

Challenges regarding foreign nationals in the Belgian prison population

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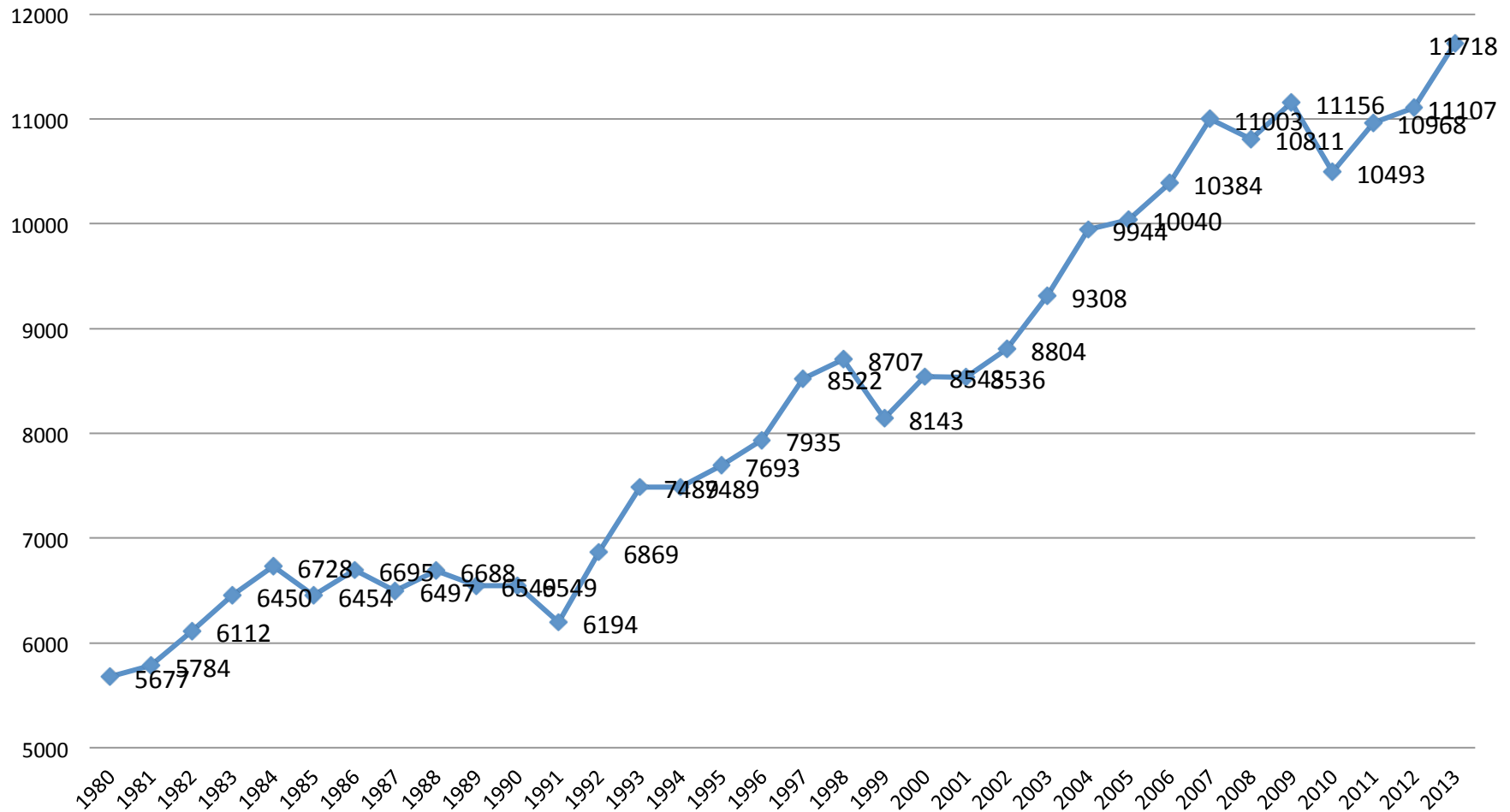
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«Managing» the size of the prison population?

- Who decides?
 - **Front door** mechanisms → judges
 - Remand custody : length and incarcerations
 - Incarcerations, sentence length
 - **Back door** mechanisms → judges and PA
 - Electronic monitoring (PA and SIC)
 - Early release (PA and SIC)
- Prison administration can only 'manage' at the back door

