

## An appreciative inquiry into foreign national prisoners' participation in prison activities

Croux, Flore; Vandeveld, Stijn; Claes, Bart; Brosens, Dorien; De Donder, Liesbeth

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**An appreciative inquiry into foreign national prisoners' participation in prison activities: The role of language**

**- ACCEPTED FOR PUBLICATION -**

**Abstract**

This paper presents the findings of 51 interviews with foreign national prisoners in Flanders (Belgium). Following an appreciative inquiry stance, the aim is to understand how foreign nationals experience (accessibility to) prison activities (e.g. education, work, sports activities, and worship), and to investigate if and how this differs between foreign-speaking and Dutch-speaking foreign nationals. A thematic analysis of the interviews revealed several components of the activities offered that were perceived by the foreign nationals as 'working well', and envisioned several dreams concerning the activities for foreign nationals. Within each theme considered, similarities and dissimilarities among foreign-speaking and Dutch-speaking foreign nationals are described. This paper argues that foreign nationals are confronted with a new pain of

imprisonment, namely ‘the pain of (non-)participation’. The findings can enable a shift from supply-driven to tailor-made activities for foreign national prisoners.

**Keywords:** foreign national prisoners, language proficiency, prison activities, qualitative interviews, appreciative inquiry

## **Introduction**

Foreign national prisoners experience fewer participation opportunities in prison than national prisoners (Atabay, 2009; Brosens, 2019; Van Kalmthout et al., 2007), and are confronted with participation barriers, such as waiting lists (Croux et al., 2019; Van Kalmthout et al., 2007; Westrheim and Manger, 2014), lack of information (Croux et al., 2019; Westrheim and Manger, 2014) and an overlap among the activities (Croux et al., 2019). Research has revealed that it is not foreign national prisoners’ nationality which influences their participation opportunities, but rather their language ability (Brosens et al., 2020). A growing body of research points to the language barrier experienced by foreign nationals regarding participation (Atabay, 2009; Brosens et al., 2020; Croux et al., 2019; Van Kalmthout et al., 2007; Westrheim and Manger, 2014). Following an appreciative inquiry stance, this study examines how foreign nationals experience (accessibility to) prison activities, and investigates if and how this differs between foreign-speaking and Dutch-speaking foreign nationals. Prison activities

include (vocational) education, cultural activities, library, sports, work, yard, worship services, forensic welfare work, and psychosocial service.

### *Foreign national prisoners*

Foreign national prisoners are prisoners who have another nationality than that of the detaining country. This include both persons who have lived in the detaining country for a long period, and those who had only been there for a relatively short period (Atabay, 2009).

Foreign national prisoners are a heterogeneous group (Yildiz and Bartlett, 2011). Some speak the language of the detaining country fluently while others cannot speak it at all. Residential status may also vary. Research from Belgium indicates that 31.5% of foreign national prisoners had the right to stay in Belgium, 65.2% did not, and 3.3% had an uncertain residential status (Brosens et al., 2020). In addition, Belgian prisons house prisoners from more than 130 countries (Federale Overheidsdienst, 2018), implying a significant cultural diversity, with most foreign nationals of North African and Eastern European background (Snacken, 2007).

In 2016, an average of 21.2% of the European prison population consisted of foreign nationals. However, these numbers varied significantly between countries. While some countries housed a large number of foreign national prisoners (e.g.

Belgium: 40.7%, Austria: 53.9%, Switzerland: 72%), others only had a limited number (e.g. Poland: 0.9%, Albania: 1.5%, Turkey: 2.2%) (Aebi et al., 2017).

In ‘The Society of Captives’, Sykes (1958) states that prison life is characterised by five pains of imprisonment: the deprivation of liberty, autonomy, security, social/heterosexual relationships, and goods and services. These general pains of imprisonment are also experienced by foreign national prisoners (Kruttschnitt et al., 2013), and sometimes even exacerbated by their status as potential deportees and language barriers (Martynowicz, 2018). The study of Martynowicz (2018) found that the deprivation of liberty was intensely experienced by foreign national prisoners, in particular when they did not have a social network in the detaining country. Besides, also the pain of deprivation of autonomy is amplified. Especially, for those foreign nationals that do not master the language of the detaining country. To state it in the words of Bosworth et al. (2016: 701), nowadays the pains of imprisonment are ‘shaped by prisoners’ mobility, identity and nationality’. Next to these general pains of imprisonment, foreign nationals also experience additional pains of imprisonment. Linguistic exclusion does not only exacerbate other pains of imprisonment, but is also a distinct and separate pain faced by foreign nationals (Kox et al., 2014; Martynowicz, 2018). The language problem can hinder the communication with fellow prisoners and prison staff among foreign nationals without right to stay in the detaining country. Next to this pain, the social contact with the outside world and the preparations for release

are more complicated for foreign national prisoners without right to stay than those with right to stay in the detaining country (Kox et al., 2014). Also recent research in foreign national only prisons in the United Kingdom, Norway and the Netherlands pointed to additional pains of imprisonment. Warr (2016) who did research in the United Kingdom found new pains related to the deprivation of legitimacy, certitude and hope regarding their life in and after prison. Ugelvik and Damsa (2018) conducted research in Kongsvinger prison (Norway) and identified the pains of deportability, discrimination and long-distance relationships. Similar pains to the ones found by Ugelvik and Damsa (2018) were found among Brouwer (2020) who conducted research in Ter Apel, the foreign national only prison in the Netherlands.

#### *Right to participate in prison activities*

International and European standards have noted prisoners' rights to participate in prison activities (e.g. European Prison Rules–Council of Europe, 2006; The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules–United Nations, 2015). In particular for foreign national prisoners in Europe, the recommendation of the Council of Europe stipulates the need to consider their specific needs during imprisonment in a foreign country. Prison authorities are encouraged to take actions to provide them with equal access to prison activities (Council of Europe, 2012).

