meet the needs of the client in the Netherlands nevertheless.

### **Panel discussion on Foreign Nationals in prison and probation**

*Chair: Gerhard Ploeg, Directorate of Norwegian Correctional Service, FNPP Expert Group member*

Gerhard Ploeg presented the numbers of foreign nationals the Norwegian Prison and Probation Service work. There has been a very strong increase of foreign national prisoners between 2004 until today in Norwegian Prisons, especially from the year 2007 where there was a big increase because of the new Eastern European countries becoming members of the EU Schengen Agreement. The last years have been a slight decrease in Norway though the reasons for this are unclear.

The numbers in remand prisons follows the same pattern as in prison, that the foreign nationals in prison have increased for both men and woman. One really clear pattern is that foreign nationals are being held on remand much more often than the Norwegian offenders. According to the Norwegian statistics that Ploeg refers to, the increase is sharpest from Eastern Europe and African countries.

There has been a strong increase between 2007 to 2017 of foreign nationals also managed by the Norwegian Probation Service. The vast majority of these service users are from Eastern Europe.

### **Virginie Nouaille, French Prison and Probation Service**

Virginie Nouaille explained that in France 6% of probationers and 21% of their prisoners are foreign nationals. Possession of and eligibility for a residency card is a key tool necessary for social reinsertion. In prison, information is provided on how to get a residency card. A conviction is not enough in itself to deny a residency card although in practice it is difficult to apply whilst imprisoned because you need to apply in person at a public office. The application in itself gives access to certain relaxation as probation alternatives and access to welfare services are then available. There are differences between 'theory and practice' but in general foreign nationals in prison and probation are in clear need of support.

Volunteer associations support prisoners while on remand. A question arose on community service conditions for FNO's? In France they apply community service broadly, it is a general probation measure in Europe.

### **Yannik MacKenzie, HM Prison and Probation Service, England & Wales**

Foreign nationals is one of Yannik MacKenzie's several responsibilities in HM Prison and Probation Service, (HMPPS). To be able to answer the question; 'Are foreign nationals more likely to be convicted to custody?' HMPPS has tried to gather together this data. MacKenzie presented unofficial data regarding proportions of foreign nationals in prison and probation, risk distributions and a few hypotheses about the mechanisms behind it.

Access to public funds i.e. benefits, housing, employment and health services are usually restricted or unavailable for foreign offenders awaiting deportation. A 'complaint environment' as the policy is called, is addressed through the HMPPS '*effective proposal framework*' for court report writers which assists the probation service to provide services on an equal basis to foreign nationals as well as British citizens.

A question was posed about whether there is a difference between Community Rehabilitation Companies (CRC) and the National Probation Service when it comes to the management of foreign nationals? One group is handled by the National Probation Service (high risk). CRC:s are acting under the same laws but how they deliver their services might differ.

Another question was if conditional sentence imprisonment will be conditioned with treatment or other measures. Diversion alternatives, in for example Austria, will diverge the suspect from the sentencing process, hence he/she will not be convicted. In the UK the only way to avoid a sentence is through receiving caution from the police. Undertaking unpaid work (community service) is part of a community order. It is very well used but is not a diversion in this sense.

### **Riccardo Turrini Vita, Italian Ministry of Justice**

There are about 60 million inhabitants in Italy with 5 million foreign residents. In addition, it is estimated that there are 500 000 persons staying in Italy without permission. In prisons there are 20,000 FNO's and 8,000 foreign nationals on probation -which represents a smaller share of probation population than in the prison population. Turrini Vita presented the legislative framework for the management of foreign nationals in Italy. Removal orders for foreign offenders exist as a diversionary measure to provide alternatives to imprisonment for foreign offenders who agree to their expulsion. Also for example, assignment to a probation disposal, assignment to probation in special cases, semi-liberty and home detention are also available

### **Panel discussion**

A wide ranging discussion ensued – for example, 'Does Italy restrict access to health care to foreign offenders etc? No, foreigners have the same rights as Italians in that sense, even more sometimes as they have a conviction and have access to prison health care.

'How can probation service step up to meet the needs of foreign national offenders?' Probation alternatives can be a credible option though there are mechanisms that sometimes mean other options are considered. For example in Norway, foreign nationals are often on remand and this suggests to the judge that a prison sentence is appropriate because then the offender can subtract the time spent on remand. In the UK they have a large prison population in European terms and there is a need to reduce this. What sentences does probation staff propose to the courts in court reports for instance? There is a need to address this within the National Probation Service. In Austria they try to improve the information to foreign nationals about alternative sanctions, in the Austrian case semi-liberty and electronic monitoring are available.

