

Foreigners in European prisons between 2000 and 2015

trends | rates | explanations

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

Contents

1. Should we first define it?
2. Inside and outside...
3. Evolution 2000-2015
4. Swiss case: what for?
5. Final remarks

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

1. Should we first define it?

1. Definitions

1.1. Diversity of definitions

'Foreigner' – artificial construct induced by 3 requirements:

(1) Diversity: **historical** need

(2) Inclusion: **social** need

(3) Tolerability: **political** need

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

1.1. Diversity of definitions

Example #1 of the merged requirements:

✓ (1) + (2) + (3)

| Before 1989, common use of the term *homus sovieticus* and its decline after the fall of the 'Iron curtain'

| Choice of **ethnicity** and problem of 'sensitive' minorities (e.g. Jew, German, Tatar, etc.)

| USSR (1979) = **123** → RUS (2010) = **1840** nationalities

| Question of the '5th line' (пятая графа)

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

1.1. Diversity of definitions

Example #2 of the merged requirements:

✓ (2) + (3)

Regulation 862/2007 EU statistics on migration
Until 2011, 7 out of 27 countries (incl. France)
had no unified statistics on *in* and *out*
movements

Country	Nationals	EU country	Other country	Asylum	Without permit
Switzerland	±		+	+	
Germany	+	+	+	+	
France	+	+	+		
United Kingdom	+	+	+	+	+
Italy	+	+	+		
Spain	+	+	+	+	+
The Netherlands	+	+	+	+	

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

2. Inside and outside...

1. Definitions

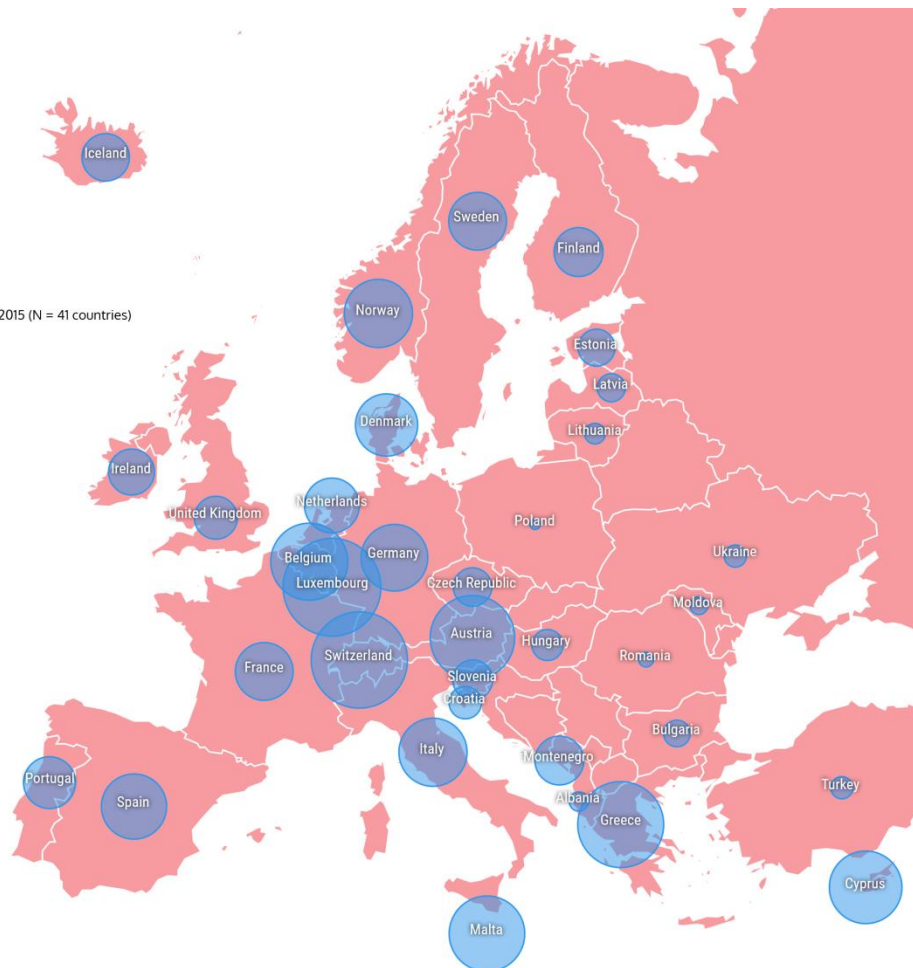
2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

