

Prison Volunteers; a neglected resource for foreign prisoners?

by **Nick Hammond, Maryvonne de Vitton and Anne-Marie Klopp**

There is considerable untapped potential for volunteers to work with FNP's, an often isolated and neglected prisoner group. Well trained and supported volunteers, recruited from diverse communities, could assist the successful resettlement and rehabilitation work of prison and probation services as well as support and alleviate the isolation and problems many foreign prisoners are facing. This matter was highlighted on a seminar on prison volunteers held in Strasbourg in May.

There are various examples of prison volunteers work with foreign prisoners and two highly experienced prison volunteers, also organisers of the seminar, Anne-Marie Klopp, Honorary President and co-founder of the European Forum of Applied Criminal Policies and Maryvonne de Vitton of the French National Association of Prison Visitors, ANVP, have provided a summary of their work and personal experience working with foreign prisoners in France and Germany.'

The seminar was organized by the 'Europäisches Forum für Angewandte Kriminalpolitik' (Germany), the Association Nationale des Visiteurs de Prison' (France), the 'Association Francophone des Visiteurs de Prison' Belgium) and Bonjo (The Netherlands) and attended by prison volunteers from Germany, France, Belgium, Luxembourg, England & Wales and the Netherlands.

This seminar broke new ground by working on the results of two unusual inquiries among prisoners and volunteers in and around European prisons, on their current situations and their expectations.

1) The first inquiry, held in France, Germany, Belgium and the Netherlands, underlines the wish of volunteers for more and richer relationships with governors, staff, social and medical services.

2) The second inquiry was held at the request of the Ministry of Justice of Baden-Württemberg in Germany. It assessed the expectations of prisoners in relation to volunteers, in particular in the context of an experiment in place since 2009, in which different volunteer associations combine their efforts with those of the administrations of prisons to offer prisoners more individual visits and group activities. Professional quality, training, coordination and recognition are the key words of this very successful venture. This experiment is based on the European prison volunteers' recommendations issued after their 2011 seminar in Trier, regarding their relationships with prison institutions.

These findings underline that volunteers can and do make a very positive contribution to restoring the dignity of prisoners, making regime safer, helping prepare a successful release into the community, and therefore reducing re-offending. It appears clearly from the research that volunteers are not used to their full potential. So, to move forward for the benefit of prisoners in European prisons, volunteers are looking for ways to inform Ministries, heads of prison services, governors and staff, in order to get their support everywhere, for when professionalism and volunteering combine, volunteering can thrive, even in the challenging environment of prisons.

Detailed information on this research and the Strasbourg seminar will soon be placed on the EuroPris website.

Foreign prisoners - a role for prison volunteers?

The seminar also looked at the work of prison volunteers with foreign national prisoners, addressing the challenge that there is considerable untapped potential for volunteers to work with this often isolated and neglected prisoner group.

A presentation from Nick Hammond, Coordinator EuroPris/CEP FNPP Expert Group, proposed that well trained and supported volunteers, recruited from diverse communities, could assist the successful resettlement and rehabilitation work of prison and probation services as well as support and alleviate the isolation and problems facing many foreign prisoners. There are various examples of prison volunteers work with foreign prisoners and two highly experienced prison volunteers, also organisers of the seminar, Anne-Marie Klopp, Honorary President and co-founder of the European Forum of Applied Criminal Policies and Maryvonne de Vitton of the French National Association of Prison Visitors, ANVP, have provided a summary of their work and personal experience working with foreign prisoners in France and Germany.'