In the UK context, it was mentioned that there is a need to acknowledge the problem of 'net widening', i.e. overfilling probation services with 'soft cases' which do not require probation intervention. These resources should be transferred to higher risk FNO's who are in prison.

## **Approaches to the international resettlement of foreign prisoners and anti-trafficking work of a non-governmental organisation**

*Adrienne Darragh, Chief Executive, Hibiscus Initiatives, UK*

The Hibiscus Initiative is an established London based charity organization with an international reach and focus through its work in prisons and the community with foreign offenders. They have a particular expertise in working with women although they are also working with other vulnerable groups including male offenders. The organisation currently has 24 multi lingual employees and uses around 40 trained and supported volunteers. The experience in the organisation is that the environment for the vulnerable persons that they are working with has become harsher the last years. It is financially supported through funded contracts with the prison and probation service, local authorities and through grants and gifts from charitable foundations and individual.

The organisation has four broad areas that they are working within:

### **1 Anti-trafficking**

The aim is to identify victims and support them. Most of the victims are women that were vulnerable even before being trafficked, but there are also some men. Some of the clients have been trafficked multiple times. Many of the victims are scared of authorities and need support to protect their rights and have their legal rights taken care of.

### **2 Work in prison**

The organisation mostly works with foreign women in prison and this has been their core client group since the groups creation over 30 years ago. Most of the foreign national women in prison with whom they work are sentenced for non-violent crimes.

### **3 International resettlement**

The organisation supports persons through their international resettlement work, working both in prisons and in immigration detention centres. There are a lot of emotional factors such as a lack of awareness but also practical matters, cultural and language issues. Some of their clients do not have a relations with the country they had come from as children. They need advice on cultural issues, for example - for Somali women who needs to know which group they belong to and what is cultural appropriate clothing. The organisation produces many information booklets for different countries and in different languages.

Hibiscus also do field trips to different countries in order to maintain strong links with over 100 local NGOs worldwide.

### **4 Community resettlement**

Most of the foreign national female offenders have very poor resettlement support. Hibiscus provides services for the woman in different languages and classes in different subject areas such as ICT and personal care. Top concerns for the woman they work with are housing, health and immigration issues.

Hibiscus has learned through its 30 years of working that it is important for early identification and intervention leading to access to community alternatives so that fewer women go to prison, extending capacity to give immigration advice, and the importance of expanding and developing links with local international organisations.

## World Café summary

### **Table 1: Good Prison regimes for foreign national prisoners**

Most European countries face the same challenges posed by foreign prisoners and one conclusion is that it is important to go 'back to basics' and do simple things, like open cell doors more often, provide possibilities for sports etc.

Foreign national prisoners have special needs because of the language barriers, a need for translations explaining prison regulations, there is a need to provide interpreters (or telephone interpreting services), that prison staff need to learn languages and to hire multicultural and multi-language staff where possible.

It is also important to provide possibilities for foreign and indeed all prisoners, to follow different religions, which seems to be covered in most countries at least in theory. It is important to provide possibilities to cook food and to watch TV with different languages and from different countries ideally. It is important to make the foreign national prisoners feel less isolated by providing different activities focused on their needs.

In many countries improvement is needed regarding health care for foreign national prisoners.

It is important to remember that frames of reference differ from country to country and that staff needs to explain the system to the foreign national prisoners so there will be no misunderstandings.

There are some advantages to put foreign national prisoners from the same country together in the same prison, or same wing, although, sometimes it is also fruitful to mix people from different countries and cultures. Staff needs to possess cultural awareness and sensitivity.

There seems to be a general lack of resettlement programs specifically targeted or focused on foreign national prisoners and often there is a need for vocational training that is suitable for their home country.

You need to work with the link between their time in prison and their future on the outside.

Contact with the family abroad is important, Skype is used in some countries and in some they have 23 hour visits to make it easier for families that live far away to visit. The use of prison volunteers can make the time in prison easier. Other ways of staying in contact with the family is 'Story Taping' for prisoner's children and to give the opportunity to write letters and e-mails.

*Conclusion:* The foreign prisoner doesn't exist, all prisoners need to be treated individually.