In Belgium, the Federal Public service is responsible for criminal law enforcement, while the communities (i.e. Flemish community, French community, and German-speaking community) are responsible for the welfare policy in prison (Meyvis, 2002). At the federal level, the ‘Prison Act on Prisons and the Legal Status of Prisoners’ stipulates prisoners’ right to participate in work, library, sports, education, training activities, worship services and healthcare. In addition, the Prison Act indicates that prisoners should be sufficiently informed about the prison activities in an understandable manner or in a language they understand (Federale Overheidsdienst Justitie, 2005). Although the Prison Act is a federal matter, the communities in Belgium (i.e. Flemish community, French community, and German-speaking community) are responsible for providing services and assistance for prisoners. At the level of the Flemish community (i.e. the Dutch-speaking part of Belgium), the decree concerning the ‘Organisation of Services and Assistance for Prisoners’ (Vlaamse overheid, 2013) aims to provide assistance and services related to culture, education, employment, health, sport and well-being to all prisoners (De Koster, 2017), implicitly encompassing foreign national prisoners. In daily practice, each prison can work out strategic options for the future, considering the local prison context (Brosens et al., 2020). The local prison context has an important influence on the development and organisation of activities, which may lead to major differences between prisons (De Koster, 2017).

Pursuant to this decree, the strategic plan called ‘Assistance and Services for Prisoners’ (2015–2020) was developed. One of its objectives relates to an evolution towards offering activities tailor-made for prisoners (instead of supply-driven) (Vlaamse overheid, 2015). However, research in Belgium has revealed that practitioners are struggling to offer suitable activities to foreign nationals (Brosens et al., 2020). To enable the shift from supply-driven to tailor-made activities (Vlaamse overheid, 2015), there is a need to understand the participation of foreign nationals in activities, as far too little research has addressed this subject (Croux et al., 2020).

#### *Foreign nationals’ participation in prison activities*

A consensus emerging from previous research is that foreign nationals do not have the same participation opportunities as national prisoners (Atabay, 2009; Brosens, 2019; Van Kalmthout et al., 2007), for instance, in terms of work (Van Kalmthout et al., 2007), education (Westrheim and Manger, 2014), and vocational training (Atabay, 2009). Research has shown that foreign nationals are confronted with participation barriers, such as waiting lists (Croux et al., 2019; Van Kalmthout et al., 2007; Westrheim and Manger, 2014), lack of information (Croux et al., 2019; Westrheim and Manger, 2014), lack of prison staff to organise activities and overlap among prison activities (Croux et al., 2019). Language ability is also a significant hindrance to participation (Atabay, 2009; Brosens et al., 2020; Croux et al., 2019; Van Kalmthout et



al., 2007; Westrheim and Manger, 2014). Foreign nationals who do not master the language of the detaining country consistently lack information about the activities (Croux et al., 2019; Westrheim and Manger, 2014). Besides, the language barrier hinders them from participating because a good understanding of the national language is often required (Atabay, 2009; Croux et al., 2019; Van Kalmthout et al., 2007). Some prisons have a limited number of activities targeting foreign nationals, such as an integration module on ‘social orientation’ (Brosens et al., 2020), distance education from the home country (Educatie achter buitenlandse tralies, 2020), multicultural music groups (Snacken, 2007), and national- or English-language courses. These language courses are considered relevant for foreign nationals and prison staff for better communication (Van Kalmthout et al., 2007). However, learning the national language is often not useful for those foreign nationals who plan to return to their homeland (Croux et al., 2019).

### **Study aims**

A growing body of research has shown that foreign nationals have fewer participation opportunities than national prisoners (Atabay, 2009; Brosens, 2019; Van Kalmthout et al., 2007). Studies have indicated that not the nationality, but rather the language ability influences foreign nationals’ participation opportunities (Brosens et al., 2020). Following an appreciative inquiry stance, this paper examines how foreign nationals

experience (accessibility to) prison activities, and investigates if and how this differs between foreign-speaking and Dutch-speaking foreign national prisoners. This study not only builds upon the existing empirical evidence on foreign national prisoners' participation, but also adds a more strengths-based approach to the existing empirical evidence by paying attention to what is already working well concerning their participation and considering foreign nationals as a diverse group in terms of language in relation to participation. This paper is guided by two appreciative inquiry questions:

- (1) What do foreign national prisoners perceive as 'working well' in terms of participation in prison activities, and what are the differences between foreign-speaking and Dutch-speaking foreign national prisoners?
- (2) What do foreign national prisoners 'dream' of in terms of participation in prison activities, and what are the differences between foreign-speaking and Dutch-speaking foreign nationals?

## **Methodology**

This research included 51 interviews with foreign national prisoners from four Flemish prisons (Belgium) using an appreciative inquiry stance. This paper is part of a four-year research project called FIP<sup>2</sup> (Foreigners' Involvement and Participation in Prison, 2017–2021).

### *Participants*

For this study, foreign-speaking foreign nationals ( $n=37$ ) were compared with Dutch-speaking foreign nationals ( $n=14$ ). The Dutch-speaking participants included both those whose mother tongue was Dutch and those who had learned it before or during imprisonment. Table 1 provides more information on the participants' characteristics.

**Table 1. Participants' characteristics.**

<b>Participants</b>	<b>Dutch-speaking participants</b>	<b>Foreign-speaking participants</b>	<b>Total</b>
Number interviewed	14	37	51
Nationalities			
European <sup>1</sup>	5	9	14
Non-European	8	25	33
Dual nationality EU & Non-EU	1	2	3
Dual nationality EU & EU	0	1	1
Gender			
Male	12	36	48
Female	2	1	3
Mean age (years)	36.21	32.03	33.18
(range)	(20-51)	(20-49)	(20-51)
Length of prison stay (months)	6.79	10.39	9.40
(range)	(2-24)	(0.75-36)	(0.75-36)
First time in prison <sup>2</sup>			
Yes	11	27	38
No	3	9	12
Interpreter present			
Yes	0	19	19

No	14	18 <sup>3</sup>	32
<sup>1</sup> Belonging to the 27 member countries of the European Union.			
<sup>2</sup> For one foreign-speaking participant, this was unknown.			
<sup>3</sup> Interviews were conducted by the first and fourth authors, and two master's students in Dutch, English, French, or Turkish.			

