

SPEECH BY GERHARD PLOEG, NORWAY, WORKSHOP 2

SLIDE 1

Good afternoon ladies and gentlemen,

What we learn here today is that many countries experience the same type of problems and search for similar solutions. So it is inevitable that there will be some repetition of points being made and I will not be an exception there, I fear. I will try to focus on the reintegration aspect here.

As most of you will know, Norway is a country with a high per capita income and a well-developed welfare system, and this is reflected in the way we have arranged our correctional services. The approach is based on the idea that a prison is a social institution in much the same way as a hospital or a school - it is part of the community, and people are there for an - often short - period of time to make up for something they have done wrong by having their freedom of movement restricted. All other civil and social rights remain in place. We take the principle of normality very seriously.

SLIDE 2

Part of this principle is the so-called reintegration guarantee that was introduced by the current government, which entails that we will work towards a situation where everyone who has served their sentence will have an opportunity to be employed, receive education, have a form of income, a decent roof over their head, health services etc. It is the state that punishes, and then the state also will also have a responsibility for the punishment to end, and to see that those who have done their penitence will not suffer any further consequences afterwards. In practice, there is of course the important aim to prevent them from returning to a situation that may have contributed to committing the offence in the first place, thus reducing the risk of re-offending. The most recent study showed an overall recidivism rate of 20 % after two years.

Such services are imported into the correctional system from providers in the community, and start at a relatively long time before release. In this way, contacts will already have been established and there is a better continuity in the release process. It will also create more involvement by the community in the prison system and hopefully reduce fear, demonising and stigmatisation. In addition, there are financial advantages to this solution for the correctional services.

This is the situation for all prisoners who will be released into Norwegian society after having served their sentence, also those who are foreign citizens and have the permits needed to stay in the country and who will not be expelled. They qualify for reintegration and planning of their future. For others, the situation is different, since they will not be able to make use of services in Norway after release.

SLIDE 3

The total number of foreign nationals in Norwegian prisons has risen sharply in the last couple of years. As you can see, the increase started around 2007, after a number of new states joined the Schengen agreement, which Norway has been a part of since 2001.

SLIDE 4

Looking somewhat closer at the numbers, we can see that the total share of foreign nationals is now at 1/3 and the absolute number has doubled between 2006 and 2009. Since then it has been relatively stable. The effect is most clearly seen in the case of pre-trial detention, where more than half of the new admissions consist of foreign nationals now. In 2011, inmates from 114 different countries were registered, especially in the Oslo area, and the influence from Eastern European countries is clearly visible. There are many property-related offences leading to relatively short sentences. These figures include all types of foreigners who have committed an offence in Norway: tourists, smugglers, those who came to find work or as refugees but ended up offending, those who travelled to Norway with the intention to commit a crime, organised crime, etc.

SLIDE 5

Of course this development has created a number of challenges, even independent of the inmate's status or chances of being expelled. The obvious ones, which have already been mentioned many times during this conference, are language, and possibilities for visits from friends and relatives, as well as everyday issues about food and activities related to religion. Language remains the biggest and most acute problem with the amount of different nationalities in places like Oslo prison. We are working on a solution through developing a pool of interpreters, but this task can hardly be said to be near its completion. Especially those who have not yet received a decision on their status need to be kept updated in detail, and translating such information clearly and correctly is of the highest importance. In addition, problems like these may lead to feelings of alienation and displacement with a possible risk of radicalisation, of developing mental health problems, or both.

It has been underlined several times that contact with the outside world is important. Mr. Rentzmann mentioned Skype as a possibility to communicate. This may well be a suitable solution, but we are also keen on hearing the results of the DUTT-project on technological facilities for the resettlement of offenders at the final conference in Amsterdam in January.

An important issue - and one that causes difficulties in everyday life in prison - is that of prison culture. The Norwegian system, based on civil rights, a high staff-inmate ratio, an individual approach and normality may

be quite different from the inmate's prison experience in his home country. There is a clear risk that it will be more problematic for the prison officer to exercise his or her authority under such circumstances and we are at the moment investigating what kind of practices may be relevant here in order to deal with this issue.

SLIDE 6

In principle there are two main groups of prisoners, you might say in some way regardless of nationality: those who will be expelled and those who will remain in the country. The second group will be treated wherever possible in the same way as Norwegian citizens, since they will return to the same community with roughly the same set of rights. The problems they might have will be managed like those of their Norwegian colleagues.

Among those who will be expelled, there is a further subdivision possible into those who are transferred back before finishing their sentence, those who will be sent back after serving it and non-returnable offenders.