### **Table 2: Good resettlement practice**

First of all, it is important to remember that sometimes it is about **re**-settling and sometimes just settling in a country they haven't seen since childhood. It is important to start with every individual's goals and then engage with the families so both parties are prepared for the resettlement. There is a need for good cooperation between stakeholders and to provide

accurate information about the conditions in their home country because there are many rumours. The offender needs to prepare for different scenarios and a plan to hold on to at his/her return.

NGO's and consular services are important partners in the resettlement process and should be involved on an early stage. There is a need to acknowledge that FNO's actually need more support in some areas, like communication.

*Suggestion:* To make an information package for the client with important information for the arrival in their home country. EuroPris and CEP could provide information packages in different languages and with information on different countries on their websites.

### **Table 3: Education, employment and training for foreign prisoners**

There are recommendations from Council of Europe (Recommendation 2012 12) that foreign national prisoners have the same right to education and training as other prisoners, though in reality they are often excluded.

The group listed six suggestions regarding education and training:

- 1 Foreign nationals need training in their own language
- 2 Use information leaflets in different languages
- 3 Short term aims, provide education that last maximum 6-8 weeks
- 4 Provide suitable education for returning and resettlement issues
- 5 Provide training and education for learning to write and read in their own language
- 6 Provide practical training like cooking, 'barista training' etc. where the foreign national doesn't need languages skills so much.
7. Work with E-learning

*Suggestions:* Ask for help from NGOs who often have many volunteers with different cultural and language skills and use mediators. It is important to build up support systems inside the prisons. Prisons should provide the possibilities to use computers more and sooner in the process.

### **Table 4: Developing practice with foreign offenders in community sanctions**

The questions discussed where were: What are the issues when doing pre-sentences reports for the courts? How can community sanctions for foreign nationals be effectively supervised? What are the barriers? What can we do to overcome the obstacles?

First of all, fewer FNO's compared to national offenders, are getting a pre-sentence reports prepared on them. In most countries it is the court or the prosecutor that orders a pre-sentence report from the probation service. That means that in some cases regarding foreign nationals the court/or the prosecutor don't even ask for a pre-sentence report. Additional reasons can be time limits, lack of addresses and language challenges. In pre-sentence reporting, the social links like family, work and housing are often described as important. This means that some people may consider being a foreign national in itself, a risk factor.

There are many barriers of different kinds. For example in some countries, the legislation for immigrants/foreign nationals, doesn't match the penal code. In some countries it is therefore almost impossible for foreign nationals to do community work because of the insurance system. And even though some of the foreign nationals have residence permits there is still a lack of trust

among the judges and a large proportion of FNO's are put on remand and eventually receive a prison sentence.

In many countries foreign nationals don't have the right to access public of benefit from society. Advising the courts to take decisions about an alternative sanction can therefore cause many practical problems when a community sentence is carried out. There are also cultural barriers that probation professionals need to overcome. To overcome the barriers you need to work with attitudes, inform all different stakeholders in the process starting with the police and then go on to the prosecutors, the court and to probation and so on.

E-learning and other education can be a means to spread information and raise awareness about alternative sanctions in general and that they are more effective than prisons. Of course there are cases that shouldn't have alternative sanctions but there are also cases where it could be a better and more effective alternative. There has to be an individual view on each case.

**Table 5: Communication possibilities (Skype, telephones, interpreters, information sheets)**

Provide possibilities to phone calls even though phones are more or less controlled, Skype seems to be a possibility in most of the northern countries.

A few examples of good practice were mentioned:

- Provide booklets with words and sentences translated into the main languages.
- Provide a video for newcomers in different languages, to use interpreter via tablet.
- Providing possibilities for contact with the embassy is important, and information about the offender's rights.
- You need cultural awareness, the use of dynamic security for example by eating together, have different language skills among staff.
- e-mails can be printed in order to guarantee security.
- Use story reading for children.
- Use prisoners who are being trained to tell newcomers how the system works when they are new in the prison.
- Use picture books with simple pictures to communicate.

## **Foreign National Prisoners' participation opportunities in prison: Research Insights from Flanders, Belgium**

*Dorien Brosens and Flore Croux, Vrije Universiteit Brussel, Belgium*

The number of foreign nationals in Belgian prisons is increasing and surpasses the European average. The possibilities for participation in prison activities also seem limited for foreign nationals and this is the rationale for the research project. The first study was an overview of opportunities, i.e. activities and accessibility for foreign nationals. All Flemish and Brussels prison activity coordinators were interviewed in 2017. Results showed that all inmates get the same offer, but in reality language and residential status limit the possibilities for foreign nationals.