European Seminar "More volunteers for less violence"
13-14 May 2017, Strasbourg

'the case for volunteers and foreign prisoners'

EuroPris & CEP Foreign Nationals in Prisoner & Probation Expert Group
Nick Hammond Coordinator



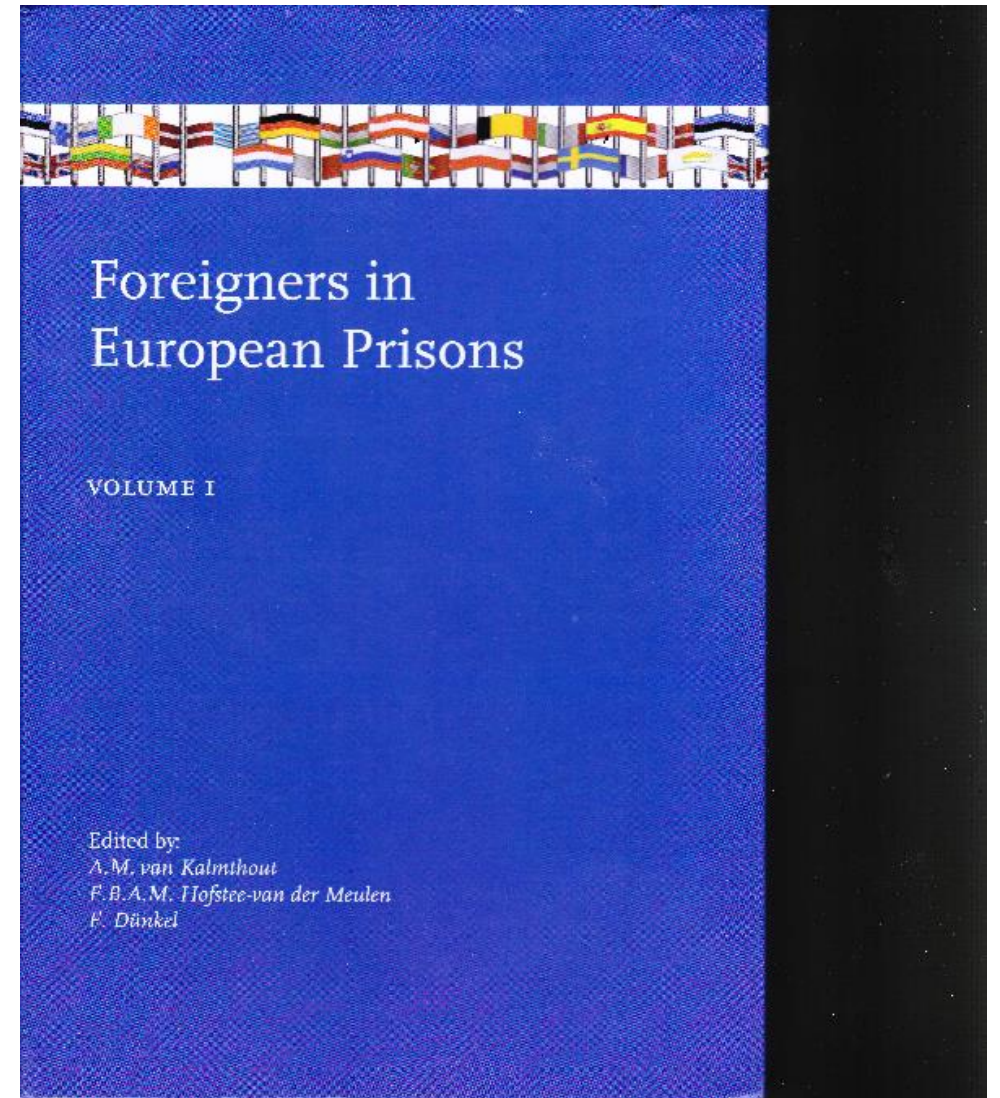
- EuroPris & CEP Foreign National Prison & Probation Expert Group - what we do and who we are
- issue of foreign prisoners in Europe - scale and challenges
- the case for volunteers and foreign prisoners?