2.1. Foreigners in prisons (2015)



Based on data from: Aebi MF, Tiago MM, Burkhardt C. (2017 forthcoming). *SPACE I – Council of Europe Annual Penal Statistics: Prison populations. Survey 2015*. Countries with less than 100'000 population excluded from the calculation of the mean

1. Definitions

2. Inside and outside...

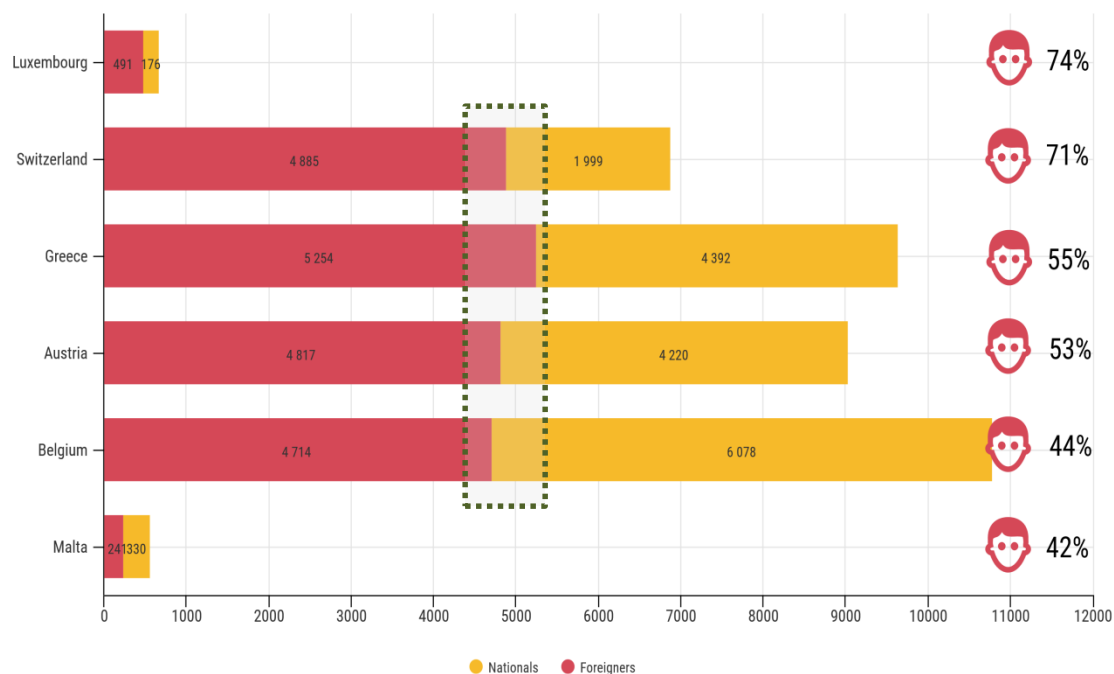
3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

2.2. Legal & statistical paradoxes

Top 6 countries with highest foreign prison population % (>40%)