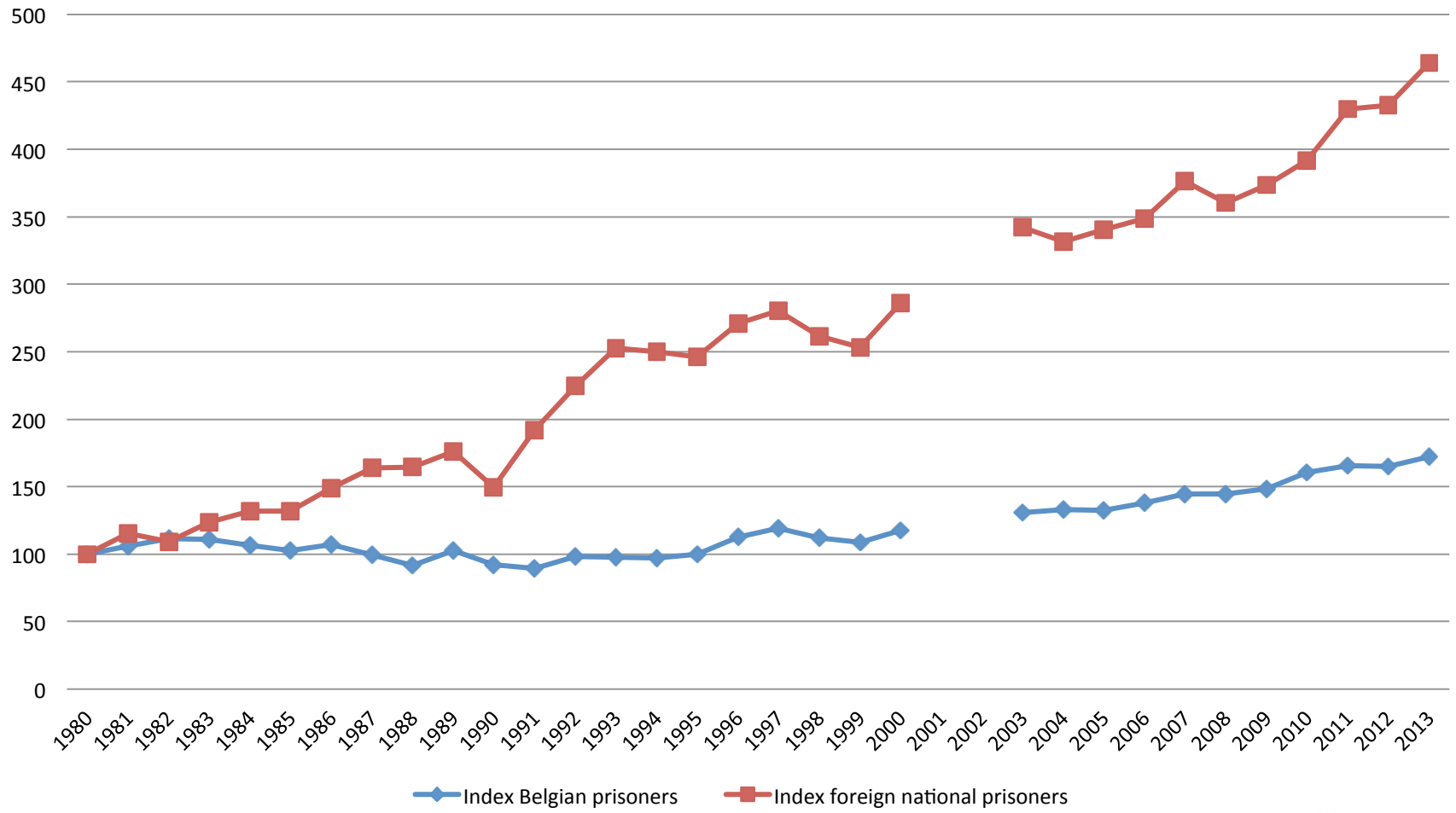
'Belgian' Prison Population: 1980-2013



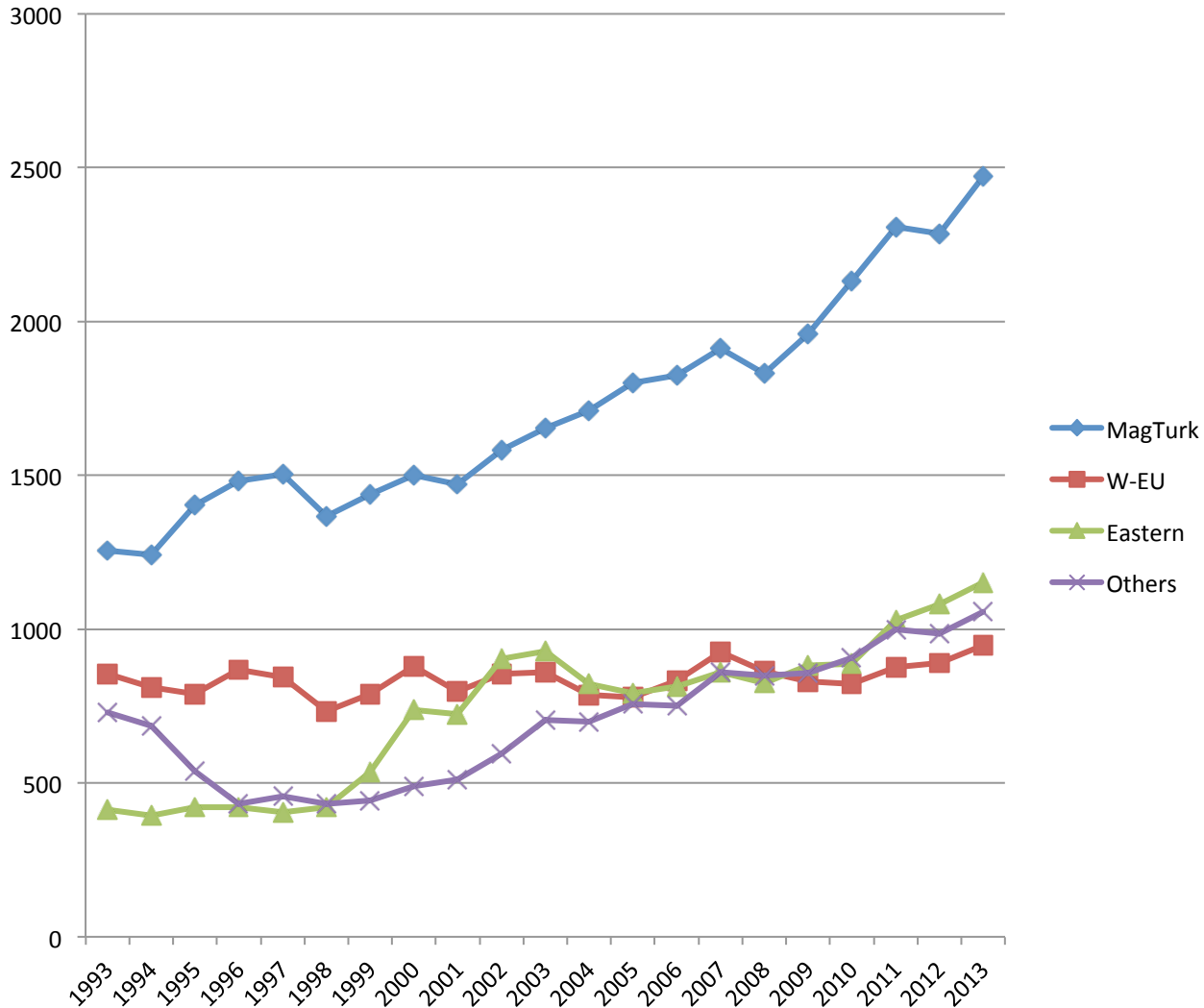
Foreign nationals in prison population (SPACE, 2011)

- Greece: 63,2%
- Austria: 45,9%
- **Belgium: 42%**
- Italy: 36%
- Spain: 33,6%