Non-Dutch speakers are often excluded from parental education, "victim in the picture"- training and "dealing with frustration"- courses. Dutch is used on the prison floor in all everyday business. Foreign language activities like language books and digital material is an easy measure to bridge the language gap. The now ended FORINER Project., provided access to distance learning courses in the home country which was fruitful in some cases.

65 % of foreign nationals do not have the right to stay in Belgium. This creates very different conditions for re-integration measures. Those with the right to stay are offered a course about integration. Those waiting for a decision were at the time of the study offered a project course in

planning their future. Those with no right to stay are not offered much re-integration measures at all. The researchers conclude that there is a need for a deep structure measures for foreign nationals rather than just measures “on the surface”.

A second study is now being finalized and some preliminary results were presented. It includes interviews with 51 foreign nationals using appreciative inquiry. Three women were included in the study. 32 nationalities are represented in the study. In addition 53 interviews with prison staff have been conducted. The results can hopefully be presented at the next FNPP workshop in 2020.

## **National policy into local practice - foreign prisoners**

*Tijs Bagchus, Dutch Custodial Institutions Agency, Netherlands*

Bagchus presented two topics, the foreign national prisoners in immigration detention in the Netherlands and also a presentation of the foreign nationals only prison for prisoners that will be deported after their sentence. In the Netherlands there are foreign nationals in other prisons as well but the ones who will be deported are mostly in the Ter Apel Prison, a foreign nationals only prison.

The Netherlands are soon implementing a new law which is supposed to improve the situation for the detainees. The first key element of the new law is to make the environment for the staff and detainees safer. The second key element is the autonomy of freedom for the detainees within the premises in so called green zones. In the new legislation they also have the right to use smartphones, internet and Skype. It creates more possibilities to communicate with the outside world. They will try to expand the daily activities and also use better tools for checking security for example x-ray body scanning instead of the traditional strip search.

There is no differentiation in the existing Dutch legislation between Dutch prisoners and foreign nationals, but the ones that should be deported are placed at Ter Apel which is the foreign nationals prison for men. Women are placed together with other inmates in women prisons. The sentence can be suspended after 2/3 if the foreign national inmate agrees on leaving the Netherlands. The foreign nationals are seldom visited and organized crime are common. They also have very long sentences in general. This stresses the importance of providing labour. If the prisoner has access to labour it creates a safer and more constructive climate in the prison. When communication is more difficult, labour is even more important. The goal is to expand the working hours up to 40 hours/week. The conclusion in the Netherlands is that gathering foreign nationals in one prison is beneficial for staff and inmates and that the prisoners are satisfied with the institution.

*Femke Hofstee-van der Meulen, Dutch Custodial Institutions Agency, Netherlands*

Hofstee-van der Meulen is a researcher from Prison Watch who nowadays also works as a deputy governor at a prison in the Netherlands. She gave an overview of the foreign national prisoners and the legislation in the Netherlands from a Governor's perspective. Most of the foreign nationals prisoners in the Netherlands are from Morocco, Poland, Romania and Turkey. Dutch prison staff often speaks different languages and each prisoner has a mentor among the staff.

Hofstee-van der Meulen provided a brief overview from her research of foreign nationals in the Netherlands and also on Dutch prisoners abroad. She also presented “Picture it in Prison”, a booklet to make it easier to communicate by using pictures instead of languages which she has created and which is available through Prison Watch.

## **Panel on International Resettlement practices**

*Chair: Marjolein Groot, Dutch Probation Service's International Office, Netherlands*

### **Reintegration in the country of origin programme**

*Ibra Mbaye, Probation and Reintegration Service and Michele Demierre, International Social Services, Program Officer, Switzerland*

Ibra works in the second largest prison in Switzerland. In Geneva 67% of the prisoners are 'irregular' foreign nationals who will probably be expelled on completion of their prison sentence. The prison has tried to find new ways to meet the needs of these inmates. A project has been started to facilitate a dignified return to their country of origin. Internal communication, external communication, education, health and reintegration measures are the five main strands of the project. Skype for video calls to family members, laptops (not connected to internet) in distance education and Red Cross involvement for medical assistance are some of the features of the project.