### *Procedure*

After obtaining approval from the Ethics Commission in Human Sciences of the Vrije Universiteit Brussel (Ref. ECHW\_134), authorization to enter the prisons was secured from the national Directorate General for Penitentiary Institutions. Fourteen out of 19 Flemish and Brussels prisons consented to be involved. A steering committee (consisting of members from the justice department, the Flemish community responsible for the organisation of activities and services, and the research team) developed four criteria for the selection of the prisons. The goal was to obtain a diversity among (1) remand and sentencing prisons, (2) prison population size, (3) regimes and departments, and (4) medium presence of prison activities targeting foreign nationals (see Brosens et al., 2017). Based on those selection criteria, four Flemish prisons were selected. The recruitment of the participants was organised by prison staff (i.e. activity coordinators and prison officers) using a recruitment letter written in nine languages. To recruit the participants, several selection criteria were proposed. The prison staff were instructed to follow these selection criteria to guarantee diversity in

terms of (1) nationality, (2) age, (3) spoken languages, (4) length of prison stay, (5) sentencing title, and (6) both non-participants and participants in prison activities. The interviews were held in private rooms (e.g. classrooms, offices of prison staff). Prior to the interviews, written informed consent was obtained.

### *Data collection and analysis*

In March and April of 2018, semi-structured interviews were conducted which focused on: (1) experiences and needs regarding participation, (2) social contact with and social support from fellow prisoners, activity organisers, prison officers and relatives, and (3) experiences and needs regarding reintegration and future perspectives. Of relevance to this study are the questions related to the experiences and needs regarding participation.

Previous studies on foreign nationals are often characterised by deficit-based and problem-oriented discourses, for instance, by focusing on their crime trips (Van Daele et al., 2012) or pains of imprisonment (Ugelvik and Damsa, 2018; Warr, 2016). Therefore, this paper uses appreciative inquiry, which ‘is an attempt to generate a collective image of a new and better future by exploring the best of what is and has been’ (Bushe, 1999: 62). Through Liebling et al.’s research (1999, 2001), appreciative inquiry has come to the attention in prison and probation research (e.g. Croux et al., 2019; Geiger and Fischer, 2018; Robinson et al., 2012). Appreciative inquiry consists of 4 ‘Ds’: Discovery (‘the best of what is or has been’), Dream (‘what might be’),

Design ('what should be') and Destiny ('what will be') (Carter, 2006: 54). For this research, the interview scheme encompassed only the Discovery and Dream phase. Examples of Discovery questions were: 'What do you think is the best activity in which you have participated here in prison?' or 'If you can give the prison activities a score on a scale from 0 to 10, how much would you give?' Examples of Dream questions were: 'You gave a score of X out of 10 to the activities, how can this be improved to 10 out of 10?' or 'If you have one wish for an activity that you would like to do here in prison, what would it be?' The interviews were recorded, and lasted between 31 and 138 minutes (M=72.56 minutes). All but two interviews were fully transcribed. Owing to the failure to record two interviews, detailed summaries were made.

As appreciative inquiry does not require any specified analytical framework (Carter et al., 2007), thematic analysis (Braun and Clarke, 2006) was used with the help of MAXQDA 2018. A combination of deductive and inductive analysis was performed. The deductive analysis consisted of making a distinction between Discovery and Dream, with inductive sublabels within each deductive label (e.g. deductive label: Discovery; e.g. inductive sublabel: good knowledge of available prison activities). For a comparative analysis of both strata, interviews were analysed together as belonging to one group before analysing the group of foreign-speaking and Dutch-speaking participants separately (Lindsay, 2018). The appropriateness of

the data coding and emerging themes was discussed and confirmed with the co-authors. Feedback on the findings was organised in each prison twice for prison professionals (e.g. activity coordinator, prison director, and prison officers), and, in one prison Dutch-speaking foreign nationals also attended. The people present were asked for their comments, impressions and recommendations. In all prisons, there was consistent agreement that the findings were in line with the actual situation.

## **Findings**

The findings are presented according to two appreciative inquiry questions:

- (1) What do foreign nationals perceive as ‘working well’ in terms of participation in prison activities?
- (2) What do foreign nationals dream of in terms of participation in prison activities?

Within each theme, the similarities and dissimilarities among Dutch-speaking and foreign-speaking participants are described.

*Discovery: What do foreign nationals perceive as ‘working well’ in terms of participation in prison activities?*

The interviews showed that participation was highly valued by foreign-speaking and Dutch-speaking participants, and generated positive feelings. The participants

perceived several components of the activity offer as ‘working well’: (1) good knowledge of available prison activities, (2) high accessibility to certain activities, (3) good social contact with prison staff responsible for activities, and (4) mixed group composition of prison activities.

***Good knowledge of available prison activities.*** Dutch-speaking and foreign-speaking respondents knew that several prison activities had been organised. Both groups reported different information sources to announce the prison activities, which consisted of both written (e.g. flyers, brochures) and oral information sources (e.g. prison officers, prison governors). Although both groups knew about a variety of prison activities, Dutch-speaking participants were better informed than the foreign-speaking participants. The latter were confronted with language problems as they were not always able to understand the formally organised information sources: ‘We receive papers [about the activity offer] written in Dutch. I only chose the ones [activities] I understand. Belgians can understand everything; so they’ve more options [to participate]’ (R45, foreign-speaking, non-European, male). Fellow prisoners played an important role in announcing prison activities for foreign-speaking respondents by explaining it in foreign languages or translating the activity folder. These fellow prisoners spoke the same language or had been in prison for some time:



When I came here [in prison], there was someone in my cell [who informed me about the yard], and that's the system here. From the moment you come into the system, everything [information] goes automatically through other people [prisoners] (R25, foreign-speaking, non-European, male).

***High accessibility to certain prison activities.*** Most respondents had already participated in more than one activity since imprisonment. This does not mean that they participated in multiple activities on a daily basis. Both groups featured participation in the yard, the library and sports. In particular foreign-speaking participants, found easier access to such activities compared with others (e.g. work, cultural activities, and education) since language was less important: 'I don't know the language very well; so I just went to mindfulness or fitness' (R10, foreign-speaking, non-European, male).