Nick Hammond

- Career in prison and probation services mainly regarding foreign national offenders (FNOs)
- developed policy and practice on FNOs nationally & London in particular
- seconded into NOMS HQ advising on FNOs
- Research, Fellowships on FNOs
- now Coordinator EuroPris/CEP Foreign Nationals in Prison & Probation Expert Group



EuroPris & CEP Foreign Nationals in Prison & Probation Expert Group – who we are and what we do

- **evolved** from European Group of Prisoners Abroad (1980) > CEP Special Interest Group (2007) > combined EuroPris & CEP FNPP Expert Group (2013)
 - **purpose** 'to promote better national regulation and best practice for foreign national prisoners in Europe'
 - **through** 'the exchange and dissemination of information on the policy, operational practice, training and management by prisons, probation and the voluntary sector regarding foreign offenders and prisoners'
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- ✓ organizing FNP Workshops - Bruges 2016, next 2018
 - ✓ promoting Council of Europe Recommendations on Foreign Prisoners - Bruges 2016
 - ✓ resource for prison, probation and voluntary sectors to use - 'Good Practice Manual'
 - ✓ partner in relevant projects - EU Erasmus+ Foriner Project
 - ✓ collaborative ventures i.e. the University of Nottingham and the Belgium Prison Service



EuroPris & CEP Foreign Nationals in Prison & Probation Expert Group

- Kirsten Hawlitschek, Executive Director - EuroPris
- Willem van der Brugge, Secretary General - CEP
- Nick Hammond, FNPP Expert Group Coordinator
- Pauline Crowe, Chief Executive Officer - Prisoners Abroad, UK
- Luisa Ravagnani, University Brescia, Italy
- Marjolein Groot, Head of the International Office - Dutch Probation Service, The Netherlands
- Brian Hanley, Coordinator - Irish Council for Prisoners Overseas, Ireland
- Dr. Róisín Mulgrew, Assistant Professor of Law - University of Nottingham
- Jennie von Alten, Prison Governor - Swedish Prison and Probation Administration
- Isabelle Storme, Adviseur Psycholoog - Ministry of Justice, Belgium
- Gerhard Ploeg, Senior Advisor - Norwegian Correctional Services
- Angela Cossins, Deputy Director, South West South Central - National Probation Service, NOMS, England & Wales
- Iuliana Elena Carbutaru - Romanian Probation Service
- Smiljka Barancek, Head of Unit - Ministry of Justice, Croatia
- Henrik Bonde Marker, Governor Nyborg Prison - Danish Prison Service



who are foreign prisoners - 'of a different nationality to where they are serving their sentence'

- not a homogeneous group...
- varying residency periods; long term resident, visitor, arrested at airport etc
- different nationalities; European Union, citizen, European Economic Area, nationals of non-EEA countries
- different immigration status; convention refugee status, asylum seekers, temporary residency rights, undocumented/irregular status (illegal entrants, over-stayers, refused asylum seekers)



foreign national prisoners – fnps

- fnps are one of the most significant issues facing European prison and probation services
- fnps comprise increasing proportion within European prisons
- 120,000 est., fnps comprise 1 in 5 prisoners in Europe
- wide variations - Switzerland 71%, Greece 55%, Netherlands 23%, Austria 54%, Norway 33% to Bulgaria 3%, Romania 1%, Poland 1%
- 1 out of 3 foreign prisoners in European prisons have the nationality of another European country
- Prison sentence + immigration/residency status = likelihood of deportation after sentence, potential for prison transfer as serving prisoner
- pose particular challenge to Prison & Probation Services to working equably and effectively with fnps

Foreign National Prisoners in European Prisons

sources; CoE Annual Penal Statistics 2015 SPACE I Prison Populations (updated 25.04.17), * other

highest

- Switzerland 71%
- Luxemburg 74%
- Greece 55%
- Austria 54%
- Belgium 41%
- Estonia 39%
- Norway 33%
- Italy 33%
- Spain 29%
- Denmark 28%
- Germany 31%
- *France 22%