Michele works for the International social service in Switzerland, a network NGO that does projects and programming. Reintegration in the country of origin is a programme to help returnees, including foreign nationals, to have a safe return in their country of return. A small capital is provided as well as a network of local contacts for good integration. The cooperation with prisons is based on a lack of good measures within Swiss prisons in this area. A new project is now being launched called Restart. The inmates formulate their own project and Restart helps them to connect with partners in the return country. They also assist in financial issues like funding of the project and feasibility in the local context. A field visit is being made one year after the project started.

Questions were raised about funding and follow up on projects. Funding is mainly by private donors or foundations. The success rate is 50 % in the last follow up.

There was a similar project in the UK. 5000 pounds of capital was provided to start projects in the return country. The project was stopped because some of the clients did not engage in the agreed activities in their project.

### **Restoring family links for foreign nationals in prison detention**

*Elisa Querci, International Committee of the Red Cross, France*

The Red Cross is expanding its operations from conflict zones and poor countries. Today activities are being conducted in France, Greece and other countries in several different areas. Volunteers are the backbone of the Red Cross community.

Preventing separation of families and restoring contact between family members are two main objectives in the Restoring Family Links programme. A third objective is to clarify the status of missing persons. The Red Cross use a simple message form to facilitate personal messages between family members. Safe and Well messages are being used to briefly inform family members that a person is safe and healthy. They can also provide phones to make calls or video calls in the local Red Cross office. Official documents, notification of consular services and family visits are also part of the programme. Finally, Elisa presented the Trace the Face function for uniting families with family members missing in Europe, for more information, see <https://familylinks.icrc.org/europe/en/pages/home.aspx>

## **Safe Way Home Project**

*Captain Yuri Zelentsov, Salvation Army, Norway*

In 2008 the Norwegian Prison and Probation Administration highlighted the need for measures to build bridges for prisoners awaiting deportation. This was when the idea to the Safe Way Home project was born. It is a re-integration programme with tailor-made measures for a safe return home for FNO's. Salvation Army have a 100 year old history of collaborating with the Norwegian corrections. Salvation Army also has a large global network. The project consists of five phases: Relationship building, Planning, Technical preparations, Deportation and arrival, and finally Follow up.

Safe way home is part of Salvation Army's work against human trafficking and is coordinated with other measures in that area. Follow up shows a good result of the project. Managing labelling and stigmatization is key to the success in re-integrating FNP's to their home countries. The project is financed by the Norwegian government and the Salvation Army.

A Belgian participant commented that in Belgium are no organisations available as the examples made in this session. There is work to do to make an overview of organisations in this field. What is lacking is a database of knowledge to share between countries, for example names of organisations providing services to Foreign Nationals and information material for inmates. EuroPris' website would be a place for this kind of database.

The EuroPris and CEP Foreign Nationals In Prison and Probation Expert Group will be producing an Information Sheet on "International Resettlement contacts about Foreign Prisoners In Europe" which will contain additional details on the links available for prison and other Criminal Justice staff to inform their work with the resettlement abroad of foreign prisoners. It will be placed on EuroPris and CEP websites when available.

## **Good practice manual & E-learning module**

*Nick Hammond & Isabelle Storme, EuroPris/CEP FNPP Expert Group*

The EuroPris & CEP FNPP Expert Group has over the past 2 years collected examples of good practice in working with foreign prisoners from across Europe and placed them into a good practice manual available on their website: <https://www.europpris.org/file/good-practice-manual-for-working-with-foreign-nationals/>. In conjunction with the Council of Europe, these examples have been included within an E-learning course for prison staff working with Foreign Prisoners.. The E-Learning Module is intending to assist prison staff to better work with foreign prisoners by enabling them to think about the issues foreign prisoners face and different ways to work with this group. The Module was created as part of the CoE's work on radicalisation prevention and the course will be accessible via the EuroPris and CEP websites as well as the CoE's HELP website. Isabelle explained the process to produce the course and went through the content of the course, one module with 7 chapters which is accessible and interactive, including quiz's and discussion points . This innovation and interesting E-Learning is aimed at prison staff, operational, managers, training and policy leads and will be launched by the end of 2018The Module seeks to explain and promote the CoE Recommendation on Foreign Prisoners 2012(12) which are an important guide for prisons and prison staff in working with their foreign prisoners.

## **Closing**

Willem van der Brugge closed the workshop by thanking the expert group, the speakers, the CEP and EuroPris teams and all the participants.