



# Around Europe

Quaker Council for European Affairs

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## Justice across borders - the challenge of foreign prisoners

One effect of globalisation and the EU's open borders has been to increase the numbers of people imprisoned elsewhere than in their home country. According to the International Centre for Prison Studies, foreign national prisoners (FNPs) comprise more than 30 per cent of the prison population in 10 out of 38 European countries surveyed between 2007 and 2009; comprehensive figures are hard to come by, but the indications are of considerable upward trends in these numbers.

FNPs face particular difficulties. Cultural and language barriers often isolate them from other prisoners, and they frequently receive little or no information on their rights or the requirements of the prison regime. They are also often excluded from rehabilitative programmes such as education, because they are provided in another language. At large distances from their families, it may be difficult for them to receive visits or even to stay in touch at all, and the increased isolation means that when release comes, many are deported to their country of nationality (which may not even be where they were resident before) with little or no preparation. Many have lost contact with family, are homeless on return, and those who were convicted under a different system of criminal law are often outside the scope of statutory agencies which supervise and support released prisoners. In some cases this has left violent and sexual offenders without supervision, and in most cases returning foreign prisoners present a greater risk of reoffending.

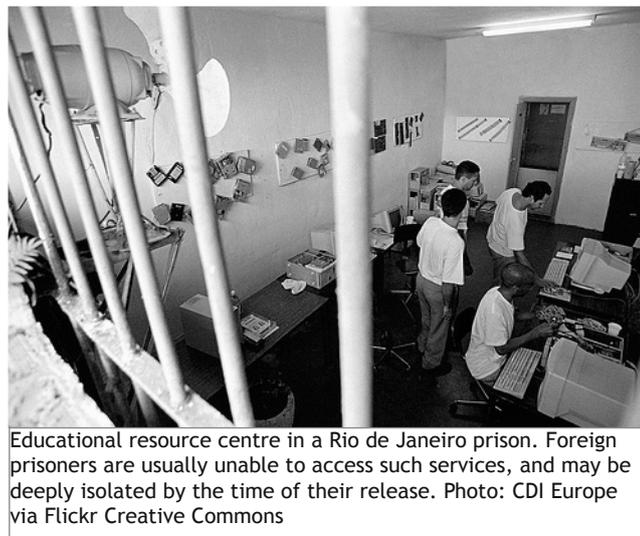
The international dimension of this problem means that international organisations must take the lead in addressing it. The European Union's Framework Decisions 2008/909 and 2008/947 have made it easier

for Member States to transfer FNPs to serve custodial and non-custodial sentences in their country of nationality, although this system has failed to protect prisoners' right to consent to these transfers. This means that it is, in theory, possible for prisoners who have long been resident in the sentencing country to be transferred against their will to another country with which they have no strong links, which cannot have a positive effect in terms of rehabilitation. The

Council of Europe (CoE) is also in the early stages of updating its 1984 rules concerning FNPs, and QCEA has had the opportunity to comment on a draft of these rules before it is presented to the CoE's Council for Penological Cooperation in May this year.

The amount of specialist work being done to address the problems faced by foreign national prisoners is limited, but some

examples of good practice exist. At a conference in Utrecht on 10 March, examples from the Netherlands, UK and Ireland were presented, but these constituted the only specialist provision that CEP (The European Organisation for Probation, which organised the conference) was aware of. At the conference we heard from the Dutch Probation Service, and from the British charity Prisoners Abroad, about programmes for supporting home nationals imprisoned in other countries; CEP believes that the work of these organisations can provide examples of better provision for FNPs that can then be implemented elsewhere. After hearing about these different programmes we worked together on a draft business case that CEP will be presenting to the European Union (and to its own members), to try and advocate more effective action on this topic. Dirk van Zyl Smit, the law professor who is drafting the new CoE rules,



Educational resource centre in a Rio de Janeiro prison. Foreign prisoners are usually unable to access such services, and may be deeply isolated by the time of their release. Photo: CDI Europe via Flickr Creative Commons



*"The international dimension of this problem means that international organisations must take the lead in addressing it."*

also attended the conference and received much input from probation services and others with an interest in this issue.

There is clearly much left to do to address the problems of foreign national prisoners. QCEA will continue to follow the issue and cover it for readers of *Around Europe*; some of you may be interested in viewing the websites below, which contain more information about the issue and steps being taken to address it.

**Ben Jarman**

<http://www.cep-probation.org/page/79/foreign-national-prisoners/> - CEP's page on the subject

<http://www.prisonersabroad.org.uk/> - information about Prisoners Abroad's work

[http://www.reclassering.nl/in\\_vogelvlucht/?cid=54](http://www.reclassering.nl/in_vogelvlucht/?cid=54) - information (in Dutch) on the work of the Dutch Probation Service's International Department

## Our energy security, their misery

Every day we learn more about how what seems to be a terrible problem in one part of the world radiates out in ways most of us could never have imagined.

Among the casualties of recent events in northern Africa - Tunisia, Egypt, Libya - is the fallacy that trade and investment can be exchanged for political reform. Impartial observers can be left in no doubt that western governments have essentially been complicit with the regimes of the ousted presidents, Zine el-Abidine Ben Ali and Hosni

Mubarak. To our enormous and lasting discredit, we have put our faith in strong men rather than strong institutions.

