

*Scheinost Miroslav, Jarkovská Lucie, Luptáková Marina, Krejčová Soňa:*

## **A survey of foreign nationals in Czech prisons<sup>1</sup>**

2002 - 2003

ISBN 80-7338-025-0

### **Extended summary**

### **Research background**

The wide-ranging socio-economic changes in the final decade of the last century manifest themselves not only, for example, in new types of crime committed in our country but are also reflected in the structure of those committing criminal activity. The opening of borders in itself understandably brings a larger number of foreign nationals committing criminal offences in the Czech Republic. In connection with this there has been a significant change in the number and nationality structure of foreign nationals detained in Czech prisons.

Over the last decade there has been a significant change in the structure of foreign nationals detained in Czech prisons. Citizens of the Slovak Republic have also been considered to be foreigners here since 1 January 1993. But, particularly as a result of the opening of state borders, accused and convicted persons of other nationalities, with which the Czech Prison Service has hitherto not had experience,<sup>2</sup> began to appear in Czech prisons. The presence of prisoners designated as „Russian speakers“ or „from the countries of the former Soviet Union“ is seen as particularly problematic. The pressing nature of the problem of foreigners imprisoned was shown in particular by prison riots in January 2000, a mass hunger strike and an attempted break out and escape by „Russian speaking“ prisoners in the autumn of 2001 and also a protest hunger strike by prisoners „from the countries of the former Soviet Union“ in the Pankrác prison in August 2002.

The subject of the survey, carried out at the request of the General Headquarters of the Czech Prison Service, was for this reason foreign nationals in Czech prisons with priority focus on citizens of CIS (Community of Independent States) (i.e. Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Lithuania, Latvia, Moldova, Russia, Tadjikistan, Turkmenistan, Uzbekistan) and particularly on Ukrainian nationals, of whom there were ca 500 in Czech prisons during the research period out of a total of approximately 800 prisoners of the Russian speaking group. In addition, the research was also focused on several other more numerous represented specific groups of foreigners in Czech prisons, namely Vietnamese, prisoners from Balkan countries (i.e. Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Yugoslavia, Macedonia) and from Islamic countries (i.e. Afghanistan, Algeria, Bahrain, Egypt, Iraq, Iran, Jordan, Kuwait, Libya, Morocco, Pakistan, Palestine, Syria, Tunisia). Slovak nationals were not included in the research – it can be assumed (and

---

<sup>1</sup> Scheinost, M., Jarkovská, L., Luptáková, M., Krejčová, S. Výzkum cizích státních příslušníků v českých věznicích. Praha: IKSP, 2004. 131 stran.

<sup>2</sup> Vývoj stavů obviněných a odsouzených cizích státních příslušníků v letech 1994-2001 a jejich struktura podle státní příslušnosti k 31.12.2001 (Change in the number of foreign nationals indicted and convicted between 1994 and 2001 and their structure in terms of nationality at 31.12.2001). In: Ročenka vězeňské služby ČR (Yearbook of the Czech Prison Service). Praha: VS ČR, 2001. s.17-19.

prison service staff confirm this) that their behaviour and actions do not differ significantly in practice from the known and sufficiently well mapped behaviour patterns of the domestic population.

The basic aim of the research was:

- to characterise the categories of foreign prisoners in terms of their criminal and socio-cultural features and stereotypes with priority focus on prisoners of Ukrainian nationality, and to ascertain specific features of their behaviour compared with Czech citizens in prison
- to identify problems in dealing with prisoners who are foreign nationals and to contribute to identifying their causes
- on the basis of these findings to formulate possible recommendations and proposals for how to treat this specific category of the prison population and to minimise any risks of conflict with prison personnel and also inside the prison community, creation of parallel informal structures, exceptional events etc.

## **Research methods and procedure**

The research project was prepared and discussed with representatives of the General Headquarters of the Czech Prison Service in 2002. The implementation phase of the project then started at the beginning of 2003, with on-site survey from May. The research report was completed, examined and published at the beginning of 2004.

To carry out the research, the members of the research team used the techniques of secondary analysis of documents, analysis of statistical data, a questionnaire, controlled semi-standardised interviews and analysis of documents from files.

Professional literature from the Czech Republic and abroad relating to this issue was a source for findings. Findings of foreign specialists were also used, in particular from the countries of priority interest (Ukraine and Russia), who were asked to provide materials, particularly on the issues of imprisonment and organised crime in these countries. Thanks to them some very valuable and up-to-date sources of information were obtained, for example a report on research carried out by Ukrainian specialists on the issue of norms and standards of behaviour in organised criminal groups, completed in 2001.