- Norway: 30,5%
- Sweden: 27,6%
- Germany: 27,1%
- Denmark: 21,2%
- Netherlands: 20,8%
- France: 17,2%
- Finland: 14,3%
- England and Wales: 12,6%

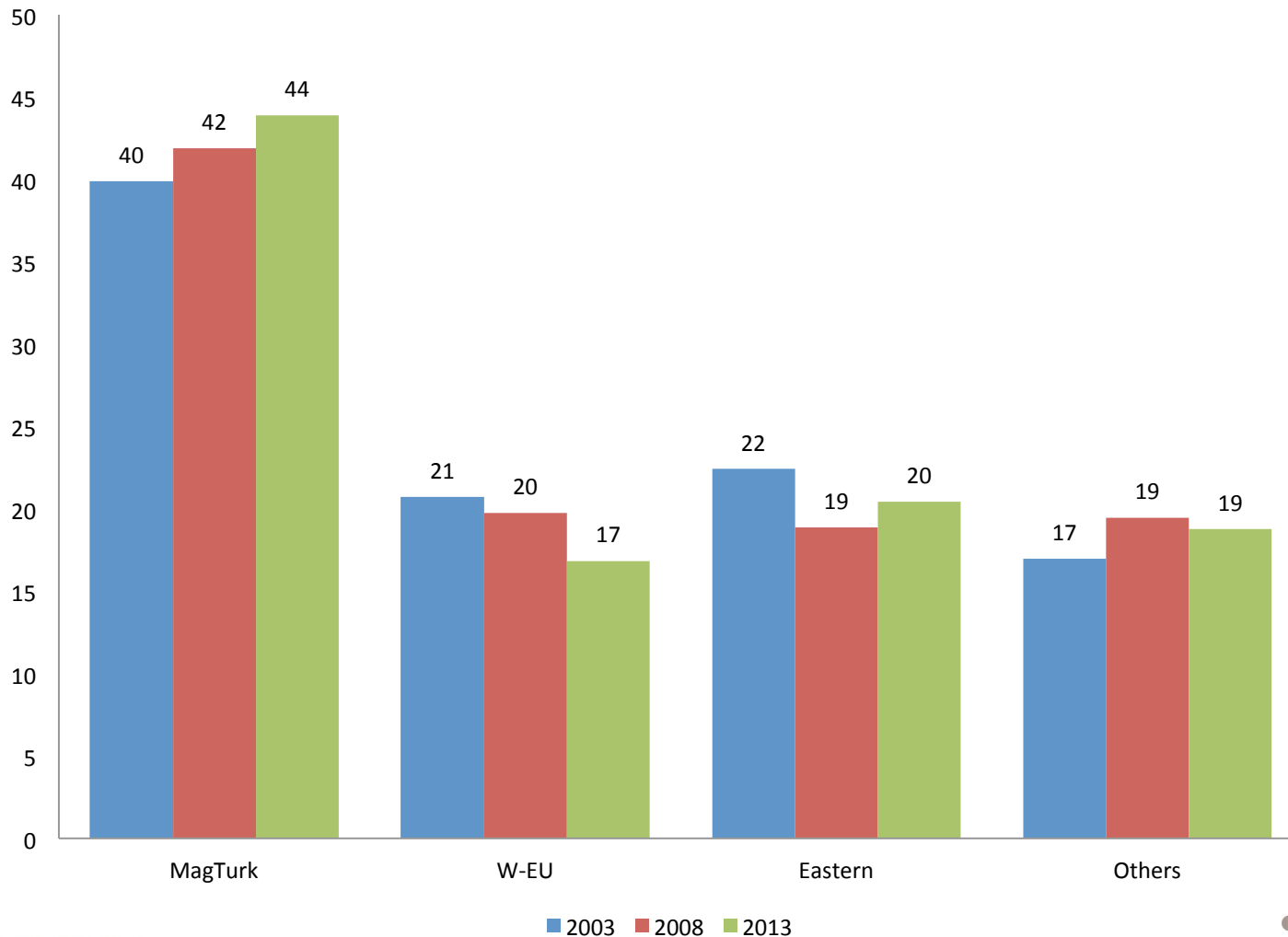
Belgian and foreign national prisoners: indexes 1980 - 2013