1. Definitions

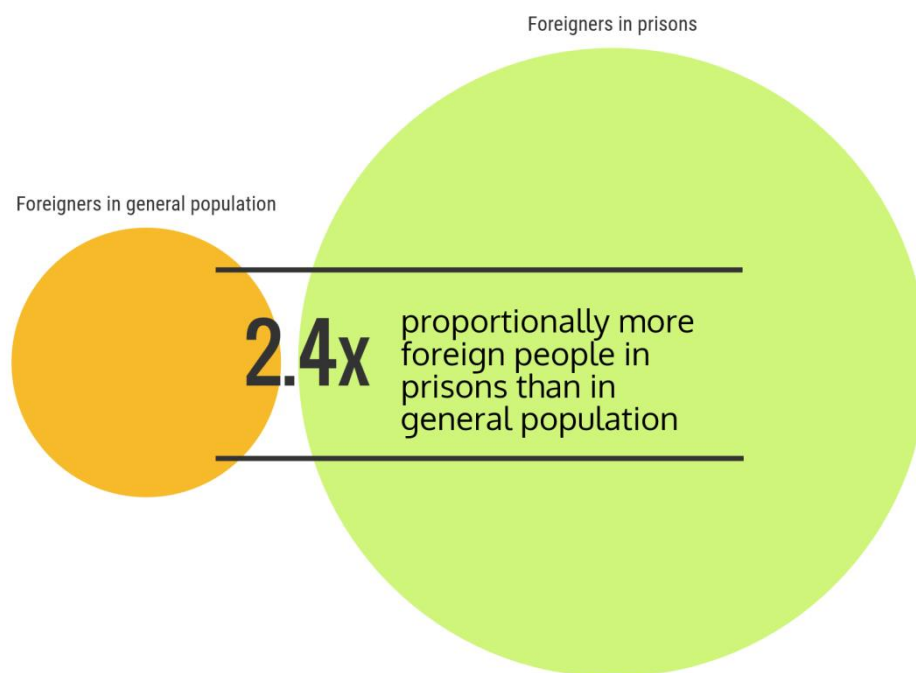
2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

2.3. Legal balance



Included: 31 out of 47 CoE Member States. Ascending order by % of foreigners in prison: Poland, Romania, Lithuania, Slovakia, Bulgaria, Latvia, Hungary, Croatia, Estonia, Czech Republic, Slovenia, United Kingdom, Ireland, Iceland, Finland, Portugal, Netherlands, France, Sweden, Denmark, Spain, Germany, Italy, Norway, Cyprus, Malta, Belgium, Austria, Greece, Switzerland, Luxembourg.

1. Definitions

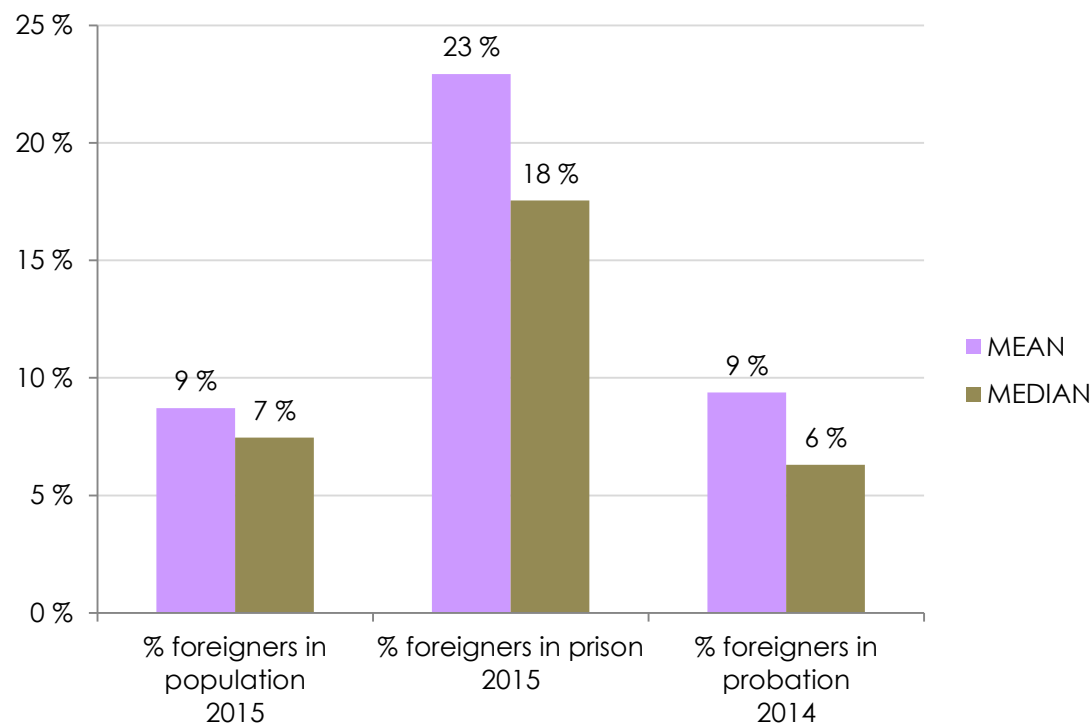
2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