*The basic group* for analysis of statistical data were all foreign nationals in Czech prisons at 31 December 2002; *the selected group* consisted of foreigners in four prisons, which were selected following consultation with the General Headquarters of the Czech Prison Service, based on the fact that they had the highest numbers of foreign nationals in them at 31 December 2002, and also prisoners who were Ukrainian and Vietnamese nationals. In addition, data were used from non-standard reports prepared by the request of the Czech Police on criminality of foreign nationals ascertained in the Czech Republic.

In addition to statistical data, information on the situation in individual prisons was obtained *by means of a written questionnaire*, in which questions were formulated as separate sections in a number of subject areas. This questionnaire was distributed to individual prisons by specialised staff of the Prison Service – mediators.

These subject areas were also used as a base for carrying out *controlled semi-standardised interviews* with staff of the selected prisons who come into direct contact with the issue of foreign nationals and whom the research team staff visited. Heads

of custody/sentence sections and their deputies, educators, psychologists and social and education staff working with foreigners in these prisons were approached as respondents.

An analysis of selected file material on *individual cases* was also conducted anonymously by agreement with prison staff in the prisons visited. Cases were selected to represent the main groups of foreign nationals in the prison population studied, i.e. Ukrainians, Vietnamese, citizens of Balkan states and citizens of Islamic states.

## **Research findings**

If we start by summarising findings from a general perspective on the structure of foreigners in the Czech Republic, we can state that in the 1990s the Czech Republic – if we do not take into account the rise in normal tourism, business trips, study stays etc. – became in terms of migration not only an important transit country but also for certain groups of foreigners a destination country. The reasons for immigrant interest in remaining in the Czech Republic are mainly economic, generally motivated by a bad economic situation in their countries of origin and an interest in finding a living in the Czech Republic, even though in a number of cases it is not possible to overlook motives of fears concerning safety, manifested in particular among applicants for asylum coming from countries afflicted by wars and internal conflicts. It is of course the case that applications for asylum are also very often motivated by other reasons, evidence of which is the relatively low percentage of requests granted.

Besides this legal migration there is also, however, relatively extensive illegal migration. This consists of both transit migrants trying to enter other target states illegally and people striving to obtain employment in the Czech Republic without a residence permit and a work permit, people who stay on in the Czech Republic after their tourist visa has expired, persons who do not respect administrative or court deportation orders and so on. Some of these illegal migrants represent a significant crime-generating potential (particularly persons already prosecuted and deported, or people who because of their oppressive life situation may be abused by organised crime), even though it can be presumed that foreigners who come to the Czech Republic with the deliberate intention to commit crimes here mostly enter the country in a legal manner.

It is generally the case that in the 1990s the number of foreigners living in the Czech Republic increased very substantially and their growing proportion in society is also shown in the structure of persons known to have committed recorded criminal offences. Although the proportion of foreign nationals in the number of known offenders in the Czech Republic has not reached the level known in some other European countries (the Federal Republic of Germany, Austria and others), a considerable rise has been recorded and is shown in the structure of persons imprisoned, where foreigners have formed ca 8-9% of the prison population in the last few years (when citizens of the Slovak Republic are included, 10-11%), which is more than the proportion of them in all criminal offences detected and also persons prosecuted (ca 5-6%).

The fundamental change in the proportion of foreigners in the prison population is marked by a number of characteristic features. Here we can include the progressively significant fall in the proportion of citizens of the Slovak Republic (in 1995 Slovaks formed 73% of indicted and convicted foreigners in prisons, whereas in 2002 they formed only 22%) accompanied on the other hand by a similarly significant rise in the number of citizens of countries of the former Soviet Union in prison, particularly from the Ukraine. This is a trend

which in general corresponds to the increase in the proportion of citizens of the Ukraine in the Czech Republic, where they now form the second most numerous national group, closely behind citizens of the Slovak Republic, followed by Vietnamese, Poles and Russians. Another significant feature is the great variety in the nationality breakdown of foreigners in prison, when, for instance, at 31 December 2002 persons from 66 countries in all parts of the world with the exception of countries in the Oceania region could be found in Czech prisons.

It is clear that this fundamental change in the nationality breakdown of the prison population brings a whole range of new problems and imposes other, qualitatively different demands on the activity of the Prison Service.

