

Contact with the outside world: perspectives on family life from Norwegian and Spanish prisons

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Abstract

Family is a universal network of support for the individual. In prison, the need for maintaining links with their relatives and friends becomes even greater than it was before, given the particular circumstances of isolation and social uprooting that prisoners can face in their new environment. Prison laws are the main instrument used by governments in order to tackle this need. By recognizing prisoner rights such as to receive visits, to send and receive mail or to make phone calls, they are effectively recognizing the need to regularize the fulfillment of the necessity of contact with the outside world, and to protect certain legal values, in particular the rehabilitative aim of punishment. Different countries take different approaches in their laws regulating this matter. This paper will focus on the actions taken by Norway and Spain in regard to the regulation of contact with the outside world, and in particular family life of prisoners. By focusing on these countries, I intend to show how two countries with very different political and socioeconomic backgrounds protect similar legal values through their prison laws, but obtain different results in practice and how these contrasting results may be linked to the impact of their different backgrounds on their prison policies.

Resumen

La familia es una red universal de apoyo para el individuo. En prisión, la necesidad de mantener vínculos con familiares y amigos es incluso mayor que antes de ingresar, dadas las particulares circunstancias de aislamiento y desarraigo a las que los penados se pueden enfrentar en este nuevo entorno. La legislación penitenciaria es el principal instrumento utilizado por los gobiernos a la hora de dar respuesta a esta necesidad. Con el reconocimiento de derechos penitenciarios tales como el derecho a recibir visitas, a enviar y recibir correo o a hacer llamadas telefónicas, están reconociendo de forma efectiva la necesidad de regularizar la satisfacción de la necesidad de mantener un contacto con el mundo exterior, y de proteger ciertos valores legales, en particular el fin de rehabilitación inherente a la pena. Diferentes países toman diferentes enfoques en sus leyes reguladoras de esta materia. Este artículo se centra en las acciones tomadas por Noruega y España en cuanto a la regulación del contacto con el mundo exterior, y en particular la vida familiar de los penados. Centrándome en estos países, pretendo mostrar como dos países con diferentes perfiles políticos y socioeconómicos protegen similares valores legales a través de su derecho penitenciario, pero obtienen distintos resultados en la práctica y como esos resultados contrastantes pueden enlazarse con el impacto de sus diferentes bagajes en sus políticas penitenciarias.

1. Introduction

Family is a universal network of structure and support for the individual.¹⁶³ In prison, the individual need for maintaining links with the outside world and in particular with family is still prevalent. In fact, it has been found that the need for stability in family bonds becomes greater than it was outside of prison.¹⁶⁴ Stable family bonds can help with the better adjustment of the prisoner when in prisoner and contribute to his reintegration after serving his sentence.¹⁶⁵

The imprisonment of an offender does not only impact his own life, but also the lives of those closest to him. When a parent is incarcerated, his or her absence during the raising of a child can have negative effects on its development.¹⁶⁶

Many countries have taken into account the importance of maintaining contact with the outside world and a stable family life whilst in prison in their prison laws, some of them through the implementation of international rules such as those enacted by the United Nations on the matter, and others independently, by introducing a more human centric penitentiary system.¹⁶⁷

Visitation rights, oral and written communications are rights in most European jurisdiction with the objective of preserving an adequate interaction between inmates and the outside world during the time they are in prison. Two different countries have been selected in order to examine what their penitentiary institutions are currently doing to facilitate the maintenance of family bonds of prisoners: Norway and Spain. The selection was made on the basis of their contrasting political and socioeconomic backgrounds, as well as their different criminal justice systems and approaches to prison life. What do the Norwegian and the Spanish governments do in order to maintain family bonds in prison and why?

In the following section, an analysis of Norwegian prison law, the reality of prison life in Norway and a prison example (*Halden fengsel*) is carried out, the same is done with Spain in the subsequent section, the following one focuses on the comparison between both prison systems and is followed by a conclusion, which aims to answer the research question in the article by drawing on all previous findings.

