

# 01 Introduction & Basic Principles

Good Practice examples for Working with Foreign National Prisoners

Relevant CoE Foreign Prisoners Recs	Country & Description of Initiative	National, regional or Local Initiative	Legal basis, budgetary issues	Further Information
1. Alleviate any possible isolation				
1.1 Facilitate treatment with a view to their social reintegration	<p>Sweden:</p> <p>The Swedish correctional system is based upon RNR (Risk - Need – Responsivity) likewise the treatment programs for social reintegration. In 2015, we started a national project to make sure foreign prisoners that don't speak understand can undergo treatment. Since then we focus on:</p> <ul style="list-style-type: none"> <li>- Recruitment of facilitators with appropriate language skills.</li> <li>- Identify what language skills current facilitators have.</li> <li>- Translate workbooks and working tools for clients to various treatment programs.</li> <li>- Provide workshops in "easy Swedish" to facilitators.</li> <li>- Provide new technical equipment to the facilitators such as touch pad including lexicon and pictures in order to make the treatment smoother and easier.</li> <li>- Find solutions to make facilitators pursue treatment program through video calls (Skype). In order to do this, form a pool of language skilled facilitators that can provide this.</li> <li>- Find good solutions in order to use interpreter combined with treatment programs.</li> </ul>	National		Johannes.evers@kriminalvarden.se
1.2 Treatment should take into account the special needs of FPs	<p>Sweden:</p> <p>All clients in the Swedish prison and probation service, including FP, undergoes a comprehensive risk, needs and responsivity assessment called RNR-A (RBM-B). The RNR-A is an empirically-based, 87-item standardized screening tool to be completed based on a file review and a structured client interview. Based on number, character and constellations of risks and needs factors, a computerized decision-aid suggests re-offending risks (low-medium-high) in various types of crime. The RNR-A also provides a computerized summary of client needs and guides manual assessment of client responsivity to available treatments and interventions.</p> <p>In the treatment, we don't have a national special solution according to FP. In order to understand the client responsivity is a important part of the treatment. In the concept responsivity language, culture and psychological needs is important according to the treatment.</p> <p>Belgium:</p> <p>note - refers to immigration detainees, Extra Care Project: This project, for immigration detainees aims for a systematic detection and signalization of specific problems or vulnerabilities and to provide a custom-made care and assistance: during detention, during return and after return. Detainees 'labeled' as 'Extra Care' by a multidisciplinary team in the center are signaled as such at our administrative services. The case management at these services is higher as they have to treat a person with Extra Care needs. Within the center this system also aims that there's more of a continue and custom-made accompaniment of these persons. For organizing return, the multidisciplinary advice from specialized staff in the center is consulted on: necessities for assistance and caretaking during return (ex. escorts, medical assistance, etc.), necessities for assistance and caretaking after return (ex. medical follow-up, etc.). The Extra Care Information sheets provide the staff of the center with guidelines about communication and interaction with such 'Extra Care' residents.</p> <p>Belgium:</p> <p>Belgium: note - refers to immigration detainees, Special Needs Project for immigration detainees: when a person with a certain vulnerability is detected in the detention centers (through the above-mentioned extra care project), in prisons or psychiatric centers (through the psychosocial or medical services) or in the return houses for families (through the migration counsellors), then a request for assistance can be sent to the special needs project workers. These requests can consist of the following means of support:</p> <ol style="list-style-type: none"> <li>1. Availability of medication/treatment in country of origin</li> <li>2. Purchase of medication for period after return</li> <li>3. Admission in psychiatric facility in Belgium to stabilize the psychiatric condition</li> <li>4. Accompaniment during flight</li> <li>5. Medical, psychosocial, administrative follow-up, family tracing for support after return in the country of origin</li> </ol> <p>The kind of support provided depends on the condition of the returnee and the possibilities in the country of origin. Belgium is paying for the support during a transitional period, to allow the returnee to get his life back on track (maximum 1 year). Economical support and cash money are NOT given to keep the programs on voluntary return more interesting. For prisoners, this project is especially aimed to organize reintegration (especially psychiatric care and family tracing) in the country of origin, with the aim to fulfill the conditions which are set by the Justice-commissions, who must decide on the release of psychiatric patients who were considered not to be accountable for their crimes.</p> <p>The Netherlands:</p> <p>Provide support (emotional, practical, material and –sporadically – financial) for FNP's in preparing for repatriation. The Return and Repatriation Service and The International Organisation for Migration as well as NGO's are available to help and support for foreign prisoners when preparing to return to their home country</p>	National and individual initiative		Marcus.wagenberg@kriminalvarden.se