***Good social contact with prison staff responsible for activities.*** Both groups spoke appreciatively of the activity organisers (e.g. teachers, chaplains, aid workers, and sports monitors). For instance, when they helped with problems, met their commitments, did things that went beyond their remit, or treated them in a humane or respectful way: 'The teacher [of the vocational training] is very friendly and he always treats prisoners with respect and always laughs. We have no complaints about [him]. He's perfect' (R19, Dutch-speaking, non-European, male). This was also

echoed by a foreign-speaking participant: 'He [sports monitor] deals with us in a humane way [...]. We feel good with him and he takes us into account so for me he's a good person' (R22, foreign-speaking, non-European, male).

The interviews showed that there was little diversity among the activity organisers. However, some Dutch-speaking participants expressed that this was not important: 'For me it's the same: Moroccan, Belgian, Yugoslav or I don't know, Pakistani, or ... for me, it's the same that someone organises that [activities]; that's important. Nationality doesn't play a role' (R44, Dutch-speaking, non-European, male).

Foreign-speaking respondents expressed appreciation about times when activity organisers helped to bridge language difficulties, by writing report notes or using appropriate communication strategies (e.g. telephone interpreters, gestures, and speaking foreign languages):

The church lady helps you if you need something, if you don't know the language, you know, ... she's a very good lady. She writes you a report if you need that; lots of things they help you [...]. She speaks English, Spanish, French ... [.] She knows three to four languages; she [is] good. That's why many people go there because she explains [in several languages] (R13, foreign-speaking, non-European, male).

Finally, some foreign-speaking participants expressed appreciation for prison officers involved in activities because they treated them in a normal, humane and respectful way. Some even described them as the ‘best’ prison officers. They spoke more appreciatively about these prison officers than those working on the wings:

There are good prison officers [at the workplace]. They don’t have the same prison officers on the wings. I think that the best [ones] in the whole prison are the prison officers from work [...]. They’re a bit human[e], not like the prison officers from the wings. They talk to you, it’s really okay; they understand you a bit [...]. They talk to you normally (R8, foreign-speaking, non-European, male).

***Mixed group composition of prison activities.*** Several foreign-speaking and Dutch-speaking respondents appreciated the mixed group composition in terms of religions and nationalities: ‘Someone from every nationality [participates in sports activities]. Everyone comes, everyone applies. That’s nice [...]. The activity has no nationality, no culture, no religion. Everyone is welcome’ (R26, Dutch-speaking, non-European, male). For both groups, the prisoners’ nationalities did not affect their social contacts during participation. It was even seen as an opportunity to learn:

There's no nationality, there's no origin, there's no such thing; on the contrary, every time we're in activities, we try to speak to each other in the language we all understand a little bit; it's English, that's it. [...]. No, on the contrary, it's cosmopolitan, as we say; cosmopolitan means "of all nationalities", and we learn a little bit every day; that's it (R40, foreign-speaking, European, male).

*Dream: What do foreign nationals dream of in terms of participation in prison activities?*

The participants expressed several dreams concerning participation: (1) adapting information sources about prison activities, (2) increasing participation, (3) adapting the standard activities, (4) improving the physical environment, facilities and materials, and (5) taking up more active roles.

***Adapting information sources about prison activities.*** Although both groups knew that prison activities were organised, they wanted to have more information about it. They aspired for multilingual information sources because it was otherwise not understood by foreign speakers:

All papers are written in Dutch. They [prison staff] don't write in French. They only write in Dutch. How're you going to understand? [...] They should write them [activity folders] in four or five languages—French, Dutch, English, Albanian and Romanian—so that everybody

understands; but [if] you give someone a Dutch paper, he doesn't know what's here [for activities] (R46, foreign-speaking, non-European, male).

***Increasing participation.*** Both groups faced organisational participation barriers (e.g. waiting lists, overlapping activities, and lack of responses on their enrolment). In particular, foreign-speaking participants pointed to the language barrier for participating in particular activities (e.g. computer courses, foreign language courses, and mathematics) because a certain level of Dutch was required. This had forced them to learn Dutch first or to choose activities for which language was less important:

There are activities in which we cannot participate because we have not mastered the language, and this causes problems. Then, we either have to wait for a very long time until we've mastered the language, for example, or it's another activity that's organised for which we don't have to speak the language, such as the library (R29, foreign-speaking, non-European, male).

These organisational barriers limit foreign nationals' access to activities. Both groups *wished to participate in activities to which they currently did not have access* (e.g. work, education, and cultural activities). In the foreign-speaking group, the desire to participate in work and educational (language) courses was stronger than for other activities.

Once they had access to prison activities, both groups dreamt of *participating more and longer* (e.g. sports, worship, education, and yard): ‘The more activities are offered, and the more time that is available for activities, the better it is. It’s really more fun’ (R41, Dutch-speaking, European, male). This desire was also found among foreign speakers: ‘Here, all activities are held once a week; but of course, that’s not enough. It has to be two or three times a week so you’re going to feel good and you think: “Yes, I’ve learned something”’ (R25, foreign-speaking, non-European, male). For foreign speakers, this wish was particularly common for the gym as language does not play a role therein and for language courses to learn Dutch.

However, both strata felt that the available activities were insufficient. They *wished for the organisation of more prison activities which had not yet been organised*: ‘If there were more activities, that would be a good thing’ (R36, foreign-speaking, European, male). This desire related to activities, such as sports (e.g. swimming, cricket), cultural activities (e.g. writing workshops, karaoke), and reintegration and future-oriented activities (e.g. vocational training, a course to integrate into Belgian society): ‘If they want to organise that [vocational training], that’s something a prison needs; then, you can go out and find work more easily’ (R51, Dutch-speaking, European, male).

In addition to the wish to formally organise more prison activities, both groups also desired more informal participation opportunities (e.g. cooking on the cell, and

visiting fellow prisoners to have coffee, a chat or to play board games). This was related to a wish for a more open regime:

When we get back from work, they [prison officers] should let us [prisoners] talk to one another for one hour with the doors open, so that we can go to others' cells, have coffee, watch a movie or play cards together (R47, foreign-speaking, dual European nationality, male).