The research confirmed that the potentially most problematic group among foreign nationals in prison are at the present time **Ukrainians**. The reasons for this fact can be considered at several levels.

Ukrainian immigration into the Czech Republic is mainly for economic reasons and attempts to find work and a livelihood here. Until there is an improvement in the economic situation in the Ukraine it cannot be expected that interest in living in the Czech Republic linked with looking for an income will lessen, also in view of the geographical proximity of and availability of transport to the Czech Republic, the similarity of the two languages and the continuing range of work opportunities, particularly seasonal, auxiliary and unskilled work. The existential pressure is such that it forces Ukrainian workers to look for any type of work, even without a proper permit. Their interest is facilitated by the readiness of domestic employers to offer them work (including in what is called the black economy without due taxation, deduction of the prescribed contributions etc.), because they present a mobile, efficient and cheap source of labour, and furthermore – if they work without a permit – in an unequal position vis-a-vis their employer. In view of this the Ukrainian population in the Czech Republic is predominantly made up of younger people, mostly single, or middle-aged persons with a family which stays at home; so they live in relative isolation in the Czech Republic, without family backing, often in distressed or makeshift conditions, exploited both by employers and by those who bring them here, in the case of illegal work also in fear of being discovered and expelled. In addition to the possible „nationality ghetto effect“ stemming from loneliness, isolation and an unequal status in a foreign environment, which in itself presents a certain crime-generating factor, they may, owing to these conditions, also be relatively easily manipulated and abused for possible criminal activity. This is the case predominantly with men; as far as women are concerned, they find themselves in a similar position, and in addition to this may become the victims of trafficking in women and exploitation in prostitution.

In addition to this „economic immigration“ the general expansion of crime abroad from the former Soviet Union, including the Ukraine, needs to be taken into account. This does not have to be exclusively a question of criminal organisations operating internationally, which understandably, in addition to other criminal activities, live off the economic migration mentioned above, but also of individuals, predominantly younger males, looking for the possibility of quick money abroad regardless of the way it is gained; these, then, besides the criminal offences typical for them (theft, robbery committed sometimes for minimal gain with excessive use of violence), may perhaps get involved in organised structures as „foot soldiers“.

As a result of this, Ukrainians have, after Slovaks, the highest share in criminal offences detected; particularly since 1995 there has been a rise in their criminal offences detected. In addition to property crime, violent criminal activity is typical for them (robbery, extortion, bodily assault), and criminal offences committed in an organised manner have appeared. Typical is the youth of offenders – more than 67% of acts are committed by persons under 30. These facts are reflected in the structure of the prison population – at 31 December 2002 Ukrainian prisoners formed 31% of all foreign nationals and together with foreigners from other states of the former Soviet Union represented ca 5% of the total prison population, and their share is constantly increasing. The Ukrainians in prison are predominantly young – according to the data ascertained, 55% of them are aged between 20 and 29. The nature of the criminal offence for which they have been convicted was affected by the type of prison in which part of the research was conducted (these were prisons where convicted offenders serve their sentences in stricter conditions), but nevertheless prevalently violent criminal activity was confirmed. To a greater extent than with other nationalities group criminal activity sometimes linked with organised crime structures is manifested.

The main source of potential problems with the Ukrainian prison population was shown to be – besides rise in numbers – the existence of specific prison sub-cultures linked with an effective and respected organisation within prisons. This organisation is marked by an observed hierarchy and discipline, obedience to „capos“, it is self-contained and keeps at a distance from those around them (prisoners of other nationalities and also prison staff), but also by internal solidarity and mutual support, which even to an ordinary prisoner at the lower levels of the hierarchy provides backing and support in the prison environment. The capability for organisation undoubtedly stems from traditions of prison sub-culture developed historically in the specific conditions of the former Soviet Union and transferred to our environment. The hierarchy created furthermore copies and respects the hierarchy „on the outside“, from the organised crime environment. Contributing to this capability is the knowledge of prison sub-culture widely spread in the countries of the former Soviet Union, where as a result of mass reprisals and tough sentencing policy a disproportionately larger spread of people than in other European countries acquired experience of prison, the sharing of this experience between generations, perception of this prison experience as a „normal“ part of culture, and the existence of a traditional prison elite. Thanks to this tradition and experience, specific behaviour and organisation patterns do not have to be newly developed on entry to the prison environment, but are routinely applied in their traditional and known form.