Foreign nationals (N) : 1993 – 2013

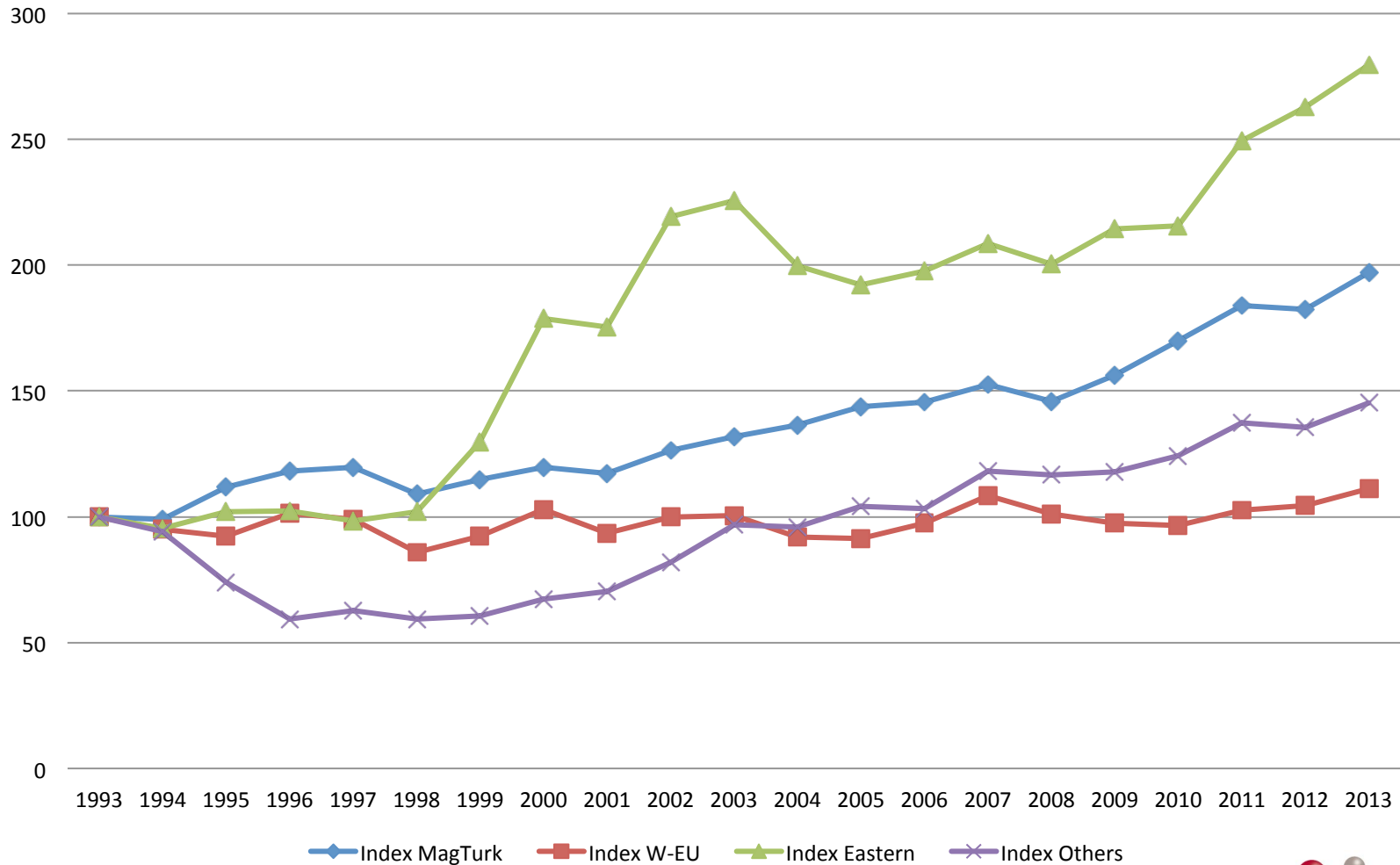


Nationalities (%) within foreign nationals: 1993 – 2003 – 2013



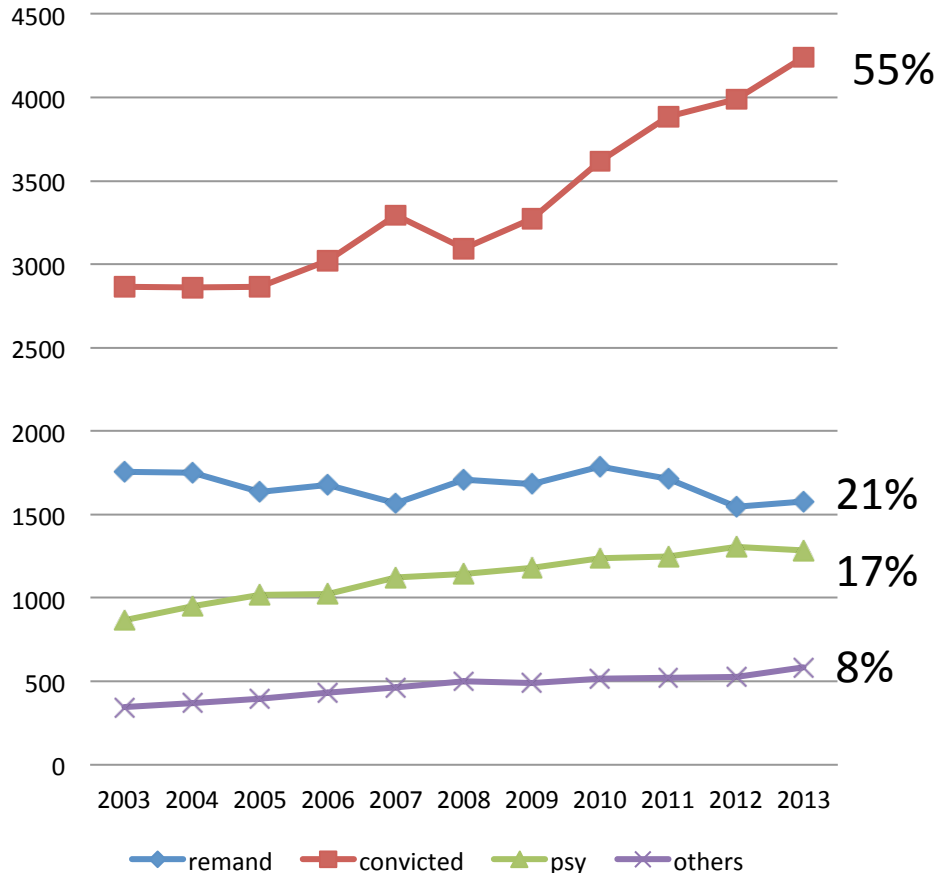
De Ridder & Beyens (2013)