¹⁶³ Pramodita Sharma and S. Manikutty, Strategic Divestments in Family Firms: Role of Family Structure and Community Culture (2005) *Entrepreneurship Theory and Practice*, 29(3), 293-311

¹⁶⁴ Elizabeth I. Johnson and Jane Waldfogel, Parental Incarceration: Recent Trends and Implications for Child Welfare (2002) *Social Science Review*, 76(3), 460-479

¹⁶⁵ Meghan M. Mitchel, Kallee Spooner, Di Jia and Yan Zhang, The effect of prison visitation on reentry success: a meta-analysis (2016) *Journal of Criminal Justice*, 47, 74-83

¹⁶⁶ Johnson and Waldfogel (n 2)

¹⁶⁷ Mitchel et al. (n 3)

2. Norway

According to the Directorate of the Norwegian Correctional Service, prison should be a restriction of liberty, but nothing more.¹⁶⁸ Under the principle of “normalisation”, inmates should serve their sentences in as normal conditions as possible and no inmate in Norway will serve their sentence under stricter circumstances than necessary for the security of the community.

2.1. Norwegian prison law

The Norwegian prison system is regulated by the Execution of Sentences Act, which came into force in 2002.

2.1.1. Written communication

Prisoners have the right to send and receive mail. The Correctional Services will monitor mail transmission to and from inmates in high security departments.¹⁶⁹ Control may be omitted if security reasons do not advise against it. Mail to and from prisoners in lower security departments shall be controlled if it appears necessary for security reasons. In these cases, the inmate will have to use a language that the staff understands in his correspondence.¹⁷⁰

Inmates may be given permission to engage in electronic communication with text, sound and image if security reasons do not speak against it.¹⁷¹

2.1.2. Visitation rights

Prisoners are entitled to receive visits.¹⁷² The Norwegian Correctional Services will monitor visits in high security departments. In these cases, visitors will be previously checked for criminal records. This control may be omitted if there are no security concerns. Visits in lower security departments shall be controlled if it appears necessary for security reasons.¹⁷³ If safety reasons make it necessary to overhear the conversation, prisoners and visitors will have to talk in a language that the staff understands.¹⁷⁴

The Norwegian Correctional Services may refuse visits if there is reason to believe that they will be misused. If the visit is of great significance for the inmate, and control is sufficient to

¹⁶⁸ Kriminalomsorgen, ‘About the Norwegian Correctional Service’ (2016) <<http://www.kriminalomsorgen.no/information-in-english.265199.no.html>> accessed 22 December 2016

¹⁶⁹ Execution of Sentences Act 2001, s 30(2)

¹⁷⁰ Ibid, s 30(3)

¹⁷¹ Ibid, s 30(7)

¹⁷² Ibid, s 31(1)

¹⁷³ Ibid, s 31(2)

¹⁷⁴ Ibid, s 31(3)

avert the risk of misuse, it shall be controlled and not denied.¹⁷⁵ Visits shall be conducted in specific visiting rooms.¹⁷⁶

2.1.3. Phone calls

Inmates have the right to make phone calls unless otherwise provided by the Law.¹⁷⁷ The conversation may be monitored if it appears necessary for security reasons. In the case of prisoners in high security departments, control may be omitted if security reasons do not speak against it.¹⁷⁸

The conversation can be monitored without prior notification. The parties may be required to lead the conversation in a language that the staff understands. Examination of the caller's identity may be made during the call.¹⁷⁹ Phone calls can be recorded on tape without warning if it is likely that inmates plan to evade execution.¹⁸⁰

2.2. Contact with the outside world: the reality

In Norway, most domestic visits tend to be private individual visits (Children of Prisoners Europe, 2014).¹⁸¹ Both conjugal and family visits are allowed. It is not considered suitable for children to be in prison. Some mothers may serve part of their sentence in special "mother and child houses". These institutions are run by other organizations and are not exclusive to offenders.