The authority of the organisation in prison is such that it also determines the behaviour of those prisoners who do not come from an organised crime environment and do not have to have their own previous experience of prison. Not even they have the courage to breach the given behavioural norms but prefer to risk conflict with official authority. Typical is obedience to leaders (who cannot be identified easily), total silence on the internal life of the group and basically also about themselves and the past. It is true that the findings agree that Ukrainians do not seek conflict either with prison staff or with other groups of prisoners. Any disciplinary penalties are mostly the result of refusing cleaning work, because this requirement conflicts with the internal rules of their sub-culture, which do not permit this work particularly for persons in the upper echelons of the hierarchy. On the other hand, thanks to their organisation (they are able to maintain contact not only inside one prison but also between prisons and outside), discipline, silence and also numbers they are able to become a powerful force in prison, to press their demands en masse, to react to perceived and

presumed grievances and if necessary secretly prepare organised mass riots, which has already happened.

In contrast to the Ukrainians, **Russian nationals** in the Czech Republic are rather better off people coming from an urban environment, arriving in the Czech Republic to seek a „more European“ and more secure environment for their possible activities and investments here in view of the instability of the situation in Russia. For this reason they do not represent typical economic immigration. They form enclaves in the Czech Republic, which, though they are relatively isolated, show a more normal social structure with greater proportion of families and more generations, which provides their members with better social backing. In prison too, according to the replies of respondents, they keep away from prisoners of other nationalities coming from the former Soviet Union, including Ukrainians (this keeping apart is mutual) and a certain tendency to regard themselves as superior. The probability of greater representation of persons with higher education and experience of living in other European countries also contributes to this.

**Vietnamese**, who at the present time represent the third most numerous nationality among foreigners in Czech prisons, are on the other hand generally perceived in the replies from prison staff as without problems in prison, communicative, adaptable and avoiding conflict. They do not create internal organisations, and are usually accepted in the prison environment as well. The fact that most of them have to a significant extent previously become familiar with the Czech environment and the norms that apply and are able to communicate effectively evidently shows to their advantage. Also they are predominantly in the older age category of 30-39 (45.7%). Even so, it should be remembered that in addition to economic crime a number of them have been sentenced for violent crime, sometimes committed in a group. This means that they are under certain circumstances capable of displays of violence, even though if this occurred in a prison environment it would very probably have been of an individual, not group or organised nature. A further risk factor may be the fact that the nature of their culture and the way they present themselves makes it difficult to recognise the degree of pent-up emotions and their actual psychological state, which in an unexpected situation or intensification of pressure can lead to an outburst of uncontrolled aggression (as some of the analysed cases show). Although the occurrence of drugs among Vietnamese in prison has not been indicated, findings from the cases analysed confirm the occurrence of drugs in the Vietnamese population in the Czech Republic and also according to foreign sources there is a significant occurrence of drugs among Vietnamese in prison. So this risk cannot be excluded in future. **The Chinese prison population** is as yet few in numbers here; in contrast to the Vietnamese they suffer from fundamentally greater communication problems and clearly significantly greater social isolation.

**Prisoners from Islamic countries** were characterised as predominantly individualists, without any significant attempt at forming associations, let alone organisations. They present a varied nationality mix with no significant internal hierarchy and little comradeship, which is shown by the prevalence of internal conflicts. Knowledge and reasonable respect for their religious requirements and standards is shown to be required (time for worship, dietary requirements, undressing). Conflicts in the prison environment may be sparked off by some of their hygiene habits, the lively way in which they present themselves and certain traits characterised by respondents as assertiveness developed to the level of a certain obsequiousness, accompanied on the other hand by unreliability bordering on treacherousness, or aggressive reactions. A significant number of this group have been sentenced for crime linked with drug trafficking (though they themselves are usually not

addicted to drugs), and for this reason the potential risk of participation in peddling drugs in prison cannot be excluded. The ability to spark off group riots is, however, excluded by respondents in view of the fact that any such attempt (which in itself is highly unlikely) would not find support among the rest of the prison population.

**Prisoners from Balkan countries** were characterised as somewhat similar in their mentality to Arabs. They also show a mix of several nationalities and cultures, in contrast to prisoners from Islamic countries with a more evident internal hierarchy, but like them with not much internal comradeship. Drug and violent crime are characteristic for them, which may also present a certain source of risk; it is also necessary to reckon with a probably higher proportion of persons linked to organised crime in this prison sub-population. Although their number in Czech prisons has rather fallen in recent years, if there were further conflicts in the Balkans, the inflow of migrants from Balkan states to our country could again rise dramatically, which would undoubtedly be reflected in the structure of the prison population. For both prisoners from Islamic countries and prisoners from Balkan countries more extensive contacts can be assumed in the Czech environment outside prison than is the case for Ukrainians and Vietnamese, whose social life is more significantly limited to their own communities.