2.4. Social balance



Prison & Population: Included: 31 out of 47 CoE Member States. Ascending order by % of foreigners in prison: Poland, Romania, Lithuania, Slovakia, Bulgaria, Latvia, Hungary, Croatia, Estonia, Czech Republic, Slovenia, United Kingdom, Ireland, Iceland, Finland, Portugal, Netherlands, France, Sweden, Denmark, Spain, Germany, Italy, Norway, Cyprus, Malta, Belgium, Austria, Greece, Switzerland, Luxembourg. **Probation:** Included: 18 out of 47 CoE Member States.

1. Definitions

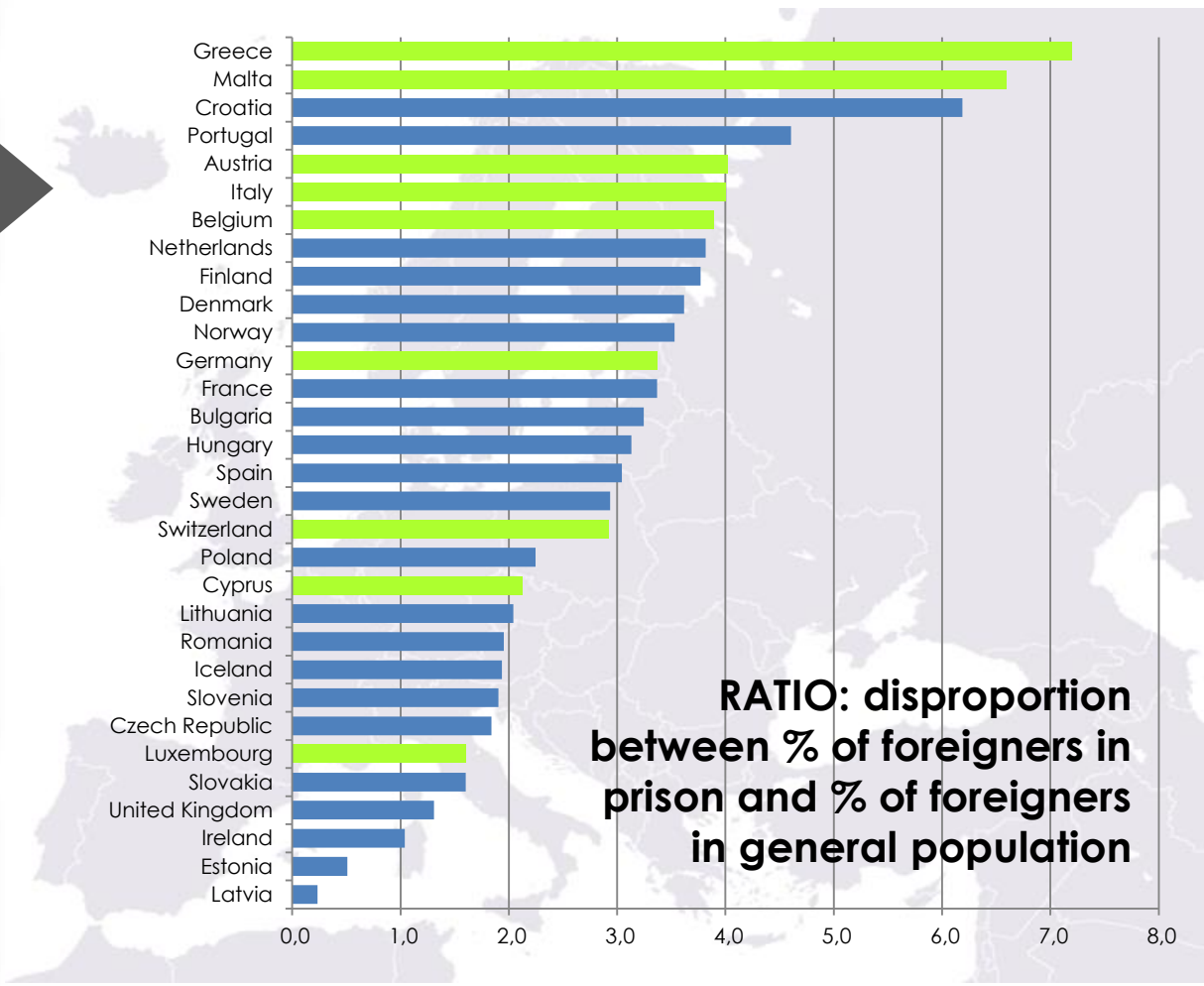
2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