The pressure on the correctional system has been increased over the past years by the growing number of foreign nationals in Norwegian prisons. Designing visiting facilities and rehabilitation measures for offenders who will be deported to their home country after serving their sentence can be particularly complicated.¹⁸² Use of prison facilities destined for receiving extended family visits, such as special flats, is usually subject to the fulfilling of certain conditions, for example having taken parental guidance courses. These courses are sometimes offered only in Norwegian. This fact has been found to pose a challenge to foreign inmates.¹⁸³

2.3. Prison example: *Halden fengsel*

¹⁷⁵ Ibid, s 31(4)

¹⁷⁶ Ibid, s 31(7)

¹⁷⁷ Ibid, s 32(1)

¹⁷⁸ Ibid, s 32(2)

¹⁷⁹ Ibid, s 32(3)

¹⁸⁰ Ibid, s 32(5)

¹⁸¹ Children of Prisoners Europe, *Children of Imprisoned Parents: European Perspectives on Good Practice*, 2nd edition (2014).

¹⁸² Kriminalomsorgen, 'About the Norwegian Correctional Service' (2016) <<http://www.kriminalomsorgen.no/information-in-english.265199.no.html>> accessed 22 December 2016

¹⁸³ Lorraine Atkinson, Sex in Prison, *Criminal Law and Justice Weekly*. Retrieved from <https://www.criminallawandjustice.co.uk/comment/Sex-Prison> on 21 December 2016

Halden is a high-security penitentiary institution. Founded in 2010, it has been repeatedly referred to as “the world’s most humane high-security prison”¹⁸⁴ by the media.¹⁸⁵ Prisoners can receive two visits a week. Their children under 16 years old must be accompanied by an adult during the visit. Children between 16 and 18 years old can visit their fathers without being accompanied as long as they do not have a criminal record. Consent from the child’s closest relatives is required before visits are allowed. All inmates can call for twenty minutes per week. Inmates with children can apply for an extra 10 minutes per week. Foreign speaking inmates can apply to speak in their mother tongue on the phone.¹⁸⁶

Halden is wholly focused on preparing inmates for a life in freedom. Prisoners receive aid in sorting out housing and employment before leaving the prison through the Service Centre. The Service Centre at Halden intends to motivate prisoners to make contact with the various similar services available outside prison. The Service Centre operates programs on parental guidance, ‘Dad in jail’ and stress control.¹⁸⁷ The idea is to provide inmates with children an opportunity to maintain and develop their family relationships by participating in activities together, under the direction of the prison. Participating in “Dad in jail” is one of the criteria to use the chalet-style house for private visits available in prison.

2.4. Concluding remarks

Norwegian Correctional Services make efforts to ensure that the level of contact with the outside world of prisoners is as similar as possible as how it would be if they were in freedom. This may be related to the key position of the principle of normalization in the Norwegian prison system.

On another note, it has been found that foreign prisoners face particular challenges, for example in instances where formation which is required to access visit privileges is only provided in Norwegian or when they have to conduct calls and visits in a language that the staff understands due to security reasons. This barrier to the exercise of certain prison rights becomes a particularly pressing issue when taking into account that foreign inmates currently constitute over a third (33’8 %) of the Norwegian prisons’ population.

3. Spain

¹⁸⁴ William Lee Adams. ‘Norway builds the world’s most humane prison’ *Time* (10th May 2010)

¹⁸⁵ Casey Tolan. ‘Inside the most humane prison in the world, where inmates have flatscreen TVs and cells are like dorms’. *Time* (14th September 2016).

¹⁸⁶ Kriminalomsorgen. *Besøkke Innsatte* Retrieved from <https://haldenfengsel.no/besoke-innsatte/> on 21 December 2016

¹⁸⁷ Kriminalomsorgen. *Halden Fengsel* Retrieved from <http://www.kriminalomsorgen.no/halden-fengsel.5024512-242495.html> on 21 December 2016

Communications between prisoners and the outside world will be subject to arrangements in order to ensure maximum respect to intimacy, without any restrictions other than those needed to preserve safety, effectiveness in the treatment and order within the prison.¹⁸⁸

3.1. Spanish prison law

The General Prison Law of 1976 and the Penitentiary Regulations of 1996 establish the rules regulating the Spanish prison system.

