

## Participation opportunities for foreign national prisoners in Belgium

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In Belgium, almost 44% of the prison population have a non-Belgian nationality. The limited research that is conducted about foreign national prisoners mainly focuses on the problems they experience during incarceration (e.g. language difficulties, immigration uncertainties, lack of resettlement support), while research only scantily focuses on foreign national prisoners' opportunities to participate in prison activities (e.g. cultural, educational, sports, vocational training). To investigate which prison activities are available for and accessible by foreign national prisoners, interviews have been conducted with the activity coordinators of all prisons in Flanders and Brussels (N = 17). In this article, we demonstrate that the activity coordinators undertake several efforts to increase foreign national prisoners' participation opportunities, but that they struggle with two organizational challenges in realizing this: a foreign national prisoner's residence status and the language in which the activities are offered. The research conducted is part of the FIP<sup>2</sup>-project (Foreigners' Involvement and Participation in Prison), a research project supported by the Flemish Research Foundation.

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## Introduction

The Vrije Universiteit Brussel and the University of Ghent (Belgium) are involved in a four-year research project called FIP<sup>2</sup>, which stands for “Foreigners’ Involvement and Participation in Prison” (2017-2021). This project aims to provide insight into the foreign national prison population in Belgium and their opportunities to participate in prison activities. Prison activities is broadly interpreted and includes for instance educational courses, vocational training, library, sports, peer support, prisoner council, prison visit, or religious programs. Previous research has underlined the positive outcomes of participating in prison activities. For instance, participating in educational courses allows prisoners to retain a sense of agency within a controlled and coercive prison environment (Behan, 2014), while being involved in sport activities improves the physical health (Gallant, Sherry, & Nicholson, 2015).

In Flanders (the Northern region of Belgium), the offer of prison activities is regulated by the Decree concerning the organization of services and assistance for prisoners. Herein it is specified that all prisoners should have access to activities, like cultural, educational and health-related activities, sports, vocational training and that they can make use of the forensic welfare service. The Decree does not make a difference between nationalities, which implies that also foreign national prisoners should have access to those type of activities (Flemish Government, 2013). As many studies focus on national prisoners, in the FIP<sup>2</sup> project we focus on the participation opportunities for foreign national prisoners. This group is frequently overlooked in research, while they made up 43.9% of the prison population in Belgium on 24 October 2017.

The aim of our study was twofold. The study aimed at (1) providing insight into which prison activities are available for foreign national prisoners and (2) how accessible are these activities? We conducted 17 interviews with the coordinators of activities of all prisoners in Flanders and Brussels between June and September 2017. These people are responsible to coordinate the activity offerings concerning cultural, educational, and health-related activities, sports, vocational training, and forensic welfare services in the local prisons. During the interviews, we discussed the participation initiatives for foreign national prisoners. All interviews were audio-recorded and an extensive summary was made of each interview shortly after it took place. Afterwards, the summaries were analyzed making use of the qualitative software program called MAXQDA.

## Participation opportunities for foreign national prisoners

Mainly remand prisons and closed prisons had a diverse population in terms of nationality. To give an idea, some prisons where sentences are executed with an open regime almost had no foreign national

prisoners, while in some remand and closed prisons more than half of the population had a non-Belgian nationality, comprising a large variety of nationalities presented. One activity coordinator said:

*Not so long ago, we made an analysis of our population. It turned out that we have about 35 different nationalities within a population of 170 to 180 prisoners. (Activity coordinator, remand prison)*

The number of foreign national prisoners had an immediate influence on how much attention was paid to offering activities for this particular group. Although the activity coordinators mentioned they used the principle “no single prisoner was excluded from taking part in prison activities”, in practice they were confronted with several difficulties in realizing participation opportunities for everyone. In particular, they mentioned that somebody’s right of residence and the language in which the activity was offered were linked with their opportunities to participate in activities during a period of incarceration.

### **The right to stay in Belgium as a legal necessity for participation**

Data from the penal database SIDIS of 24 October 2017 demonstrates that there was diversity in whether or not non-Belgian prisoners had the right to stay in Belgium. 65.2% did not have to right of residence, which implies that they face deportation during or after their detention period. 31.5% had the right to stay and 3.3% did not know yet if they could stay in Belgium or that they would be deported.

Despite that several activity coordinators mentioned that in principle “no single prisoner was excluded from participation in prison activities”, during the interviews it became clear that having the right to stay in Belgium was a legal necessity for participation in particular prison activities. This related to activities that could help prisoners to prepare their life after release from prison. For instance, preparing for a job or following a part of the reintegration trajectory was not possible for foreign national prisoners without right to stay in Belgium. Many activity coordinators experienced that preparing for resettlement was extremely difficult for those prisoners without the right of residence. Almost all of them mentioned that there were no specific programs to help this group. There was one exception. One of the prisons housed many people lacking criminal responsibility (also known as interneers). For these vulnerable people, they could make use of the Special Needs program of the Federal Public Service of Foreign Affairs. Through this program, they could provide support during the incarceration period, repatriation and sometimes also after being returned to the country to which they were being deported. This program aimed to support a reintegration trajectory for a maximum

of 1 year after deportation. However, this program was not available for the majority of the foreign national prisoners without the right of residence.