2.5. Social & legal paradoxes



1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

2.7. Steps on the expl. road

Southern European countries:

1. Fear to be considered as 'permissive guards' of the common southern EU border.
2. Massive rejection of the asylum requests (e.g. Greece: 2003 = 99.9%; 2015 = 65%; Cyprus: 2015 = 24%; Italy: 2015 = 55%)
3. Incarcerations foreseen and applied:
 1. Illegal stays
 2. Special security detention for foreigners
 3. Imprisonment if impossible or non-applied referral

Result: **criminalisation of the migration**

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

2.7. Limitations

Some countries include only non-resident foreigners in their prison population...

...while other countries include permanent residents.

According to national prison system peculiarities, administrative detention may be included in the total (e.g. Ireland, Slovak Rep., Switzerland, UK).

Inconsistencies:



“Artificial” differences may occur if the prison administration does not deal with special categories of inmates (i.e. juveniles, drug-addicts, mentally-ill offenders...)

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

3. Evolution 2000-2015

1. Definitions

2. Inside and outside...

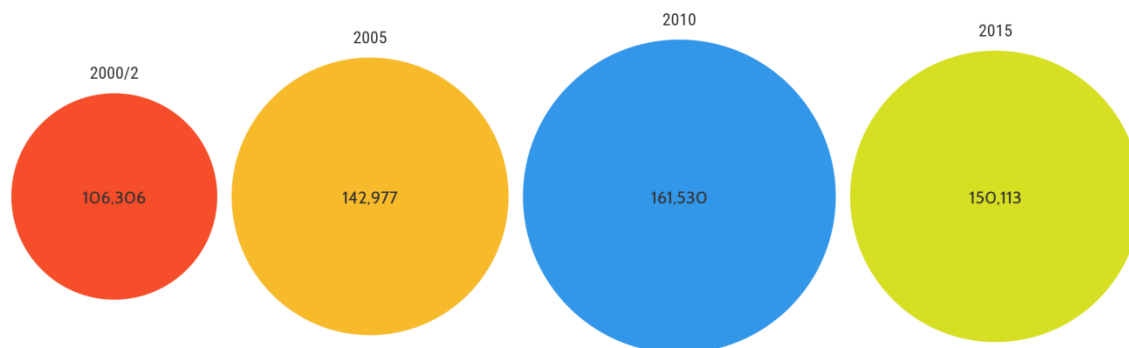
3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

3.1. Foreigners in prison

Between 2000 and 2010, the **number of foreigners** held in prison increased about **1.5 times**. In the later period, the grow trend slowed down...



1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

3.2. Foreigners in prison (where?)

90%

of all foreign inmates
are incarcerated in
Southern, Western
and Northern Europe

This proportion remained more or less stable across the whole period from 2000 to 2015