***Adapting the standard activities.*** Many Dutch-speaking and foreign-speaking respondents indicated that no different prison activities needed to be organised for foreign nationals: 'We all like the same activities. We all like to play football, all foreign national or Belgian prisoners. Tennis, fitness; these are really activities we all like to engage in' (R35, foreign-speaking, non-European, male).

Of all activities we've here, such as classes, computer classes or things like that, it doesn't matter if it's for Belgians or for another nationality; it's interesting for everyone. Like library, sports or all things we've ... . Of course, like cafe, and things we've here, that's more for Dutch-speaking people, but that shouldn't be special for people from abroad either (R41, Dutch-speaking, European, male).

Although both groups stated that there was no need for other activities for foreign nationals, the standard activities needed to consider (1) their language, (2) their religion, and (3) connections with their home country/culture. In terms of *language*, foreign-speaking participants dreamt of the available activities but offered in their mother tongue or international languages (e.g. English or French):

It [vocational training] should be divided into two groups: a group that speaks French, for those who are French-speaking, and another group for those who speak Dutch [...]. I wanted to go there too but if I don't understand it ... (R47, foreign-speaking, dual European nationality, male).

This language-related need was also concerned with participation in the library. Participants from both groups who did not have Dutch as mother tongue wished for wider library offerings in foreign languages since the available offer was limited:

Here you cannot find enough books. You can find some [books] in English, Dutch, French, and that's it. There are no other languages. Honestly, I was [in a prison abroad]; there was a big library [...]. There was everything, all languages: Portuguese, French, Spanish, Albanian, Persian, Russian: all languages. That's good because people can go there, can come, pass time [...]. That's really missing here (R8, foreign-speaking, non-European, male).



In addition, both strata indicated that they did not need activities other than those offered to Belgian prisoners, except for *religion*:

For me it [there] should not be [different activities for Belgians and foreign nationals]. [Except] on one point, religion. Here, you have the chaplain, but the Imam you almost never see; and I find that these days, now in Belgium, that it's more important because of the things that're going on with the jihad, with Islam and all that. So you need someone who speaks to these people, who explains Islam (R7, foreign-speaking, non-European, male).

Several Dutch-speaking and foreign-speaking participants wanted to attend Islamic worships, which was impossible. Therefore, some Muslim foreign speakers indicated that they had been to the Catholic service, or had been in contact with the chaplain. This was certainly not common, as a Muslim Dutch-speaking respondent expressed that the Catholic service was not for him. In addition, a foreign-speaking participant expressed that there were too few books on Islam in the library.

Furthermore, both strata expressed that connections to their *home country/culture* were important for participation. This was the case for both those who had expressed the intention to leave Belgium and those who wanted to stay after their detention:

I applied for a journalism course. When I got it sent to me, I got the Belgian version, completely inspired by the Belgian society: Belgian companies, Belgian broadcasters, Belgian politics ... I'm a Dutchman, and they want me out of Belgium. So as soon as I'm released, I'm banned from Belgium. When I started the course, I got tired of it very quickly [...] because of the Belgian background (R18, Dutch-speaking, European, male).

They have to provide more than just white people's music [in the library]; they have to change [...]. They have to provide African music, American music too (R46, foreign-speaking, non-European, male).

***Improving the physical environment, facilities and materials.*** Both strata had dreams regarding the physical environment, facilities and materials related to participation. Both groups indicated that sports-related materials (e.g. footballs, fitness equipment) were sometimes limited and wished for more: 'If they had more [fitness] machines, it would be better' (R31, foreign-speaking, non-European, male). In addition, several foreign-speaking participants desired larger spaces for exercise: 'The [sports] fields are good, but it's just too limited in space; that's the downside. If that increases, it would be ideal' (R35, foreign-speaking, non-European, male). Besides, both strata dreamt of a wider, newer and higher-quality library offer: 'They have to provide new movies, they have to provide new books and good music too. There [in the library], it's old

music, music from 1975, that's old; they need new [music]' (R46, foreign-speaking, non-European, male).

***Taking up more active roles.*** Both strata wished to take up more active roles regarding spending time in prison. At the moment of the interviews foreign nationals were rather passive recipients of prison activities. However, some participants of both groups *wished to support or organise activities for fellow prisoners* (e.g. sports activities, vocational training, and education). Furthermore, a few participants in both strata expressed *the desire to have a say in the activities*: 'Prison direction should ask people what they want to spend their time on and what they would like to have [of activities]' (R30, foreign-speaking, non-European, male). Finally, both groups *wanted to have greater autonomy and more freedom to decide how to spend their time in prison*, such as having the option of visiting fellow prisoners for a chat, play board games when they want and to decide when to participate in a given activity.

## **Discussion and conclusions**

Following an appreciative inquiry stance, this paper examined how foreign nationals experience (accessibility to) prison activities, and investigated if and how this differs between foreign-speaking and Dutch-speaking foreign nationals. Based on our findings, we can conclude that there are similarities and differences between the

Dutch-speaking and foreign-speaking foreign nationals. The findings show that the latter group faces additional problems and challenges regarding participation. This confirms the finding by Bhui (2009), whereby language-related problems exacerbate other problems experienced by foreign nationals.

*Discovery: What do foreign nationals perceive as ‘working well’ in terms of participation in prison activities?*

The research showed that foreign nationals knew that several activities had been organised. However, foreign-speaking foreign nationals had less knowledge of the available activities, which is in line with past research (Brosens, 2019). The formal information sources did not meet the needs of foreign-speaking foreign nationals, thus making fellow prisoners an important information source. The importance of fellow prisoners in informing foreign nationals has also been addressed by Martynowicz (2016). Relying on fellow prisoners for support could be considered as ‘forms of survival’ in prison (Croux et al., accepted; Martynowicz, 2018). Furthermore, foreign nationals participated considerably in the yard, the library and sports activities.