One prison had a specific offer for non-Belgian prisoners with the right to stay in Belgium. This prison worked together with the Agency that is responsible for the integration of newcomers in Belgium and organized the module "society orientation" once a year. This module was part of the integration program every newcomer has to follow on the outside. During six thematic evenings, prisoners received information about the educational system in Belgium, how to find work and housing, social security, and mobility. The evenings were held in English and/ or French, depending on the languages the participating prisoners mastered. The activity coordinator said the following things about this module "society orientation":

*"These are very professional. After signing up, everyone has an individual intake conversation with the teachers. They try to clarify what they [the prisoners] expect from the informational evenings; what their specific questions are. And afterwards, they see how they can achieve these goals. These conversations take almost one hour per person, so that is quite extensive. They also talk about the personal situations of these people. Afterwards, the informational evenings take place, in English or French, or both. And after these evenings, an individual evaluation takes place." (Activity coordinator, remand prison)*

### **The language in which activities are offered influences foreign national prisoners participation opportunities**

Language was an important barrier to participate in prison activities. Some non-Belgian prisoners could fluently speak Dutch (i.e. the dominant language used in the prisons), while others could not sufficiently speak or understand Dutch to participate in prison activities for which Dutch was required.

Prison coordinators divided the prison activities based on the level of the Dutch language that was required to be able to participate. They made a difference between Dutch activities, activities for people speaking a foreign language and language-less sensitive activities. In what follows, we give some examples for each category.

Concerning the Dutch activities, the activity coordinators mentioned that the majority of the regular activities were exclusively for those prisoners who understood the Dutch language. The consequence was that foreign national prisoners who did not master Dutch were not able to participate. Examples of these activities were workshops on 'dealing with frustrations', 'being a parent in prison',

sessions with staff members from the forensic welfare service (JWW) or centers for mental health care (CGGZ).

However, there were also specific activities to learn the Dutch language. Several prisons offered courses in Dutch as a second language. In a minority of the prisons, this was transformed into a course 'Dutch on the prison floor', through which prisoners learned the specific jargon that was used in prison. This was positively experienced by the activity coordinators through which prisons decided to organize that course again.

*Dutch on the prison floor, we have offered that since last school year. Actually, that is learning Dutch as a second language, but that is specifically meant to give prisoners guidelines to function inside the prison. (Activity coordinator, prison for convicted people)*

Concerning "foreign language-activities", the offer of activities was much smaller. An example was a prison in which a Gregorian singing atelier was installed. As Gregorian was a language that nobody in the prison mastered, this activity was equally accessible for all prisoners. Besides, all prisons had a library in which prisoners could borrow books, CDs, DVDs and comic strips. Some prisons had an extensive offer of books in foreign languages. This was in particular the case if they worked together with the local municipal library. In addition, CDs and DVDs were less language sensitive. For instance, many DVDs included subtitles in several languages.

And lastly, the majority of the activity coordinators underlined that there were also "language-less sensitive activities" available. This did not imply that no language was used, but rather a universal language. These activities mainly consisted of sport activities. All activity coordinators were convinced that language was not a real barrier to participate in sport activities:

*Foreign national prisoners can participate in all sports activities. That is the advantage of sport, that it is very accessible for foreigners since language is not really a barrier. (Activity coordinator, prison for convicted people)*

Other examples of less-language sensitive activities given by the activity coordinators were leisure activities like concerts, a barbecue, a multicultural market or workshop, and cultural activities.

## Discussion

During our study, we wanted to investigate which prison activities were available for foreign national prisoners and what was their accessibility according to prison activity coordinators in Flanders and Brussels. Studying this was of utmost importance due to several reasons. First, previous research only scanty focused on the participation opportunities for foreign national prisoners (Croux, Brosens, Vandeveldel, & Donder, 2019). And second, Belgium is confronted with a high population of foreign national prisoners (to remember: 43.9% at 24 October 2017). Some prisons almost had no foreign national prisoners, while others were confronted with a high proportion. As a consequence, the extent to which attention is or had to be paid to offering participation opportunities for this target group was locally determined. Activity coordinators working in prisons with a high proportion of foreign national prisoners were confronted with two organizational challenges in offering activities: the residence status of foreign national prisoners and the language in which the activities were offered.

If we link these organizational challenges with research on culturally sensitive interventions, we can state that if efforts were made to adapt the offer of activities to foreign national prisoners, adaptations were mainly made on surface structure interventions. This implies that interventions or activities were tailored to observable, social and behavioral characteristics like language, clothing and music (Hodge, Jackson, & Vaughn, 2010). The examples given by the activity coordinators all related to language (e.g. offering Dutch language courses, providing books in different languages, organizing language-less sensitive activities like sports). Adapting activities on the deep structure level means that elements that influence the behavior of a target group are included. Think about cultural, social and environmental factors (van Mourik, Crone, de Wolff, & Reis, 2017). Adaptations on deep structure level were almost non-existent in Flemish and Brussels prisons. The only exception mentioned was that in one remand prison foreign national prisoners who have the right to stay in Belgium could participate in the course "social orientation". During this course, they were prepared for their reintegration after release from prison. The course is an example of an adaptation on deep structure as the expectations, specific questions and personal situations of the participation foreign national prisoners were included in the course. We can thus conclude that additional efforts are necessary to make sure that foreign national prisoners can practice their rights concerning participation in prison activities.

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