1. Definitions

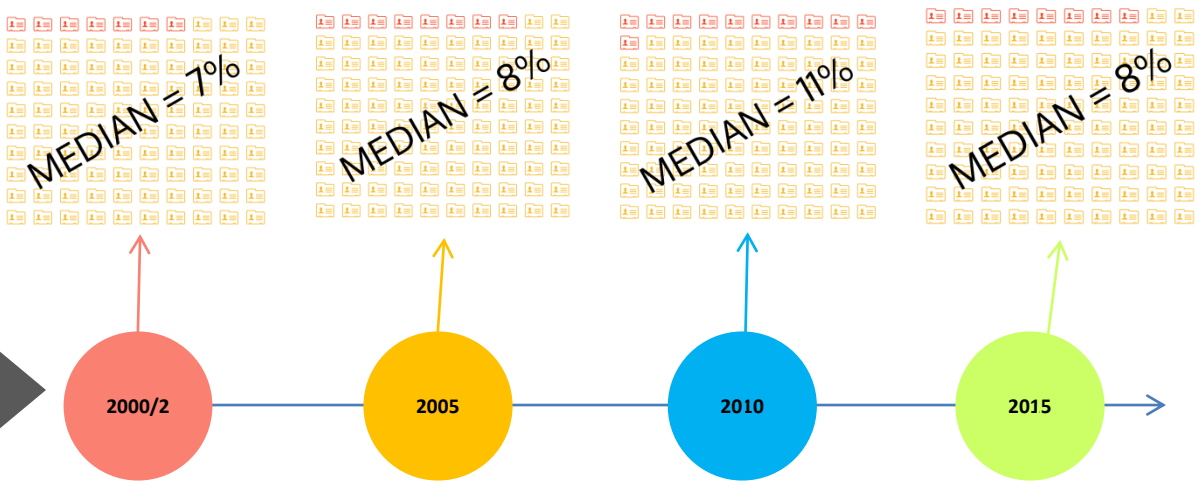
2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

3.3. Foreigners in prison (%)



Average:

2000=14%

2005=16%

2010=18%

2015=18%

NB: Median values are less sensitive to extreme values (e.g. in 2015 Poland = 0.7% and Luxembourg = 73.6%) and allow a more accurate time-analysis

1. Definitions

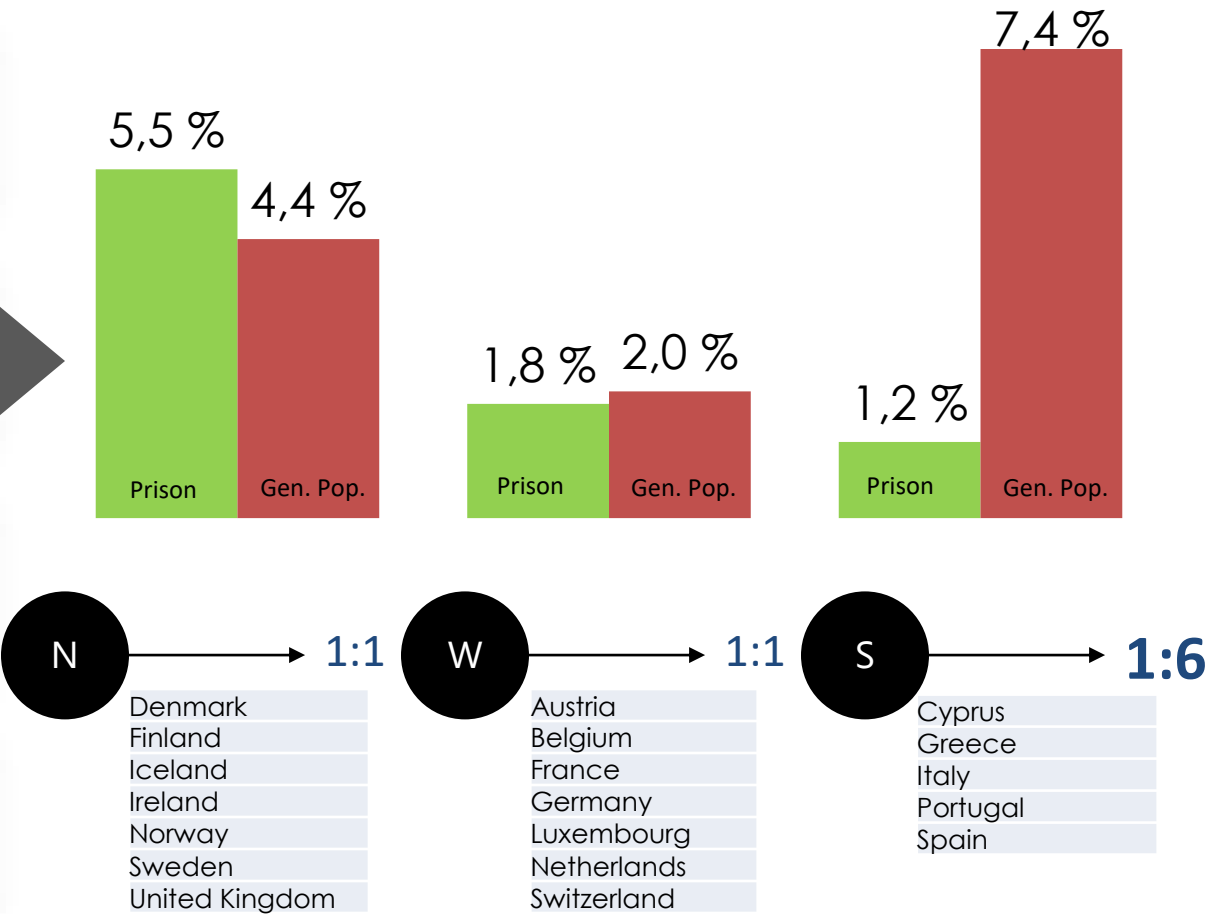
2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