**Concerning foreign prisoners in general** there is an almost total absence of information on any previous criminal career and minimal knowledge of the actual social and family background, skills and life to date (unless they are exceptions: individuals to whom special attention is paid in view of their known position in organised crime structures). These facts naturally make much more difficult any attempt at a differentiated approach and individualised treatment, or any prediction of possible risk manifestations. Personal statements are either only rare (particularly in certain groups such as Ukrainians), or unreliable.

In spite of that we can clearly assume for a significant number of prisoners coming from other countries weakened and disrupted family relationships, loneliness, isolation, and an identity crisis to a more significant degree than for the Czech prison population. For this reason it is necessary with foreigners to reckon on a possible reaction to this situation, which may include a whole range of manifestations from depression to aggression. Foreigners clearly do not on average differ intellectually from the Czech prison population, and are probably somewhat better educated on average. Their health condition is assessed as good (with a reference to the excellent physical condition of most Ukrainians with the exception of a number of more middle aged people marked by hard physical labour). However, certain signals indicating the occurrence of tuberculosis or other infectious diseases cannot be underestimated, especially in view of information on the extent of health problems in prison populations abroad, particularly to the east.

Drug use among foreigners in our prisons is generally considered to be less widespread than among the domestic prison population. In the future, however, it is necessary to reckon with the possibility of a rise both in drug users and in persons capable of getting involved in penetration and distribution of drugs in prisons.

Foreigners' ability to communicate and make themselves understood in the Czech prison environment was generally assessed as good; any refusal to communicate because of lack of language knowledge is assessed rather as deliberate. In relation to Czechs among prisoners of other nationalities except Vietnamese a rather bilateral aloofness is seen in

prisons, otherwise the natural tendency of prisoners of the same nationality to get together is seen, further reinforced among Ukrainians by their organisation. Inter-ethnic conflicts do not appear, rather there is an attempt to avoid them; any conflicts are predominantly interpersonal. Behaviour towards prison staff is assessed as prevalingly instrumental and prisoners from certain countries and cultures (Islam, Orthodox, Balkan) have problems in respecting the authority of women; religion and religious manifestations, however, have greater significance only for prisoners from Islamic countries at present.

A clearly characteristic phenomenon is lack of interest in being sent back to serve a sentence in the country of origin (with the exception of foreigners from developed countries); on the contrary, it is almost the rule to make an application for asylum.

### **III. Conclusions**

The findings obtained in this research need to be assessed as a preliminary and indicative probe into the issue. For this reason it is not easy to formulate any proposals based on it in relation to dealing with foreign prisoners. For example, the solution to the dilemma of whether to place foreign nationals in prison together or separately and whether to treat them all alike regardless of their status in the internal hierarchy or whether to opt for a differentiated approach is not clear even in one single case, and each has its advantages and disadvantages. It can be said that it is possible to choose between concentration of risks or their dispersal and thus their omnipresence. In addition it is necessary to bear in mind that if dangerous prisoners (actual or potential leaders among foreigners) are more isolated or separated in selected prisons (which seems from many points of view a functional approach), this may give rise to increased risk to and thereby also greater demands on prison staff – their foreign language proficiency, emotional stability, maturity, imperviousness to influence, resistance to corruption and so on. In addition to this, total isolation of the „dangerous“ is a new situation to which this prison sub-population may react, for instance, with an even more sophisticated organisation, and completely new and unexpected problems may appear in the new conditions. If on the other hand they are dispersed, their potential organised network may cover all prison facilities.

Recommendations formulated for future procedure in this area were, therefore, more of the nature of guiding theses, which will require further practical and research verification. They were focused on the following areas:

- the probability of exceptional events in prisons sparked off by nationals of other countries
- the probable course and organisation of such events
- possibilities of obtaining information on the persons of foreign prisoners, their previous criminal career, background and so on in cooperation with the police, strengthening of international cooperation and exchanges of information and so on
- systematic preparation of prison staff and training of specialists for work with foreigners
- specifics of prisoners of Ukrainian nationality
- internal organisation of prison work
- possible future problems