3.1.1. Written communication

There are no limits to the number of letters or written messages an inmate can send or receive. In exceptional cases where the safety or the order of the penitentiary institution comes into play, the number can be limited to two communications per week.¹⁸⁹

When a letter or message is confiscated based on safety reasons, the decision will be notified both to the affected inmate and to the relevant judicial authority.¹⁹⁰

3.1.2. Phone calls

Telephonic communication can be authorized when the prisoner's family lives far away from the institution or when they cannot travel to visit him, or when the inmate has to communicate an important message.¹⁹¹ Phone calls will have a frequency of five per week, as long as the circumstances of the institution allow for it. A prison worker will be present throughout the length of the phone call, which cannot exceed five minutes.¹⁹² Inmates have to pay for their phone calls, unless they are calling their family to inform them of their entry to prison or their transfer to another penitentiary institution.¹⁹³

Inmates cannot receive phone calls from outside the prison. This rule allows for exceptions to be made by the prison warden.¹⁹⁴

3.1.3. Visitation rules

Each prison's Direction Council has the faculty to decide the days in which inmates can receive visitors. According to the Prison Regulations, visits will take place preferably in the weekends.¹⁹⁵ Prisoners are entitled to a minimum of two visits per week each of them lasting at least twenty minutes.¹⁹⁶ Prisoners have the option to accumulate their weekly visitation

¹⁸⁸ Ley Orgánica 1/1979, de 26 de septiembre, General Penitenciaria 51(1)

¹⁸⁹ Real Decreto 190/1996, de 9 de febrero, por el que se aprueba el Reglamento Penitenciario 46(1)

¹⁹⁰ Ibid 46(5)

¹⁹¹ Ibid 47(1)

¹⁹² Ibid 47(4)

¹⁹³ Ibid 41(3)

¹⁹⁴ Ibid 47(5)

¹⁹⁵ Ibid 42(1)

¹⁹⁶ Ibid 42(2)

time in one day, as long as the circumstances of the penitentiary institution allow for it.¹⁹⁷ They can receive a maximum of four visitors at the same time. Those in the lowest security regime can have as many visits as their work schedule allows.

Visits can be subject to restriction, refusal and suspension.¹⁹⁸ Suspension can be ordered by the Chief of Services when there are well-founded reasons to believe that visitors could be plotting a crime or an action that could cause harm to safety within the institution or that they are spreading false rumors that could cause substantial damage to safety or order within the prison, or due to the visitors' wrong behavior.¹⁹⁹

In addition to the two ordinary visits they can receive per week, following the inmate's petition, the Direction Council will arrange a minimum of a conjugal visit and a visit with family members and close of kin per month.²⁰⁰ These visits will be between one and three hours long, with a possibility to be reduced due to reasons of order or safety within the institution. They can also receive an undefined number of family visits, in which they will receive their partners and their children younger than ten years old.²⁰¹ Every prison will have special facilities for family visits for prisoners that are not entitled to temporary leaves.²⁰² The number of family visits will be determined by the prison's Direction Council.

3.2. Contact with the outside world: the reality

Spanish prisons are scattered throughout the country.²⁰³ The construction of new prisons has allowed more people to serve their sentences in a prison near where they ordinarily live. However, there are still a considerable percentage of inmates who, mostly due to a lack of space in the prison facilities existing within their community, have to move away; increasing the chances for experiences of family and social uprooting, limiting the options for contact with family and reducing their opportunities for reintegration.