3.4. Average annual variations between 2000 and 2015



1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

3.5. 'Internal' EU foreigners

38%

of all foreign inmates
are EU citizens (data
on 2015)

EU citizens are more and more numerous among foreign
prison population (between 2012 and 2015 **+2%**)

1. Definitions

2. Inside and outside...

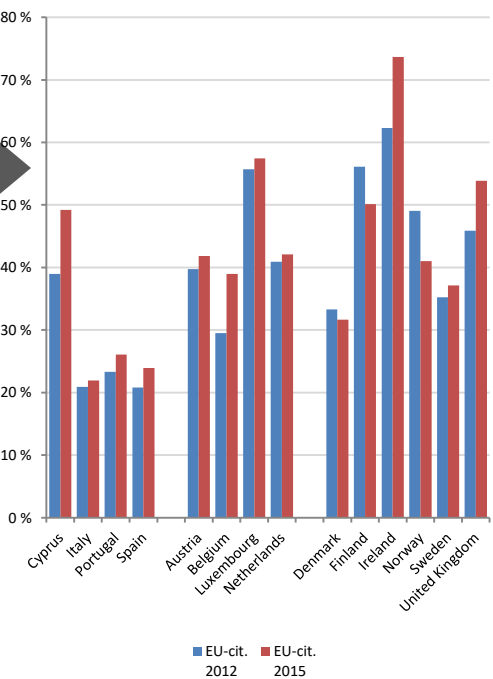
3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

3.6. EU movement...

Similarly to the general population, the main source of increase of foreigners in prison is **intra-European**



Source: <https://www.weforum.org/agenda/2016/08/these-4-maps-might-change-how-you-think-about-migration-in-europe/>