Foreign-speaking participants found easier access to these activities because an understanding of the national language was less important (e.g. sports activities), or the activity was available in foreign languages (e.g. the library). This corresponds to past research (Brosens et al., 2020; Van Kalmthout et al., 2007). In addition, foreign

nationals were in awe of the staff responsible for prison activities. Recent research has also noted the good contact between foreign national female prisoners and activity organisers (e.g. social workers, teachers) (Cerezo and Izco, 2019). The findings show that foreign speakers appreciated support from prison staff in bridging language-related difficulties. Therefore, prison authorities could focus on language and multicultural training for prison staff, and could recruit multilingual staff (Martínez-Gómez, 2014). Furthermore, previous research points to the negative consequences of the diversity among the prison population—for instance, regarding potential dangers of group conflicts between subcultures (Snacken, 2007). This study demonstrates that this diversity should not always be considered a problem because foreign nationals appreciate the mixed group compositions during participation.

*Dream: What do foreign nationals dream of in terms of participation in prison activities?*

Foreign nationals wished for more information about the available activities, and dreamt of multilingual information sources as the available information was not always comprehensible to foreign speakers. Owing to the linguistic diversity among prisoners, it can be challenging to cover all languages (Snacken, 2007). It is therefore recommended that prisoners verbally inform their peers on entry about the activities, or translate the activity folder into several languages. In addition, foreign nationals

wished for more participation. As participation in prison is a right, it is relevant to facilitate participation opportunities and eliminate barriers as much as possible, as non-participation is not always a conscious decision by prisoners (Brosens, 2015). Nevertheless, the right of non-participation must also be respected, as enforcing participation is paradoxical to its logic (Carpentier, 2011). Non-participation is also a legitimate and valuable choice (Reid and Nikkel, 2008). However, to increase participation by foreign nationals who want to participate, prisons can increase group sizes or provide part-time places in activities. Furthermore, foreign nationals wished for some adjustments to the standard activities regarding language, religion and home country/culture. This is in line with a scoping review on foreign national and ethnic minority prisoners' participation, which shows that it is important to consider their specific needs when providing prison activities (Croux et al., 2020). The implementation of a 'progressive universalist activity offer' could be recommended. This implies a basic universal activity offer for all prisoners, with an integrated and subsequent progressive activity offer for prisoners with specific needs, namely foreign national prisoners (cf. Bergmans, 2017). This research found that foreign-speaking participants wished for prison activities in other languages. During feedback meetings in the participating prisons, the prison professionals indicated that it is impossible to organise (vocational) education in other languages due to Flemish language legislation. It is thus desirable that this will be revised. After all, it is not important for

foreign nationals who will leave the detaining country to know Dutch (Croux et al., 2019). Therefore, consideration should be accorded to distance learning from their homeland (Hawley et al., 2013). In addition, foreign nationals have several dreams concerning the physical environment, facilities and materials relating to prison activities. It is important that prisons address this, as past research has shown that poor infrastructure and materials can hinder foreign nationals' participation (Croux et al., 2019). Finally, foreign nationals wish to take up more active roles regarding participation in prison. This wish can be explained by prisoners' deprivation of autonomy (Sykes, 1958), which is exacerbated for foreign national prisoners (Martynowicz, 2018). Past research has shown that foreign nationals have less access to more active participation roles (Brosens, 2019). These more active participation roles are often considered as superior to the passive participation roles (Hart, 2008). However, people do not have to perform according to those more active participation roles. According to Hart (2008), participation should be considered as a scale of competence rather than performance. People should have the confidence and the competences to be able to reach those active participation roles, but they certainly should not have the feeling that they have to perform these roles (Hart, 2008). Nevertheless, it is important to provide opportunities for prisoners who want to perform more active participation roles (Brosens et al., 2018). Therefore, prison practice can try to involve foreign nationals more actively by providing them the

opportunity to support or organise prison activities, organising prison councils per language group, or by appointing foreign national prison council representatives.

*A new pain of imprisonment for foreign national prisoners: The pain of (non-)participation*

Despite the general pains of imprisonment faced by all prisoners (Sykes, 1958) and the specific pains of imprisonment experienced by foreign national prisoners (e.g. Brouwer, 2020; Ugelvik and Damsa, 2018; Warr, 2016), this paper demonstrates that foreign national prisoners, and foreign-speaking foreign nationals in particular, are in a precarious situation regarding participation. This can be considered as a new pain of imprisonment, namely ‘the pain of (non-)participation’. This ‘pain of (non-)participation’ involves the difficulties foreign nationals experience in accessing activities due to participation barriers (e.g. waiting lists, overlapping activities) and their unmet needs in terms of participation (e.g. more participation, taking up more active participation roles). Some of those participation needs are specific to their status as ‘foreign national’ prisoners, for instance, in terms of language, religion or home country/culture. The language barrier exacerbates the general pains of imprisonment (Martynowicz, 2018). This also seems to be the case for the ‘pain of (non-)participation’. Those foreign national prisoners who do not master Dutch appear to have more difficulties in accessing prison activities due to the language



barrier and a lack of information and seems to have additional participation needs in terms of language. Given this ‘pain of (non-)participation’, we can conclude that the activity offer in prison is ‘institutionally thoughtless’ (Crawley, 2005)<sup>1</sup> in meeting the needs of foreign national prisoners.

### *Limitations and avenues for future research*

When interpreting the findings, four limitations should be considered. First, only three females were interviewed. As scholars have noted the need for a ‘women-centred’ provision (Hawley et al., 2013), follow-up research can consider more female foreign nationals.

Second, in this study, appreciative inquiry was limited to *Discovery* and *Dream*. This can be considered a problem because ‘a ‘partial’ deployment of the approach does open up the possibility of generating false hope: empowering participants on the one hand (not least by enabling them to imagine ‘what could be’), while being powerless to make those desired changes happen’ (Robinson et al., 2012: 16). It would be interesting to involve policy makers and prison professionals in the next phases of the appreciative inquiry to *Design* and *Deliver* (Destiny) the foreign nationals’ envisioned dreams regarding participation (cf. Geiger and Fischer, 2018).