1.3 Provide with opportunities equal to those of other prisoners.	<p>Sweden:</p> <p>'Our goal is to be personalized, equitable and legally secure correction'.</p> <p>The Netherlands:</p> <p>FNP's are entitled to the same range of facilities as other prisoners except for extra mural leave.</p>	National		t.bagchus@dji.minj.us.nl
2.3 Foreign prisoners shall be treated with respect for their human rights and with due regard for their situation and individual needs.				
2.4 Foreign suspects and offenders shall be entitled to be considered for the same range of non-custodial sanctions and measures as other suspects and offenders; they shall not be excluded from consideration on the grounds of their status.				
2.5 Foreign suspects and offenders shall not be remanded in custody or sentenced to custodial sanctions on the grounds of their status, but, as for other suspects and offenders, only when strictly necessary and as a measure of last resort.				
2.6 Foreign offenders sentenced to imprisonment shall be entitled to full consideration for early release.	<p>The Netherlands:</p> <p>Foreign prisoners who are not allowed to remain in the Netherlands after the expiration of their sentence, can be granted suspension of their sentence under the condition that they leave the country. Suspension can be granted after two thirds (in case of sentences of three years or more) or when at least half the sentence is executed (in case of sentences up to three years)</p> <p>This possibility of suspension is a strong incentive for the foreign prisoner to prepare for repatriation.</p>	National		t.bagchus@dji.minj.us.nl
2.7 Positive steps shall be taken to avoid discrimination and to address specific problems that foreign persons may face while subject to community sanctions or measures, in prison, during transfer and after release.				
2.8 Foreign prisoners who so require shall be given appropriate access to interpretation and translation facilities and the possibility to learn a language that will enable them to communicate more effectively.	<p>Sweden:</p> <p>All foreign prisoners can apply for language studies. Usually they start with education in Swedish for immigrants. You get a basic knowledge of the Swedish language. You learn to speak, read and write in Swedish and must practice using the language in everyday and working life. After completing the course, you get scores. Some prisoner usually with shorter time in prison can choose to study English.</p> <p>The Netherlands:</p> <p>Whenever necessary interpretation and translation via telephone is provided.</p>	National		Tommy.Nyman@kriminalvarden.se
2.9 The prison regime shall accommodate the special welfare needs of foreign prisoners and prepare them for release and social reintegration.				
2.10 Decisions to transfer foreign prisoners to a State with which they have links shall be taken with respect for human rights, in the interests of justice and regarding the need to socially reintegrate such prisoners.	<p>Estonia:</p> <p>Foreign prisoners are evaluated using a specific methodology to assess whether expulsion is justified or not. Estonian Ministry of Justice has developed this methodology based on European Court of Human Rights recognized criteria. It is obtained by evaluating positive and negative aspects which provides a final assessment with a score. The methodology is outlined in the following circumstances, which is assessed by whether:</p> <ol style="list-style-type: none"> <li>1. Spouse or parents' presence in country where prisoner is serving their sentence</li> <li>2. Prisoner is a minor</li> <li>3. Prisoner's children live in the country and prisoner has a relationship with them</li> <li>4. Prisoners parents need help (eg disability)</li> <li>5. the subject has no ties to the country of destination and their reintegration can be complicated</li> <li>6. The family would have difficulties to integrate into another country (nationality, language, education of children and their age, health condition, personal needs etc)</li> <li>7. The person has been present in Estonia legally at least 5 years</li> <li>8. Prisoner has committed youth crimes</li> <li>9. Person has made efforts to integrate into the country (i.e. applied for citizenship and reached proficiency in Estonian language. Seriousness of crime considered, whether person a recidivist, if the person is in country illegal and what is their level of personal danger to country.</li> </ol>	National		merike.tartu@just.ee
2.11 Sufficient resources shall be allocated in order to deal effectively with the particular situation and specific needs of foreign prisoners.				
2.12 Appropriate training in dealing with foreign suspects and offenders shall be provided for the relevant authorities, agencies, professionals and associations which have regular contact with such persons.	<p>Estonia:</p> <p>Meetings which including training, are held between relevant authorities such as Prisons, Police and Boarder Guard Board, Ministry of Justice and foreign prisoner coordinators, several times in a year.</p> <p>The Netherlands:</p> <p>Staff are provided with additional training in intercultural communication and with additional language training (English, and Spanish)</p>	National		merike.tartu@just.ee
		National		t.bagchus@dji.minj.us.nl