It has been found that conditions in the booths used for ordinary visits are not always satisfactory. Structural elements in the facilities are a particularly negative point.²⁰⁴ For example, in some prisons inmate and visitor are separated by a pane of thick glass and talk through a small empty space, often situated not at face level but in the window sill, which poses a significant difficulty to communication due to the lacking hearing conditions. This situation also forces visitor and prisoner to raise their voices in order to be heard, reducing

¹⁹⁷ Ibid 42(3)

¹⁹⁸ Ibid 43(1)

¹⁹⁹ Ibid 44(1)

²⁰⁰ Ibid 45(4)

²⁰¹ Ibid 45(6)

²⁰² Ibid 45(1)

²⁰³ José Cid, The penitentiary system in Spain. The use of imprisonment, living conditions and rehabilitation (2006) *Punishment & Society*, 7(2): 147-166

²⁰⁴ Gobierno de España –Ministerio del Interior Secretaría General de Instituciones Penitenciarias. *The Spanish prison system* (2014).

their possibilities to have an intimate conversation, given that what is said can be heard by anyone nearby.

Conditions in the rooms destined for conjugal visits are sometimes also far from perfect. The CPT's delegation received complaints from prisoners about the lack of hygiene in these facilities.

3.3. Prison example: *Centro Penitenciario Alicante II - Villena*

Alicante II is a high security prison located in the municipality of Villena. The media has referred to it as the Spanish prison 'with more security guarantees for prison workers', as it has independent cell modules.

Similarly to other prisons all over the country, Alicante II has faced serious overcrowding problems. It has 879 places divided in 15 modules; however, it has lodged over 1400 inmates. Eight of the 12 residential modules are for men, two for young inmates, one for women and one for mothers.²⁰⁵

Prisoners can take part in sports, cultural activities and occupational workshops, which take place in a separate building destined to the development of the prisoners' work life. As for other facilities, it has a mother's unit with equipment to take care of children under three years old and a visitation room for family visits. The prison offers special menus for inmates with particular dietary requirements, for example for Muslim prison during Ramadan.²⁰⁶

3.4. Concluding remarks

Effective fulfillment of prisoners' rights in Spain is threatened by overcrowding and by the lack of adequate visitation facilities in some penitentiary institutions.

According to the Penitentiary regulations of 1996, 'the circumstances of the institution' can condition the frequency of phone calls prisoners' can receive and their possibilities to accumulate their weekly visitation time in one day. Although they only come into play in rights that are considered optional for some prisoners (for example, the circumstances of the institution cannot reduce prisoners' visitation time), it is important to point out that these options are of particular relevance for inmates imprisoned in a penitentiary institution far from their home, who may need to call their family or accumulate their time in a day due to travel needs of the visitors, which could have a negative impact on their living conditions in prison. On another note, the breadth of the wording 'circumstances of the institution' could potentially give place to arbitrary decisions.

²⁰⁵ Gobierno de España –Ministerio del Interior Secretaría General de Instituciones Penitenciarias. *Centro Penitenciario Alicante II, Villena (Comunidad Valenciana)*

²⁰⁶ Pérez Gil, 'La cárcel de Villena ofrece cada día 80 menús para los musulmanes por el Ramadán' *Diario Información* (2nd July 2016)

Spanish prison law gives prisoners the right to receive ordinary, family and conjugal visits. Conjugal visits are not yet recognized as a right in many European jurisdictions, such as Greece, where there is currently an amendment in the making in order to include them in the General Prison Law. The prison law progressive approach towards visits and its efforts to protect all spheres of inmates' family lives by preserving their contact with the outside world through different types of communications is probably one of the most positively remarkable points of the Spanish prison system.

