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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 pocket-size '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**

From his unique experiences in criminal justice and with refugees, Professor Hardwick provided an overview of the imprisonment and detention of foreign national offenders (FNOs) in England and Wales. He stressed the importance of International and European prison standards in general and particularly as they apply to FNOs being implemented. Professor Hardwick also focused on the challenges to prisons of working with foreign prisoners on resettlement and rehabilitation when there is uncertainty where they will go on sentence completion.

- presentation focused on the situation of FNOs) in the UK in both immigration detention and as serving prisoners
- there is always a risk for prisoners in detention due to the power imbalance; this is even more the case for FNOs who are more isolated due to language problems and who face uncertainty about release due to 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 Immigration Removal Centers operate too much as prisons
- UK prisons face increasing problems with overcrowding, self-harm and bad conditions

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

**Inge van Acker, FORINER project lead**

This Belgium lead EU funded project will be testing out innovative arrangements to improve the educational opportunities of European prisoners serving sentences outside of their home country.

- the FORINER Project explores possibilities for providing long distance educational courses to Foreign National Prisoners in a digital or non-digital way; the educational materials will be provided by the home country of the FNP



- during the project there will be a number of pilots taking place across Europe -for example; testing out how an education provider in Belgium could work with a Prison Service outside of Belgium holding Belgian prisoners, through providing accredited educational courses to improve education opportunities
- the project is still looking for Prison Services and education providers that are interested in participating in the pilot projects, contact the Foriner Project if interested
- the pilots will run from January to June 2017
- the Projects Dissemination Conference will be in Belgium at the end of November 2017

**‘What is in it for you? Groups working with their nationals imprisoned abroad’  
Marjolein Groot, Bureau Buitenland, Netherlands, Pauline Crowe, Prisoners Abroad  
(England)**

Bureau Buitenland (NL) and Prisoners Abroad (UK), founder members of the Foreign National Prisoners Expert Group, provide a range of services to their citizens imprisoned abroad to improve resettlement prospects on their return home. Both organizations work with prisons across all Europe States and Marjolein Groot and Pauline Crowe, make the case that cooperation between their organizations and prisons, is to their mutual benefit, improving prisoner management and improving shared resettlement goals.

- both organisations presented their approaches to supporting their nationals imprisoned abroad and upon their return to their home country
- Bureau Buitenland, a statutory organisation, mainly works using a large network of accredited, trained and supported volunteers that live outside the Netherlands and support the Dutch prisoners in the country where these volunteers live
- Prisoners Abroad, a registered charity, works with prisoners in prison abroad, support them in maintaining family relations, and also upon their return to the UK
- both stressed the importance for their nationals to have, upon return, a place to live, employment opportunities and have health issues covered, as well as connections to a family network re-established
- there are few organisations in Europe that engage in their kind of work; other organisations active in this field are currently only known in Ireland, Spain and Italy

**‘Prison & Probation and Interagency cooperation with foreign offenders’  
Cheryl Cates, Head of Prison Operations and Removal Team, UK Immigration Service**

How prison services work together with immigration services with foreign prisoners varies considerably depending on organizational and historical relationships. The working relationships between the UK’s Immigration and Prison Services are particularly close with shared objectives to identify and remove from the UK foreign prisoners meeting stated criteria. Cheryl Cates presentation provided an overview of the aims, purpose and processes used by the Immigration and Prison Services to meet the objectives of the Government’s Foreign Criminality Strategy.

- the presentation focused on Immigration Enforcement work with foreign criminals



- the ‘Hub & Spoke’ model of Immigration staff being based in providing direct services in key prisons, was set up to provide better services to FNOs in the sense of, the speedier identification of foreign prisoners, faster assessments of liable for removal, leading to a faster deportation process with the provision of an Early Release Scheme for FNO’s being deported
- in ‘Hub’ prisons, an embedded team of Immigration officers work directly with foreign prisoners
- ‘Spoke’ prisons get regular visits of Immigration Officers based in ‘Hub’ prisons
- 3,485 (60%) of FNOs removed in 2015 to 2016, were EEA Nationals

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

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

Belgium Immigration strive to ensure that vulnerable migrants are returned to their home country humanely believing that this should be a basic obligation on all countries.

We were presented with several examples detailing ad-hoc solutions which while time - consuming and costly, being individually tailored to the migrants needs, demonstrated that innovative arrangements can be made. The projects were not replacing the system of residence permits on the basis of medical need and the examples aimed to keep voluntary returns as the more attractive and preferred model.

- Belgian Immigration Office presented a recently established a job creation project for Moroccan prisoners returning to home which that provides support in housing and employment through ‘call centers’
- 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**

Professor Tom Vander Beken, gave a fascinating insight into the travels of the 18<sup>th</sup> century British prison visitor, philanthropist, prison reformer and author, John Howard, in who’s footsteps he trod in 2015. Through his prison travels in Britain and Europe, John Howard’s observations on prisons still resonate today particularly in their treatment of foreign prisoners, about whom he said“ I grant there is a material difference in the circumstances of foreign and domestic prisoners, but there is none in their nature: debtors and felons, as well as hostile foreigners are *men*, and by men they ought to be treated as men.”(Howard,1776:23)



- 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
- Vander 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?