Lowest

- UK Northern Ireland 8%
- Croatia 6%
- Hungary 5%
- UK Scotland 4%
- Bulgaria 3%
- Latvia 4%
- Slovakia 2%
- Turkey 2%
- Albania 2%
- Lithuania 2%
- Romania 1%
- Poland 1%



foreign national offender issues

- unclear whether offenders who are foreign nationals disproportionately represented
- foreign prisoners over-represented in many European countries
- foreign offenders less likely to have sentencing reports requested & prepared
- foreign offenders less likely to receive community sanctions
- foreign offender more likely to receive custodial sentences than domestic offenders
- absence of convictions from abroad



issues affecting foreign prisoners

- prison services & prisons unresponsive to specific & different needs of foreign prisoners
- problems of coping & isolation in prison due to language issues and lack of community and family ties
- absence or limited outside probation involvement
- Few groups working with their nationals imprisoned abroad, Prisoners abroad (UK), Bureau Bittenland (NL).
- poor resettlement and rehabilitation work
- restrictions on access to public funds, education & training opportunities limit conventional pathways out of offending
- uncertain/delayed immigration decisions impact on meaningful release planning, prison transfer, deportation or in-country release



volunteers can help foreign prisoners with

- isolation in prison – lack of visitors
- coping better in prison – language issues
- unfamiliarity of regime and societal expectations
- link with prison staff, embassys, families
- discuss release, resettlement & reintegration issues



volunteers and foreign prisoners – help through

- voluntary role
- credibility
- care & concern
- language and cultural knowledge
- specific resettlement & integration knowledge



the best volunteers for foreign prisoners?

- possessing knowledge, cultural and language skills
- shared identify from an ethnic minority group
- specific training in immigration processes, cultural knowledge and language skills
- utilizing existing or new members from community/refugee/migrant group as volunteers

e.g. Hibiscus Community Initiatives, London

Group Amigo, c/o Praxis Community Projects, London



ways forward...

- deliver specific volunteer training to understand foreign prisoner needs
- targeted recruitment initiatives for a more diverse volunteer pool for working with foreign prisoners
- alliances with community/refugee/migrant groups using their knowledge/credibility/people/links
- highlight with prison governors and staff how volunteers can assist in meeting the needs of foreign prisoners





Presentation by Dr Roisin Mulgrew at the Council for Penological Co-operation on her research study of Foreign National-only prisons and their implementation of the Council of Europe's Recommendations on Foreign Prisoners, Strasbourg 18th November 2015

Council of Europe Recommendations on Foreign Prisoners 2012 (12)

'...foreign prisoners should received ...equality of treatment...additional steps in order to combat possible discrimination.

Recommendations contain 'Basic Principles & 41 Rules covering sentencing, conditions of imprisonment, release preparation, staff training & evaluation'.

- “Member states should draw this Recommendation to the attention of everybody who deals with foreign suspects and offenders in general, as well as with foreign prisoners in particular.”
- 23.3. Probation agencies, approved associations and **volunteers** providing support to foreign prisoners shall be given access to such prisoners who wish to have contact with them.
- 39.2. Persons who work with foreign prisoners shall be trained to respect cultural diversity and to understand the particular problems faced by such prisoners.
- Recommendations with commentary;
https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805ca138

EuroPris/CEP 'Good Practice Manual for Working with Foreign Prisoners'

- **key way** for changes and improvements in policy and practice with foreign prisoners is through exchange of good practice across Europe
- **EuroPris & CEP created** a 'Good Practice Manual for Working with Foreign Prisoners' based on the Council of Europe's Recommendations on Foreign Prisoners 2012 (12)
- **examples obtained** from prison, probation services and the voluntary sector of their work with foreign prisoners and offenders
- access via EuroPris website <http://www.europris.org/expert-groups/foreign-nationals-in-prison/>





Examples of Good Practice in Working with Foreign Prisoners

May 2017

The EuroPris & CEP Foreign Nationals in Prison & Probation Expert Group has created a 'Good Practice Manual for Working with Foreign Prisoners' to demonstrate how national prison and probation services are meeting the needs of this group. The Manual is available on the EuroPris website <http://www.europris.org/expert-groups/foreign-nationals-in-prison/>. The Manual contains examples of prison and probation practice from across Europe which meets the needs of foreign prisoners and foreign offenders based on the principles identified in the Council of Europe Recommendation on Foreign Prisoners CM/Rec (2012)12. See <https://wcd.coe.int/ViewDoc.jsp?id=1989353&Site=CM>