Third, although foreign nationals are a heterogeneous group (Yildiz and Bartlett, 2011), this diversity is often insufficiently studied (Croux et al., 2020). In

this paper, the attempt to study the diversity was limited to language. Follow-up research should investigate more aspects of their diversity, for instance, in terms of residential status or cultural background.

Finally, regarding the selection of the participants, it appears that the given sampling criteria were not properly followed by prison staff responsible for the recruitment. We wanted to include both participants and non-participants in the activities. However, many of the prisoners interviewed had participated in more than one activity since their detention. Since this selection was carried out by prison staff, we can provide more support in this area in the future. Furthermore, it is impossible to quantify all selection criteria as we did not address all of them during the interviews (i.e. sentencing title). Consequently, we had insufficient insight into whether these selection criteria were followed correctly.

Despite the above limitations, this study provides some evidence to make the activity offer less ‘institutionally thoughtless’ (Crawley, 2005) and to enable the shift from supply-driven to tailor-made prison activities (Vlaamse overheid, 2015) for the diverse group of foreign nationals. For instance, by providing prison activities in other languages for foreign-speaking foreign nationals, or by providing connections in the prison activities to their home country/culture.

## **Notes**

<sup>1</sup> This term is introduced by Crawley (2005) to refer to the way in which prison regimes (e.g. rules, routines) do not consider older prisoners' sensitivities and needs.

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## **References**

- Aebi MF, Tiago MM, Berger-Kolopp L, et al. (2017) Space I–Council of Europe Annual Penal Statistics: Prison Populations. *Survey 2016*. Strasbourg: Council of Europe.
- Atabay T (2009) *Handbook on Prisoners with Special Needs*. Vienna: United Nations Office on Drugs and Crime.
- Bergmans A (2017) Opvoedingsondersteuning: Uitgangspunten en praktijk. *PROFESSION / PREVENTIE* 47(3): 4–12.
- Bhui HS (2009) Foreign national prisoners: Issues and debates. In Bhui HS (ed) *Race & Criminal Justice*. London: SAGE, pp. 154–169.

- Bosworth M, Hasselberg I and Turnbull S (2016) Imprisonment in a global world: Rethinking penal power. In Jewkes Y, Crewe B and Bennett J (eds) *Handbook on Prisons*. Oxon: Routledge, pp. 698-711.
- Braun V and Clarke V (2006) Using thematic analysis in psychology. *Qualitative Research in Psychology* 3(2): 77–101.
- Brosens D (2015) *Participation in prison programmes. Profile of (non-)participants, encouraging and discouraging factors*. PhD Thesis, Vrije Universiteit Brussel, Belgium.
- Brosens D (2019) Prisoners' participation and involvement in prison life: Examining the possibilities and boundaries. *European Journal of Criminology* 16(4): 466–485.
- Brosens D, Croux F, Claes B, et al. (2020) An organizational analysis of foreign national prisoners' participation possibilities in Flanders (Belgium). *Journal of Prison Education and Reentry* 6(2): 144-161.
- Brosens D, Croux F and De Donder L (2018) *Prisoners' Active Citizenship: An insight in European prisons*. Brussel: Vrije Universiteit Brussel.
- Brosens D, Croux F, Vandeveld S, et al. (2017) Participatie van niet-Belgische gedetineerden in Vlaamse en Brusselse gevangenissen: Een helikopteroverzicht van acties en projecten. *Fatik* 34(156): 4–15.
- Brouwer J (2020) Bordered penalty in the Netherlands: The experiences of foreign national prisoners and prison officers in a crimmigration prison. *Punishment &*

*Society* 0(0): 1-20.

Bushe GR (1999) Advances in appreciative inquiry as an organization development intervention. *Organization Development Journal* 17(2): 61–68.

Carpentier N (2011) The concept of participation. If they have access and interact, do they really participate? *CM, Communication Management Quarterly/Casopis Za Upravljanje Komuniciranjem* 21: 13–36.

Carter B (2006) ‘One expertise among many’—Working appreciatively to make miracles instead of finding problems using appreciative inquiry as a way of reframing research. *Journal of Research in Nursing* 11(1): 48–63.

Carter B, Cummings J and Cooper L (2007) An exploration of best practice in multi-agency working and the experiences of families of children with complex health needs. What works well and what needs to be done to improve practice for the future? *Journal of Clinical Nursing* 16(3): 527–539.

Cerezo AI and Izco M (2019) Young foreign women in prison: A case study in Malaga Prison. *Temida* 22(3): 235–261.

Council of Europe (2006) Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules. Available at: [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805d8d25](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805d8d25) (accessed 5 March 2020).

Council of Europe (2012) Recommendation CM/Rec(2012)12 of the Committee of

Ministers to member States concerning foreign prisoners. Available at:  
[https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=090000016805c9df0](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000016805c9df0)  
(accessed 5 March 2020).

Crawley E (2005) Institutional Thoughtlessness in Prisons and Its Impacts on the Day-to-Day Prison Lives of Elderly Men. *Journal of Contemporary Criminal Justice* 21(4): 350-363.

Croux F, De Donder L, Claes B, et al. (accepted) Peer support as a bridge for participation in prison activities and services: A qualitative study with foreign national prisoners. *Criminology & Criminal Justice*.

Croux F, Brosens D, De Donder L, et al. (2020) Foreign national and ethnic minority prisoners' participation in formally organized prison activities: A scoping review. *Journal of Occupational Science* 0(0): 1-18.

Croux F, Brosens D, Vandeveld S, et al. (2019) Foreign national prisoners in Flanders (Belgium): Motivations and barriers to participation in prison programmes. *European Journal on Criminal Policy and Research* 25(2): 171–188.

Educatie achter buitenlandse tralies (2020) De Stichting 'Educatie achter buitenlandse tralies'. Available at: <https://www.eabt.nl/nl> (accessed 21 February 2020).

Federale Overheidsdienst Justitie (2005) *Basiswet betreffende het gevangeniswezen en de rechtspositie van de gedetineerden*. Available at:  
[http://www.ejustice.just.fgov.be/mopdf/2005/02/01\\_1.pdf#Page7](http://www.ejustice.just.fgov.be/mopdf/2005/02/01_1.pdf#Page7) (accessed 16

September 2020).