4. Comparison

Comparing prison systems in Norway and Spain implies comparing two different criminal justice approaches. The penitentiary system in Norway finds its roots in penal exceptionalism, an approach to prison policy with two main characteristics –low imprisonment rates and the preservation of humane conditions in penitentiary institutions.²⁰⁷ This paradigm influenced the current Norwegian Law on Enforcement of Punishment of 2001, and the selection of its main principle –the principle of normalization, according to which life in prison must be as similar to life outside prison as possible. Therefore, the Norwegian Correctional Services focus on preparing inmates for a life outside prison. Every step that prisoners take within prison, including their contact with the outside world for example through visits and phone calls, is seen as a step towards their rehabilitation.²⁰⁸

Prison law in Spain also aims towards preserving similar values and enforcing humane conditions in prison. The intervention principle plays a key role in the Spanish prison system. Training programs and cultural, leisure and sports activities organized in prison are focused not only on the inmates' therapeutic recovery, but primarily on developing their social and employment skills in order to facilitate their reintegration in ordinary life outside prison.²⁰⁹ However, despite their similar goals, the implementation of prison legislation in both countries has brought quite different results in practice.

Prisoners in Norway and Spain have the right to send and receive mail, to receive visits and to make phone calls. In both jurisdictions, these rights are subject to a certain degree of control. In Norway, mail transmission, visits and phone calls of prisoners in high security departments are monitored.²¹⁰ In the case of prisoners in lower security departments, they can be monitored if it is considered necessary based on security reasons. In Spain, these kinds of control measures apply particularly to visits and to written communication. Visits can be

²⁰⁷ John Pratt and Anna Eriksson, Scandinavian exceptionalism in an era of penal excess, *British journal of Criminology*, 48, 119-137.

²⁰⁸ Kriminalomsorgen, 'About the Norwegian Correctional Service' (2016) <<http://www.kriminalomsorgen.no/information-in-english.265199.no.html>> accessed 22 December 2016

²⁰⁹ Gobierno de España –Ministerio del Interior Secretaría General de Instituciones Penitenciarias. *The Spanish prison system* (2014).

²¹⁰ Execution of Sentences Act 2001, s 30

subject to restriction, refusal and suspension based on security reasons.²¹¹ As for written communication, the sending and receiving of written messages can be subject to limitations based on security concerns. Phone calls always need to be authorized and are subject to control through direct supervisor by a prison officer throughout their length. In contrast, in Norway inmates have the right to make phone calls unless otherwise provided by the Law, without need for initial authorization.²¹² The conversation may be monitored only if it appears necessary for security reasons. In the case of prisoners in high security departments, control can be omitted whenever security reasons do not speak against it.²¹³

Inmates in Norwegian higher security prisons are entitled to receive visits two times a week. In Spain, prisoners also have the right to receive two visitors per week. The prison law is particularly familiarly to third degree prisoners (e.g. those on the lowest security level), allowing them to receive as many visits as their work schedule permits in order to prepare them for their imminent life in freedom.²¹⁴ However, the Norwegian Correctional Services may refuse visits if there is reason to believe that they will be misused and it is not possible to establish sufficient control measures.²¹⁵ Something similar happens in Spain, where visits may be denied by the Chief of Services if there are well-founded reasons to believe that visitors could be plotting a crime or an action that could cause harm to safety within the institution.²¹⁶

Both Norway and Spain boast a progressive regulation of visitation, in which both conjugal and family visits are considered prisoners' rights, allowing for protection of all spheres of their family lives. However, exercise of the right to conjugal visits in Spain has been found to be hindered by overcrowding, which can bring a lack of available facilities to be used for this purpose. Another common complaint is the poor hygienic conditions of rooms destined to conjugal visits (cpt). This is in contrast with the situation in Norway, where prisons have separate facilities for each type of visits. In some cases, like high security prison *Halden fengsel*, they also provide for overnight visits.

The situation of imprisoned mothers is significant different in both countries. In Norway, mothers can serve part of their sentence in 'mother and child houses' which are separated from the prison, not exclusive to offenders and supervised by independent bodies with no connection with the respective penitentiary institution. It is not considered suitable for children to be in prison and, therefore, prisons do not have mother's units. In Spain, some

²¹¹ Real Decreto 190/1996, de 9 de febrero, por el que se aprueba el Reglamento Penitenciario 43(1)

²¹² Execution of Sentences Act 2001, s 32(1)

²¹³ Execution of Sentences Act 2001, s 32(2)

²¹⁴ Real Decreto 190/1996, de 9 de febrero, por el que se aprueba el Reglamento Penitenciario 42(1)

²¹⁵ Execution of Sentences Act 2001, s 31(4)

²¹⁶ Real Decreto 190/1996, de 9 de febrero, por el que se aprueba el Reglamento Penitenciario 44(1)

prisons are equipped with mother's units where children under three years can stay with their mothers.