Please place your examples in the table below along with your contact details and send to nickhammond@europris.org

Area addressed i.e. conditions of imprisonment, regime management, preparation for release, staff training, other, etc.	Description of initiative	National, regional or local initiative?	Legal basis, budgetary issues?	Contact details for further information



Good Practice example from Belgium Prison Service

No	Rule/Issue addressed		Description of initiative	National, regional or local initiative	Legal basis. Budgetary issues	Contact details for further information
5 15. 1	Conditions of imprisonment; Admission	<p>At admission and during detention – information in language they understand about</p> <ul style="list-style-type: none"> - rights and duties and contact with CR - prison regime and regulations - procedures for requests and complaints - rights to legal advice 	<p>Immigration Office has created information brochures in 7 languages about the rights and obligations linked to their immigration status (procedures, appeals, consequences of irregular staying).</p> <p>These are given to the detainees at admission and if necessary, during the visit of an immigration staff member in the prison. The Immigration staff member will also give information during this visit (ad hoc, or at request), if necessary with interpreter.</p> <p>The immigration staff member will also fill out a form “right to heard” with the migrant (in +/- 15 languages), which gives him the opportunity to declare whether there are reasons why he could not be removed to his country of origin (Art. 42 European Fundamental Rights Treaty)</p>	National	National budget	<p>Geert Verbauwhede geert.verbauwhede@ibz.fgov.be</p> <p>Maryvonne Jacquemin – Maryvonne.jacquemin@ibz.fgov.be</p>

Good Practice Example from HMPPS, England & Wales

No.	Rule/Issue addressed		Description of initiative	National, regional or local initiative	Legal basis. Budgetary issues	Contact details for further information
635.1	Release; Preparation for release	Preparation for release of foreign prisoners shall start in good time and in a manner that facilitates their reintegration into society.	NOMS commissioned a community migrant organisation to design & maintain an electronic resettlement toolkit, called “‘Tracks’, a resource for the resettlement of foreign prisoners (FP)”. It is designed to help FPs as well as prison, probation and other professionals working with foreign prisoners to plan for resettlement upon release either in the UK or on prison transfer or expulsion abroad. It contains information in a variety of languages, on the immigration process, resettlement options as well as country specific information packs. ‘Tracks’ is designed so that FPs know what may happen to them and what they can do themselves to plan for and improve their resettlement options on sentence completion.	NOMS project centrally commissioned	Discretionary implementation. Development & maintenance costs from NOMS centre.	NOMS (England & Wales) www. https://www.tracks.uk.net/ NOMS link; Adrian.Chen@noms.gsi.gov.uk



Praxis NOMS Electronic Toolkit V3.0

A resource for the resettlement of
Foreign National Prisoners (FNPs)

Welcome to Tracks

A resource for the resettlement of Foreign National Prisoners (FNPs)*

This toolkit is designed to help foreign national prisoners and professionals working with foreign national prisoners to plan for their resettlement upon release.

*Tracks provides general information on legal issues and takes reasonable care to ensure accuracy. It does not constitute legal advice and is not Home Office guidance. It is the responsibility of the Home Office to consider whether a person is liable for deportation. Tracks is revised biannually, comments and suggestions, may be sent to ERDForeignNationals@noms.gsi.gov.uk



ENTER



Thank you very much for your attention



My Experience of Visiting Foreign Nationals in French Prisons

by **Maryvonne de Vitton**

I have been a prison visitor for 19 years, 15 in Northern France, and 4 in Brittany. In our French National Association of Prison Visitors, ANVP, I have for about 10 years, been in charge of contacts with prison visitors in England and Wales, and have in that capacity organized cross-border meetings in both countries, involving prison visitors as well as Governors and members of the English and French Prison Administrations. I am an English teacher and was therefore asked to visit British citizens or any prisoner who spoke more English than French. From day one I was struck by how vital it seemed for these people to be able to relate to someone in their own language, or at least in a language that made a minimum degree of communication possible. I could read on their faces what a relief it was for them: one burst into tears when we first met, another held his lower jaw and showed how stiff it was, from not speaking for weeks; « my cellmate is very nice: he makes coffee for me, and I make coffee for him, but he does not understand me, and I cannot understand him! ». Language can definitely constitute a second prison within the prison walls.