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

4. Swiss case: what for?

1. Definitions

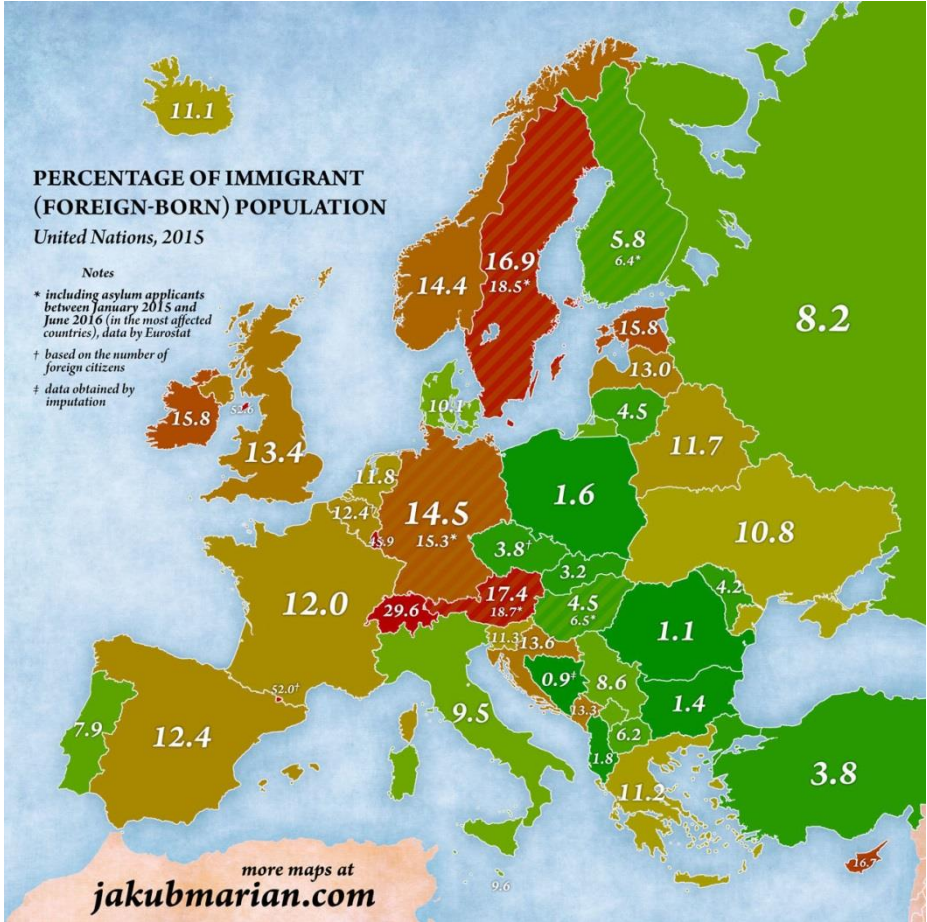
2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

4.1. Heavy issue of assimilation



Source: <https://www.weforum.org/agenda/2016/08/these-4-maps-might-change-how-you-think-about-migration-in-europe/>

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

4.2. Avoiding errors

A foreigner is not always a... stranger

- ✓ In Switzerland, the assimilation of the migratory balance is among the slowest compared to its neighbours.

Consequences:

1. Over-representation of living permits C (e.g. in 2014 = 1,266,772, which is **15.4%** of the total resident population)
2. **Wider and disproportionate exposure of foreigners**

Non-assimilation of foreign born immigrants	2011	2015
Switzerland	27.3%	29.6%
Austria	16.0%	17.4%
Germany	13.1%	14.5%
Italy	9.0%	9.5%

Sources: Swiss Federal Office of Statistics & United Nations

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

4.4. Practical challenges

28 February 2016: vote on the deportation of criminal foreigners (Yes = 41.1%; **No = 58.9%**). Yet...

...Persons sentenced to at least 1 year prison sentence may be automatically be expelled to their country of origin.

...Foreigners will be imposed longer prison sentences because of the lack of proper conditions under CSM and become potentially 'removable persons'.

Total foreign inmates concerned (FLOW stats)	Foreign residents (Permits B/C)	Asylum seekers (Permits N/F)	Temporary (Permits G/L)	Without authorisation	Unknown status
9 582	2 055	1 690	89	5 154	594

Source: Swiss Federal Office of Statistics : file su-f-19.03.03.09.35 (état au 30.06.2013)

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

5. Final remarks

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

General notes

1. Foreign inmates are overrepresented among prison population
2. The part of foreign inmates stopped growing during 5 last years
3. About 40% of foreigners in prison are EU-citizens...

...but how many are under the regime of FD?

4. Countries with very high IHDI remain the most attractive for foreigners. Nevertheless...

1. Crime-related vs Economic migration are not obviously identifiable
2. Integrative policies do have an impact

1. Definitions

2. Inside and outside...

3. Evolution 2000-2015

4. Swiss case: what for?

5. Final remarks

Open issues...

1. Framework decisions 2008/909/JHA, 2008/947/JHA and 2009/829/JHA:
 - Are they fully applicable and for which countries?
2. Local and temporary features:
 - What should be done for impossible expelling cases?
3. Impact of research on practice:
 - Strategical and evidence-based practices are already applied across Europe?

Thank you for your attention!



Can I
answer
your
questions?



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2. SPACE team