Foreign nationals : Indexes 1993 – 2013

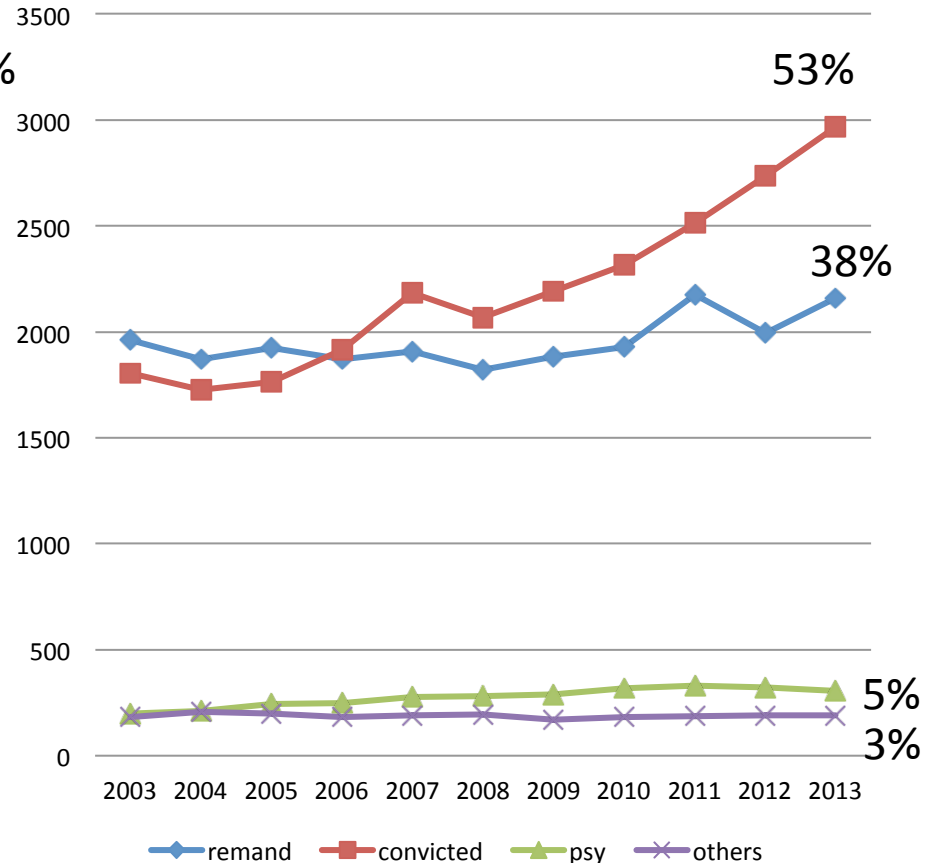


Detention title (N): 2003 - 2013

Belgians

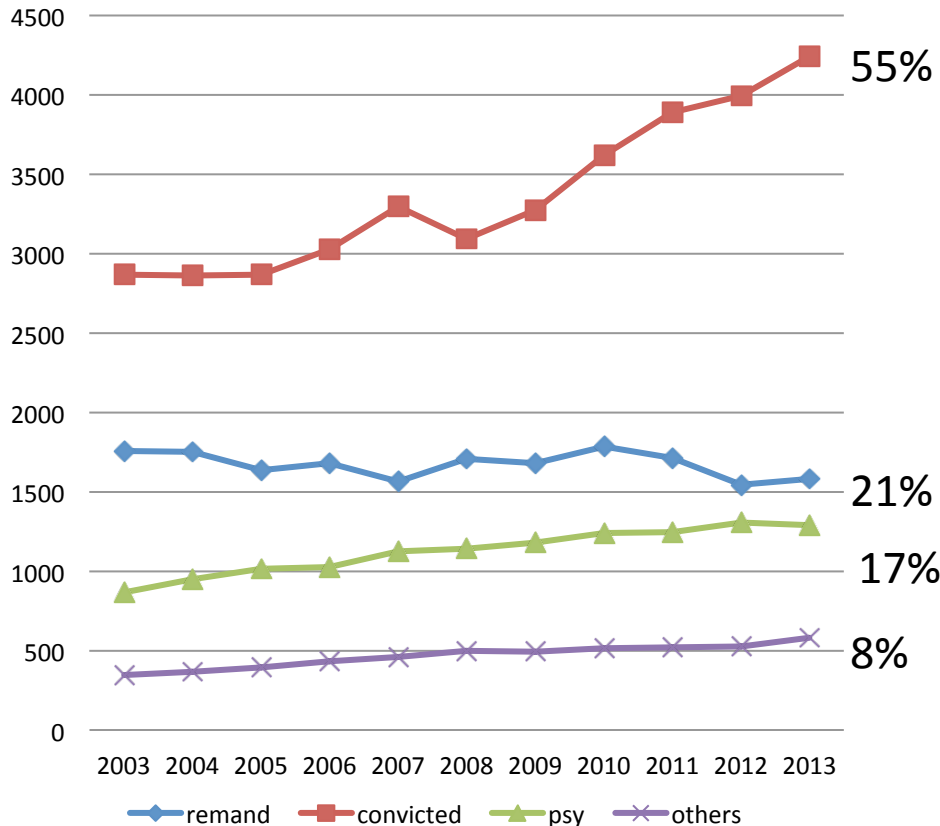


Foreign nationals

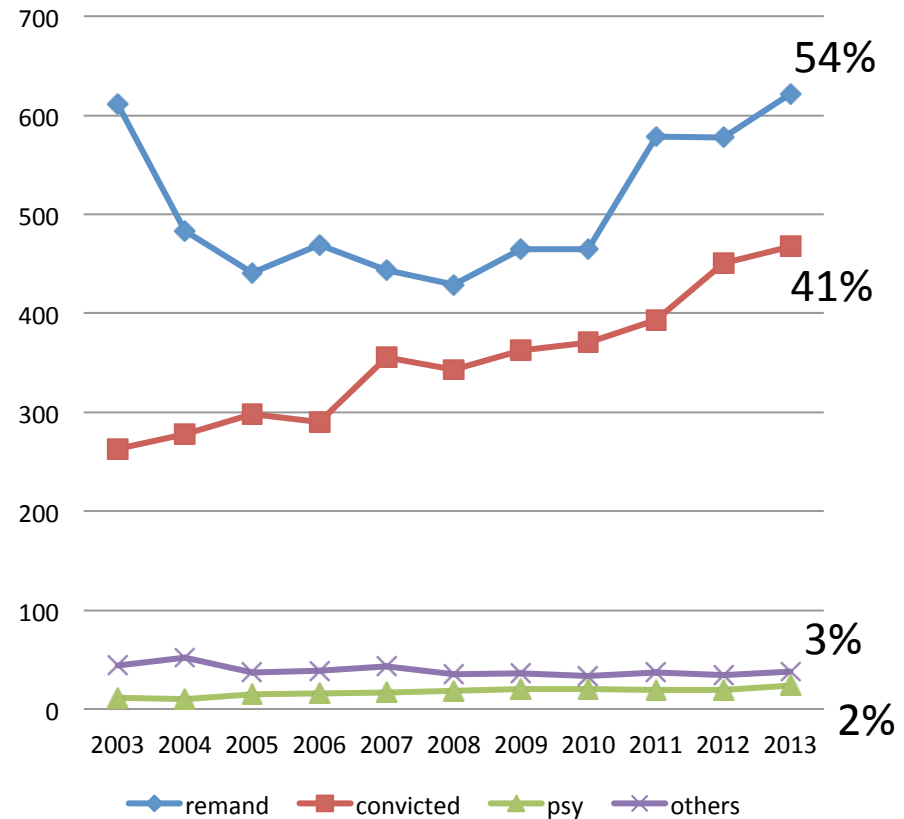


Detention title (N): 2003 - 2013

Belgians



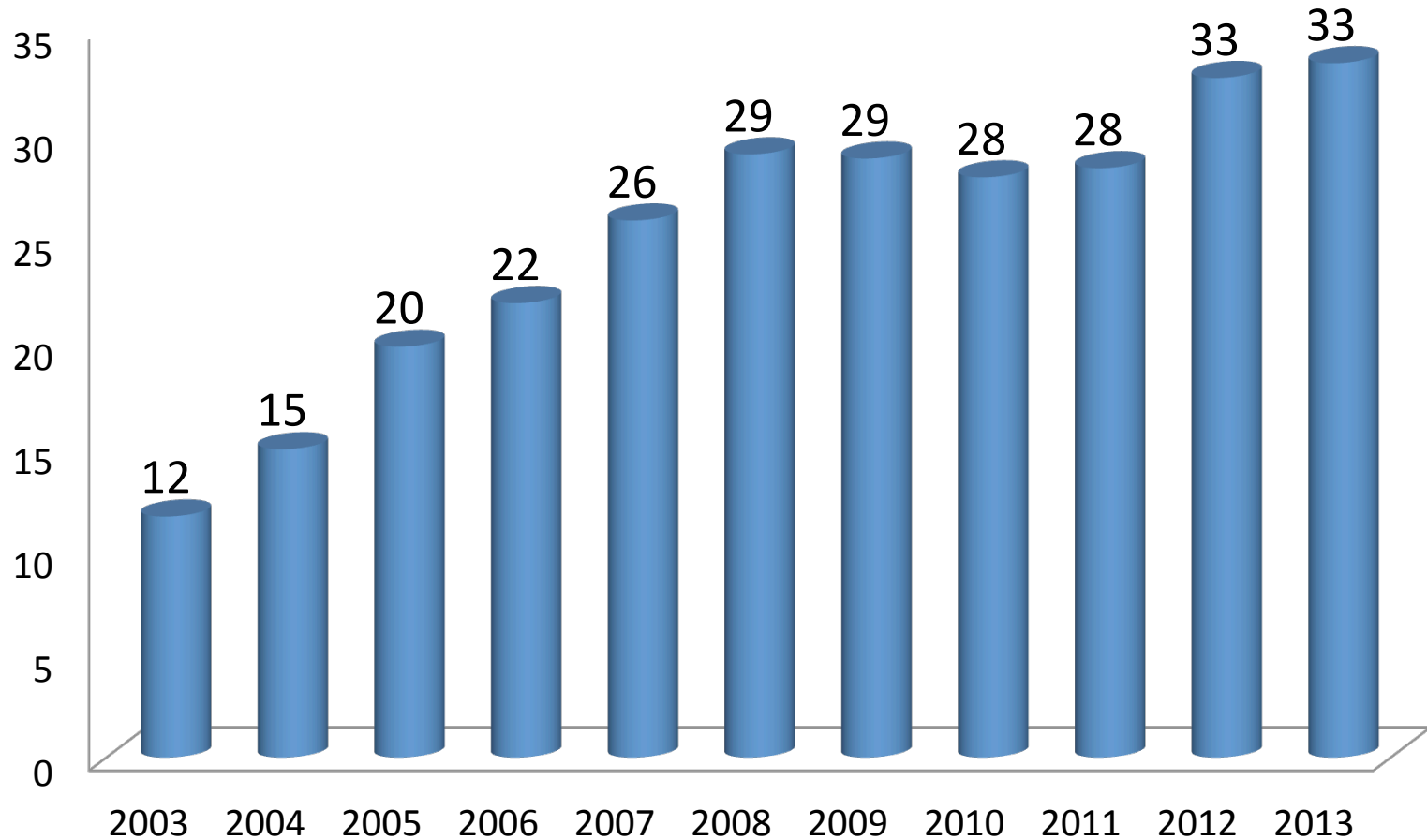
Eastern countries



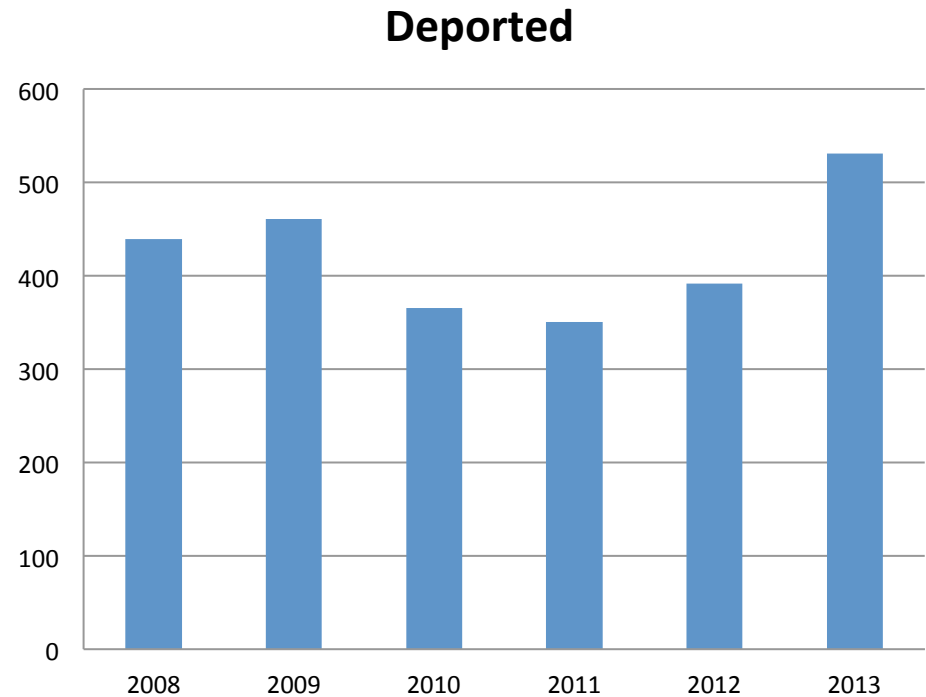
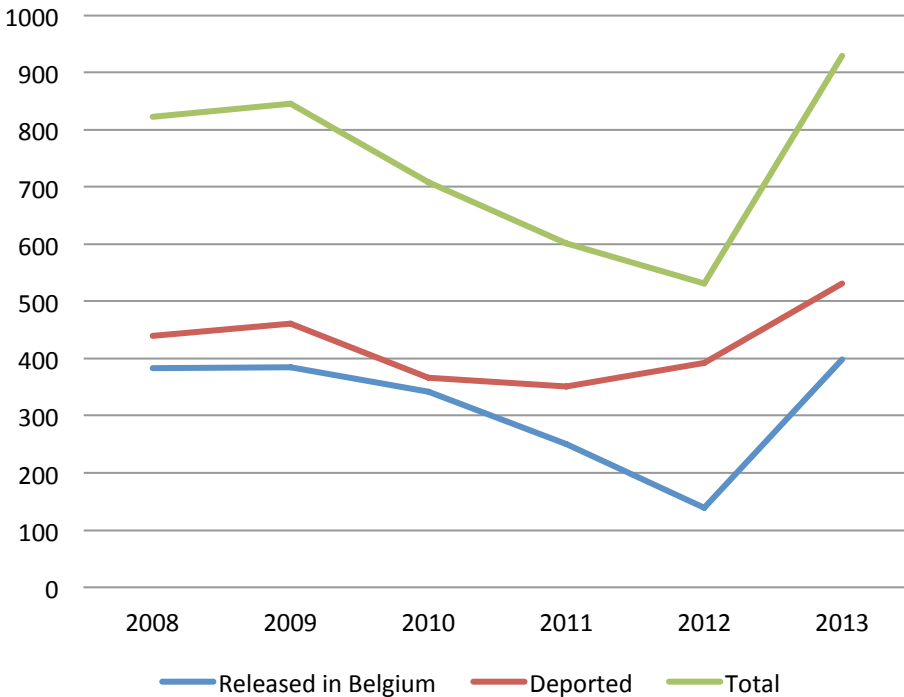
Conceptualizing the foreign prison population

- Distinction based on **nationality**
 - Foreigners, foreign nationals, non-nationals