The differences in the rules regulating contact with the outside world and the effectiveness of their implementation can be explained by the contrast between the countries' socioeconomic and political backgrounds. The tradition of social welfarism in Norway has been found to be linked to the less punitive approach to imprisonment by some authors. Social democracy has been present in Spain's political history, where social values are reflected on prison legislation.

Both countries have faced very different economic situations in recent times. Norway was one of the European nations less impacted by the global financial crisis, having been protected by their policy efforts.²¹⁷ In Spain, the outbreak of the crisis in 2008 had an impact on the whole of the welfare system. Recruitment of new prison officers was paralyzed, similarly to what happened with many other categories of civil servants. This situation caused some penitentiary institutions to remain open, but inactive, as they had no prisoners or workers, whilst other prisons suffered serious problems of overcrowding. Maintenance of the empty prisons still constituted a significant expense for the state budget. Some argued that implementing private prisons could partially solve this problem, as they would not require the state to employ and pay the salaries of hundreds of new prison officers and they could take some inmates from the most overcrowded prisons. Private institutions for juvenile offenders are already operating all over the country, with the only requirement that they are run by non-for-profit organizations. However, the idea of adapting this model to prisons for adult offenders remained as a proposal.

Another factor affecting the differences in effectiveness of the application of the rules regulating contact with the outside world could be the different prison rates in these countries. Norway currently has a rate of 74 prisoners per 100,000 of national population in 74 penitentiary institutions, whereas Spain has 129 per 100,000 citizens and 82 prisons. This difference leads to the higher risk of overcrowding in Spanish prisons, which is in fact a reality in many penitentiary institutions and conducts to additional difficulties in ensuring an effective application of the rules regulating contact with the outside world of prisoners.

5. Conclusion

This article aimed to analyze what actions are the Norwegian and the Spanish governments taking in order to maintain family bonds in prison, as well as their motivations behind them.

²¹⁷ Esbati, A. (2010). 'Norway and the global economic crisis –some reflection'. *Transform Network*. Retrieved from http://www.transform-network.net/uploads/tx_news/Norway_and_the_global_economic_crisis_01.pdf

The main tools governments can use in these regards are their prison laws. Both Norway and Spain have taken into account the beneficial aspects of fostering interactions between prisoners and the outside world while they are servicing their sentences in their legislations. Therefore, their penitentiary laws take a humanizing approach towards prison life. In both cases, prisoners are allowed to keep in touch with their families by phone, mail and through regular visits. In the case of mother prisoners, provisions are taking in order to ensure the protection and adequate development of parent-child bonds, even when they cannot live together or see each other every day.

Different approaches towards family life within prison are also influenced by the contrasting political and socioeconomic backgrounds of both countries. In Spain, prison overcrowding has in some cases led to a lack of visitation facilities and a reduction of quality time of interaction with family. In Norway, facilities are enough and rights of prisoners are ensured, however, it has been found that foreign prisoners often encounter particular challenges when trying to effectively exercise their rights to contact with the outside world.

The Norwegian prison system is built upon a tradition of rehabilitation, based on the penal exceptionalism approach –that is, on the principle that punitiveness should be kept to a minimum. The Spanish system is also based on very rehabilitative values. However, during the financial crisis prison policy was far from being the main concern of the Spanish government. This led to situations such as prisons being constructed and not used, while other penitentiary institutions were overcrowded.

Given that the values underlying both systems are undeniable similar, I would conclude that prison policy is not only dependent on what the law stipulates, more so in areas as sensitive as family life, but other factors such as economic, social and political situations also play a crucial role in shaping it.

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