Norway has put great effort in realising a system of transfer of sentences. Foreign nationals are returned to their home country to serve their sentence there, so as to enable their reintegration and the building or maintenance of their social networks while at the same time costs are reduced and capacity is freed in Norway.

SLIDE 7

Until this day, all transferred sentences have been carried out under the Council of Europe Convention on the Transfer of Sentenced Persons from 1983. So far this year, 40 foreign sentenced prisoners have been transferred to their home countries. Most of them went back to Lithuania (14) and The Netherlands (12). Of all 40, 22 have been transferred on a voluntary basis and 18 against their will.

Last year showed similar results. The transfers in 2011 amounted to 35,000 prison days, comparable to 95 prison cells during the year, about 2,5 % of the total capacity. One in every 40 cells could thus be added to the available cell-space.

We have until now reached bilateral agreements with Latvia, Romania and Lithuania, although the latter is not yet in force. The bilateral agreements with Romania and Latvia came into force last spring. So far, no prisoners have been transferred under these agreements, but 5 cases have been sent to Romania for further procedure. Norway is not (yet) part of Framework Decision 909. The same goes for FD 947 and FD 829 for transfer of sentences that do not include detention.

Those awaiting expulsion, either during or after serving their sentence, tend to be placed in several prisons, mixed with those who will remain in Norway. We consider this an unfortunate situation. Much competency regarding

language, culture, religion, asylum legislation or expulsion procedures etc. is spread out over the country and therefore difficult to access where needed. In order to streamline the expulsion process and make best use of available competence, we have decided to try out a special prison for foreign nationals with an expulsion measure hanging over them. Following Tinka's recommendation, maybe we should think about what we will call it.

SLIDE 8

The prison in Kongsvinger, close to Oslo international airport Gardermoen, will have a capacity of 100 cells and half the capacity will be under a lower-security regime. It will be used to place foreign nationals who are to be expelled, both sentenced and on remand. The officers who will work there will be selected and trained in specific competencies pertaining work with foreign inmates as to language, culture etc., and dealing with the concerns of people who know they will be sent out of the country. It will also give us an opportunity to manage the problem with the lack of interpreters in a more efficient way.

All sentenced prisoners in Norway have a duty to be active during the day, and the Correctional services therefore have a duty to provide activities, also when they cannot be directly aimed at reintegration in Norwegian society.

Providing the right contents is therefore the greatest challenge. We intend to concentrate on transferable skills, skills that you can use more or less independent of which country you will return to. Educational activities are undertaken in co-operation with the local secondary school, in line with the aforementioned import-model. Examples are the English language, basic skills like reading, writing, arithmetic, IT, and crafts like car mechanics, carpentry or welding. Other topics and skills receiving attention on a daily basis may include cooking, maintenance work or health and hygiene. In addition, there will be room for matters like physical activity, music and art. All these activities, as well as the daily work inside the prison, are organised in such a way as to contribute to reintegration after transfer. The inmates will work during the daytime and receive the same per diem as their counterparts who remain in the country. Services like medical and dental care, library, religious activity etc. will be facilitated in line with the specific needs that may arise.

A capacity of 100 is less than the size of the target group, so there will be a selective moment at some point. We have a rule saying that when transferring people from one prison to another, the receiving prison will have to agree. This will provide a safeguard to what you might call "dumping" of "difficult" prisoners from other places, but at the same time we will need to prevent "cherry-picking" by the unit itself.

The construction chosen here adheres in our view to all the elements in the Draft Recommendation, and we intend to have it evaluated both internally and externally. We hope and expect that the concentration of specific

competencies will lead to a more effective way of dealing with foreign nationals and increase the quality of the sentence for the offenders themselves.

SLIDE 9

Finally, there are the non-returnable prisoners, who cannot be transported back to their home country for various reasons, for example because they may be expected to be persecuted, tortured or even killed. They present a problem that is practically unsolvable, and goes beyond the scope of corrections. The dilemma is that you will have to treat them as people who will be expelled while they probably will return to Norwegian society, although with a reduced set of rights.

SLIDE 10

Like we heard from Mr Wilkinson this morning, Norway too is contributing to the development of prison and probation services in countries from which we have a relatively large number of prisoners. We are trying to work towards the best possible solution for the reintegration of foreign prisoners, but there is always room for improvement - especially concerning contact between countries in relation to the reintegration process. On the other hand, we have to be honest and say that there are limits to the length the country where the offence has been committed should go in the reintegration process. We can do our best to create positive conditions, but in the end it is the responsibility of the home country, and Nicolet Faber gave some excellent examples of how to do that earlier this afternoon. The organisation of such a system will create the reciprocity that is necessary for a successful re-entry.

SLIDE 11

Thank you for your attention.