As we have found ourselves on the wrong side of history in the revolutions in North Africa, we should urgently and genuinely re-establish the respect for good governance and basic

civil rights in our dealings in the Middle East and Caspian Region. Ignoring the structural instability and vulnerability of states by propping up brutal,

unaccountable, and corrupt autocracies, as America and Europe have done for far too long, is merely to trade bad trouble today, for worse trouble tomorrow.

As the old dictum goes, every country has both values and interests. What makes relations with our neighbours along the eastern and southern Mediterranean and in the European Neighbourhood



Egyptian demonstrator surrounded by smoke. Photo: Jonathan Rashad via Flickr Creative Commons

Policy in particular, stand out, is how frequently professed European values of accountability and transparency contrast with the morally bankrupt, politically expedient interests actually pursued.



Political convenience is the name of the game; it saved European politicians from seeking to promote actual democratic improvements on the ground, leaving European citizens to wonder why the billions of euros spent on their neighbours fail to bring them security in return.

The very same can be said of Azerbaijan, Uzbekistan, and Turkmenistan in the Caspian Basin. Only last year, a coalition of human rights groups said the Azerbaijan President had achieved stability only by "a total crackdown on the political opposition, stifling the independent and opposition media, and curbing fundamental freedoms". The hypocrisy doesn't stop there. With respect to Uzbekistan, on whom the EU had imposed sanctions as recently as 2005 for its human rights violations, the European Commission signed a Memorandum of Understanding on Cooperation (in energy) in Brussels only two months ago. And that's not the end of it. I highly recommend reading Jacqueline Hale's article 'A Good Return on the EU's Diplomatic Investment?' about Turkmenistan: <http://blog.soros.org/2011/01/a-good-return-on-the->

eus-diplomatic-investment/. In it, she highlights, in harrowing detail, how dangerously limiting and short-termist energy realpolitik can be.

*"...in the long run, there is a political value in standing up abroad for political values espoused at home."*

Energy security and human rights are not mutually exclusive goals.

This may seem like a trivial issue - one that has little relevance to your day-to-day life - but I can assure you that it is not. Nations and their alliances usually thrive or languish not because of one big bad decision, but because of thousands of small bad ones - decisions where priorities get lost and resources misallocated. Recent revolutionary fervour suggests that European governments should not rely too much on autocrats, and that, in the long run, there is a political

value in standing up abroad for political values espoused at home.

**Paul Parrish**

## EU Consultations - a way to make the Quaker voice heard

Public consultations are part of the daily bread, so to speak, in Brussels. The European Commission launches consultations on a wide range of topics which are open to all.

The first important point to make is that anyone can respond to most of them. They are open to citizens, organizations, academic institutions and public authorities. To find out what consultations are open, all you need to do is look on the relevant website of the EU: 'Your Voice in Europe' at: [http://ec.europa.eu/yourvoice/index\\_en.htm](http://ec.europa.eu/yourvoice/index_en.htm).

A quick look at the consultations which were going on in 2010 and which have so far (as at early March) been going on in 2011 shows that they range across 28 different policy areas. The Internal Market, with nearly 30 per cent of all the consultations leads the field - not surprising as the Common Market is at least in part what the EU is about; maybe a little surprisingly, Environment comes in at second place with nearly 15 per cent of all consultations. During the period covered, there have been 148 consultations of which 27 are still open at this point with closing dates from the next few days to the end

of May 2011. Typically, consultations are open for three to four months.

**What use is made of the answers?**

In principle, consultations are intended to influence the development of policy; the European Commission might issue a green paper, launch a public consultation and then issue a white paper or legislative proposal which improves on the green paper by taking account of the results of the consultation. There is no systematic process of tracking the impact any consultation responses have made. The extent to which answers influence policy also depends on the number of answers. 300 responses, according to one Commission official, is a very good response. There are 500 million people in the EU.

*"Where this is possible we try to respond to questions from the basis of Quaker testimony."*



### What is the quality of the questions?

Often the questions are very structured; offering tick-boxes where one can agree or disagree with statements to varying degrees; or narrative answers which can be extremely limited in the number of

words or characters they can contain. Many questions are asking two different things so that it is difficult to decide whether to agree or not. If it is a tick-box exercise, this makes it difficult to make the answers count because 'I don't know' or 'I don't have a view' is not a helpful response.

*"Public consultations are part of the daily bread, so to speak, in Brussels."*

### What is QCEA's approach?

We are extremely choosy in terms of which consultations we respond to. In recent months we have had more of these to deal with than normal because there have been quite a few which related to the forthcoming debates about the EU budget framework for the next five to ten years.

We try to work in partnership with one or another of our NGO networks; this allows us the opportunity to multiply the effect our voices have. Where this is possible we try to respond to questions from the basis

of Quaker testimony. We publicise our responses on our website if the format permits. We encourage you to let us know what you think about our approach. The responses are also published by the European Commission on their website, so that there is a chance that our views are read beyond the officials who evaluate the overall response.

*Martina Weitsch*

## QCEA has a new blog!

Find out more about QCEA's work on sustainable energy security and criminal justice.

Keep up to date with the latest from Brussels, including the work of QCEA's staff.

Take a look at:

[qceablog.wordpress.com](http://qceablog.wordpress.com)

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