COMMUNICATION BECOMES POSSIBLE - INSIDE AND WITH THE OUTSIDE

Over the years I thus visited a number of Englishmen, but mostly people of other nationalities from the « Jungle » in Calais -and even, earlier on, some from the camp in Sangatte, before the then Interior Minister, Nicolas Sarkozy, decided to close it in 2002.

Like all other prison visitors I operated in close connection with the social department of the two prisons I visited in (Prison Department for Rehabilitation and Probation = SPIP). The SPIP employees knew they could call me any time if there was a language problem. They thus asked me several times to call families in England, sometimes in their presence, sometimes not, as we had built so much trust between us. I was once allowed to call a Brazilian family with the help of a Brazilian nun living in our town; the young wife in Brazil -a mother of two- was overwhelmed by emotion as she thought her husband had died. Because of his incarceration, he had been unable to get in touch with her for weeks.

One evening the SPIP called me because an English prisoner who had not heard from his family in what he felt was a very long time, was threatening to commit suicide. I immediately called his wife and reported to the SPIP who were able to reassure the man.

In another case, my speaking English made it possible to keep up an endangered relationship between a young family and their imprisoned husband and father.

In another instance I was able to facilitate the visit of an English family who had never come to France, by guiding them through a disturbingly unfamiliar environment, and explain to them the habits of the place, and what to expect inside the prison. It was all the more reassuring for them as the prisoner's twin sister was seriously ill and already in a wheelchair. We had built such a trusting relationship that when this lady passed away, the family asked that I should be the one to impart the sad news to her brother; the prison administration accepted, and everyone thus expressed respect for this man's grief.

Another situation was that of a prisoner whose wife was at death's door for months on end, in and out of hospital, and alone with their teenage daughter. In spite of numerous and understandable issues of confidentiality, medical secrecy, privacy rules, departmental prerogatives and the like, I was able -in close contact with the British Consulate- to establish contacts and reassure the prisoner a good number of times.

EVEN MORE ESSENTIAL FOR MIGRANTS

The predicament of migrants from the « Jungle » (Afghans, Iraqis, Sudanese, etc.) was very different indeed. There was no getting in touch with their families as most of them had lost all contact, and did not even know if their loved ones were alive. The help needed was more in the form of reassurance. In English, most of them were able to share about the beloved country they had escaped from in fear of their lives, the loved ones they had seen killed or had had to leave behind, their national traditions, their prospects shattered by war and violence.

Under the seal of confidentiality, the medical department of the prison would on occasion call me to help a foreign prisoner explain his medical issues and understand what he was being told.

In English I was able to explain to foreign nationals the basics of our judicial system, and what they might expect; some of them did not even understand what they had been charged with.

On the prisoners' initiative, we visitors can also write administrative letters in French for foreign nationals, which they then just have to sign -letters to the SPIP, to their lawyer, to the customs department, etc.

As most of them understandably dread any contact with their embassies, we can sometimes provide useful administrative information that the SPIP do not have time to look for.

The police and Justice services asked me several times to act as an interpreter. I was even summoned twice as a witness in a Court of Assize, and an Appeals Court, as the person who knew the Iraqi accused best: I had been visiting him for four years. After being sentenced to 15 years in jail, the man was acquitted and received compensation.

The mostly very young men who were separated from their families in their teen years appreciated having a volunteer, neutral, benevolent, mature person visit them on a regular basis. These young men often said « You remind me of my mother! », or « You are like a mother to me! ».