 - ! Naturalisations
- ➔ **Foreign national** prisoners: all persons *without the nationality* of the state in which they are detained
- Distinction based **on residence permit**
 - Irregular, undocumented, illegal, clandestine migrants
 - ! Dynamic category
- ➔ **Undocumented** prisoners: all persons *without residence permit* in the state in which they are detained

% undocumented among foreign national prisoners 2003 – 2013



Expulsion of undocumented prisoners: 2008-2013



➔ 2008 - 2013: between 35% and 50% is **NOT** expelled after serving their prison sentence but is released in Belgium

Detention experience of undocumented prisoners

- Language barriers
- Mostly excluded of rehabilitative activities *in prison*
 - Reintegration as a legal aim of detention for all prisoners (Act of 2005)
- Work and earning money only in prison

→ Recommendation CM/Rec(2012)12 of the Committee of Ministers to member States concerning foreign prisoners

- Excluded from prison leave (in view of reintegration)
- Early release procedure *in view of expulsion*
 - Uncertainty about their (geographical) future
 - No psychosocial guidance with regard to return to the home country
 - ! Belgian Migration administration as additional actor

→ 'Release' rather than 'reintegration'

Conclusion

- Who is going to manage?
 - Which (of the competing) visions is going to determinate the construction of the prison population?
- What is going to be managed?
 - Numbers, rights, reintegration, experience
 - Which policy will be implemented for (unexpelled) irregular migrants in the future?
 - Recidivism as one of the most crucial factors in the creation of prison overcrowding