Federale Overheidsdienst (2018) *Jaarverslag 2017 Directoraat-generaal*

*Penitentiaire Inrichtingen*. Available at:

[https://justitie.belgium.be/sites/default/files/jaarverslag\\_dg\\_epi\\_2017.pdf](https://justitie.belgium.be/sites/default/files/jaarverslag_dg_epi_2017.pdf) (accessed 20 February 2020).

De Koster K (2017) Hulp- en dienstverlening aan gedetineerden. In: Beyens K and Snacken S (eds) *Straffen. Een penologisch perspectief*. Antwerpen: Maklu, pp. 619–645).

Geiger B and Fischer M (2018) What works in Israeli prison-based sex offender rehabilitation programs: Program participants' perspective. *International Journal of Offender Therapy and Comparative Criminology* 62(9): 2601–2623.

Hawley J, Murphy I and Souto-Otero M (2013) *Prison Education and Training in Europe: Current State-of-play and Challenges*. Brussels: European Commission.

Hart RA (2008) Stepping Back from 'The Ladder': Reflections on a Model of Participatory Work with Children. In: Reid A, Jensen BB, Nickel J and Simovska V (eds) *Participation and Learning: Perspectives on Education and the Environment, Health and Sustainability*. Springer, pp. 19–31.

Kox M, De Ridder S, Vanhouche AS, et al. (2014) Detentiebeleving van strafrechtelijk gedetineerden zonder verblijfsrecht. *Tijdschrift Voor Criminologie* 56(2): 31–47.

- Kruttschnitt C, Dirkzwager A and Kennedy L (2013) Strangers in a strange land: Coping with imprisonment as a racial or ethnic foreign national inmate. *The British Journal of Sociology* 64(3): 478–500.
- Liebling A, Elliott C and Arnold H (2001) Transforming the prison: Romantic optimism or appreciative realism? *Criminology and Criminal Justice* 1(2): 161–180.
- Liebling A, Price D and Elliott C (1999) Appreciative inquiry and relationships in prison. *Punishment & Society* 1(1): 71–98.
- Lindsay S (2018) Five approaches to qualitative comparison groups in health research: A scoping review. *Qualitative Health Research* 0(00): 1–14.
- Martínez-Gómez A (2014) Interpreting in prison settings: An international overview. *Interpreting* 16(2): 233–259.
- Martynowicz A (2016) Not so multicultural prison: Polish prisoners in a transitional prison system. *Criminology & Criminal Justice* 16(3): 337–349.
- Martynowicz A (2018) Power, pain, adaptations and resistance in a 'foreign' prison: The case of Polish prisoners incarcerated in Northern Ireland. *Justice, Power and Resistance* 2(2): 267–286.
- Meyvis W (2002) Hulpverlening en strafuitvoering: Tussen praktische reflecties en reflectieve praktijk. In: Bouverne-De Bie M, Kloeck K, Meyvis W, Roose R and Vanacker J (eds) *Handboek forensisch welzijnswerk*. Gent: Academia Press, pp. 299–316.



- Reid A and Nikkel J (2008) Differentiating and Evaluating Conceptions and Examples of Participation in Environment-Related Learning. In: Reid A, Jensen BB, Nikkel J and Simovska V (eds) *Participation and Learning: Perspectives on Education and the Environment, Health and Sustainability*. Springer, pp. 32–60.
- Robinson G, Priede C, Farrall S, et al. (2012) Doing ‘strengths-based’ research: Appreciative inquiry in a probation setting. *Criminology and Criminal Justice* 13(1): 3-20.
- Snacken S (2007) Belgium. In: van Kalmthout AM, Hofstee-van der Meulen FBAM and Dünkel F (eds) *Foreigners in European Prisons*. Nijmegen: Wolf Legal Publishers, pp. 127–156.
- Sykes GM (1958) *The Society of Captives: A Study of a Maximum Security Prison*. Princeton: Princeton University Press.
- Ugelvik T and Damsa D (2018) The Pains of Crimmigration Imprisonment: Perspectives from a Norwegian All-foreign Prison. *The British Journal of Criminology* 58(5): 1025–1043.
- United Nations (2015) United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Available at: [https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E\\_ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf) (accessed 5 March 2020).
- Van Daele S, Vander Beken T and Bruinsma GJN (2012) Does the mobility of

foreign offenders fit the general pattern of mobility? *European Journal of Criminology* 9(3): 290–308.

Van Kalmthout AM, Hofstee-van der Meulen FBAM and Dünkel F (2007) Comparative overview, conclusions and recommendations. In: Van Kalmthout AM, Hofstee-van der Meulen FBAM and Dünkel F (eds) *Foreigners in European Prisons*. Nijmegen: Wolf Legal Publishers, pp. 7–88.

Vlaamse overheid (2013) Decreet hulp- en dienstverlening aan gedetineerden. Available at: [http://www.ejustice.just.fgov.be/mopdf/2013/04/11\\_1.pdf#Page41](http://www.ejustice.just.fgov.be/mopdf/2013/04/11_1.pdf#Page41) (accessed 5 March 2020).

Vlaamse overheid (2015) Hulp- en dienstverlening aan gedetineerden: Strategisch plan 2015-2020. Available at: [https://www.departementwvg.be/sites/default/files/media/documenten/strap\\_gedetinerden\\_2015\\_2020\\_definitief.pdf](https://www.departementwvg.be/sites/default/files/media/documenten/strap_gedetinerden_2015_2020_definitief.pdf) (accessed 5 March 2020).

Warr J (2016) The deprivation of certitude, legitimacy and hope: Foreign national prisoners and the pains of imprisonment. *Criminology & Criminal Justice* 16(3): 301–318.

Westrheim K and Manger T (2014) Iraqi prisoners in Norway: Educational background, participation, preferences and barriers to education. *Journal of Prison Education and Reentry* 1(1): 6–19.

Yildiz C and Bartlett A (2011) Language, foreign nationality and ethnicity in an

English prison: Implications for the quality of health and social research. *Journal of Medical Ethics* 37(10): 637–640.