When the prisoner's English was too limited, I would use mime or drawings to initiate communication. With the approval of the administration, I also tried using one of the prisoners' fellow citizens to attend our first encounters and translate the conversation; but for the sake of confidentiality, this could only be temporary.

There would be countless anecdotes to show how literally life-saving it can be for a foreign prisoner to have a volunteer visitor they can genuinely communicate with: « I can never thank you enough; you saved my life! ».

My Experience as a “Mediator” Between French-Speaking Prisoners, Their Relatives, and Prison or Justice Institutions

By Anne-Marie Klopp

Being Franco-German, having studied law, and with a degree in criminology from Belgium, I worked for 20 years in a prison in North Rhine-Westphalia, first as a prison visitor, then as a trainee criminologist. After my graduation, I worked from an office inside the prison for an association that helped prisoners. I was first in charge of a pilot project aimed at avoiding pre-trial detention. Having soon gained the trust of not only the prison management, but also the psychology department, the social services and the prison staff, I was then entrusted with accompanying French-speaking detainees in very diverse fields (practical questions inside the prison, communication with their relatives or lawyers, with magistrates). Having along the years developed numerous contacts with professionals intervening in prisons, I was also called upon to liaise between institutions in different European countries (lawyers, courts, or even the police). I was also very soon acting on the request of the French Consulate General.

A MEDIATOR FOR PRISONERS

The prison I worked in was for remand prisoners, foreign nationals possibly about to be deported, with no German residence permit, or with less than four years left to serve, and who could be deported from mid-sentence onwards. Given the proximity of the international airport, a number of people in transit found themselves incarcerated on the basis of a European or international arrest warrant. All these people were waiting for a judicial decision and were therefore going through a particularly difficult time.

1) SUPPORT ON ARRIVAL

As soon as a French-speaking person was incarcerated, I was advised by the institution. As I was allowed to move freely inside the prison, I would go and visit the person in their cell, and propose a time of conversation.

2) CONCRETE HELP

Depending on the situation, I would

- give precise information on the prison regulations. To that end I would use a small brochure that was given to every new prisoner that existed in several languages and was regularly updated. When I was dealing with a French or Belgian national I was able to explain the similarities and differences between the prison regimes ;
- regularly visit the new arrivals' wing to introduce the different people working in the prison, or visitors from the outside ;
- intervene as a mediator on the request of a member of staff, to resolve a minor conflict caused by a language misunderstanding, or explain a decision taken by a prison officer ;
- have a confidential conversation with a prisoner ;
- contact relatives, inform and accompany them ;
- organize so-called « special visits » allowing for a longer time with relatives, especially children. The authorized monthly visiting time is notably limited in Germany (4 hours a month on average).

3) CONTACTS WITH THE REPRESENTATIVES OF THE DIFFERENT PERSONS OR DEPARTMENTS COMPETENT IN A PRISONER'S CASE

- lawyer ;
- social services in the country of origin when there were charges prior to the incarceration ;
- possibly the doctor(s) in the country of origin (especially when there was drug-substitution therapy underway) always in the presence of the prisoner and with his written approval ;
- in the case of conditional release, the services likely to be in charge of the prisoner after his repatriation ;
- the commission in charge of the execution of sentences at the competent tribunal ;
- in case of deportation, the magistrates in charge of the case, so as to provide information that might speed up the procedure.

4) SPECIFIC HELP FOR CROSS-BORDER CASES

- The deportation procedure of a young Belgian arrested on arrival at D. airport was accelerated. I was in contact with the Belgian lawyer and investigating judge, as well as the German Public Prosecutor.
- A Greek prisoner -a long-time resident in Germany who was incarcerated in France- was granted conditional release because I had set up a link between a French social worker, the judge in charge of the case in France, and a German association helping prisoners. The association had known me for a long time and accepted to accompany the man, which enabled him to meet the demands of the French tribunal.
- A Canadian prisoner was rapidly transferred to Canada: I had contacted the Canadian Embassy services which acted promptly.