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Rights, Pains and Illusions: The Experiences of Welsh-Speakers at Wales' 'Flagship' Prison

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ABSTRACT

This article challenges claims of 'inherent' bilingualism in Wales' largest prison, HMP Berwyn. Drawing on semi-structured interviews and extensive documentary research, we find that Welsh-speaking prisoners at this 'flagship' prison have experienced widespread neglect of their needs and overt interferences with their use of the Welsh language. In light of these findings, we highlight the illusory nature of Welsh language rights and reveal that prisoners endure their own identity-specific 'pains' because of these failures. Our research reinforces the need for criminology to take seriously the UK's multi-national, post-devolution landscape and further underlines the importance of exposing utopian prison agendas to meaningful scrutiny and critique.

1 | Introduction

The Welsh Language Act 1993 is widely regarded a 'landmark enactment' (Watkins 2012, 191). Introduced by the UK Parliament following decades of determined campaigning by activists and communities,[1] it established a principle that public bodies in Wales should treat the Welsh and English languages on the basis of equality. Having been previously banned from official use for four centuries,[2] neglected and subjected to various forms of 'subtle oppression' (Madoc-Jones and Buchanan 2004, 227),[3] this was a significant advance for the Welsh language. For other minority languages across Europe, Welsh thereafter was 'regarded with envy', with legal protections introduced in other territories 'closely modelled' on those set out in the 1993 Act (Huws 2006, 147).[4]

Significantly, the Welsh Language Act 1993 extends to the Welsh prison estate, a system comprising five prisons that currently hold around 5300 prisoners. Since its enactment, the UK Government has unveiled various commitments to deliver upon its legal obligations for Welsh-speaking prisoners. In its first Welsh language policy for prisons in 2013, it vowed to provide 'bilingual provision and services' and remove 'obstacles … which inhibit the use of Welsh' (National Offender Management Service 2013, 6, 7). In its most recent scheme, the UK Government refers explicitly to a 'right to use Welsh' for both prisoners and staff (HM Prison and Probation Service 2020, 4). Unsurprisingly, Welsh is now widely perceived to occupy a privileged legal position among non-English languages within UK prisons (Hunter et al. 2022).

The UK Government's Welsh language policies do not apply to the same extent in England, however (HMPPS 2020). Previous research has also consistently drawn attention to the restrictions and difficulties experienced by Welsh-speakers held in English jails (BBC News 2012; Hughes et al. 2012; Madoc-Jones 2007; Welsh Language Commissioner 2018). Combined with further protections for the language introduced by the Welsh Parliament/Senedd Cymru (hereafter 'Senedd'), a consensus has emerged that Welsh-speaking prisoners fare better when held in Wales (House of Commons Welsh Affairs Committee 2007, 2015, 2019a; Welsh Language Commissioner 2018). This was a key justification behind the construction of the UK's largest

prison—HMP Berwyn, in north Wales (opened in 2017)—and remains prominent in discussions around the 'need' for further prison capacity in Wales (Melangell 2024). The effectiveness of Welsh language protections inside Wales' prisons, however, has received insufficient attention to date. Despite high-profile examples over the years of Welsh-speaking prisoners being denied their basic rights when held in Wales (Daily Post 2012; Shipton 2009; Welsh Language Commissioner 2018; IMB 2020), the 'better in Wales' view has remained intact.

In this article, we draw upon multiple data sources to scrutinise and challenge the claims behind the UK Government's Welsh language policy. In doing so, we seek to provide a more detailed, critical and empirically informed understanding of this issue. While prison research on language issues remains sporadic (Gallez 2018), this does not diminish its importance. Language is not only about communication; it is an expression of personal autonomy, cultural identity and membership of a community (Morales-Gálvez 2022). It is also a critical component of penal power, conditioning every aspect of a prisoner's daily experience. Therefore, although our focus is a small section of the prison population, this research is neither 'provincial' or 'parochial'. Rather, the experiences of Welsh-speaking prisoners can inform multiple areas of international prison scholarship: the distinct 'pains' facing linguistic minorities in prison (Diaz-Cotto 2006), the limitations of prisoner rights (Armstrong 2018), as well as critical research agendas that seek to expose the 'fiasco' of the prison when measured against its own stated aims and purposes (Jones et al., 2024; Mathiesen 1990, 141).

The article begins by locating Welsh-speaking prisoners within existing literature on disparate prison experiences, with a particular focus on the 'pains' facing minority language-speakers. In the next section, we introduce readers to the relevant legal frameworks applicable to the use of Welsh in the Welsh prison estate. We then make the case for our interview-based methodology, drawing particular attention to the paucity of official Wales-only data, before providing our analysis of documentary sources and interview data drawn from a small sample of Welsh-speaking former prisoners. Finally, we set out the wider implications of this study for future academic research and policy debates.

Our principal finding is that Welsh-speaking prisoners in Wales' 'flagship' prison, HMP Berwyn, have experienced neglect of their language needs and overt interference with their use of the language by prison staff. Despite the protections offered by UK legislation, the Welsh language at Berwyn is evidently not treated on the basis of equality with the English language. Indeed, in light of the interviewees' accounts, we contend that the language 'rights' available to prisoners are often *illusory* in practice. The reality is that these prisoners often experience the same pains as other minority language speakers: the loss of autonomy to live unimpeded through their first or preferred language, feelings of alienation and exclusion, along with the burdens imposed by a criminal justice system often indifferent or hostile to their communication needs.

Our research also points to an additional 'pain' rooted in legal rights and reforms that have failed to deliver real improvements to prisoners' lives. Having been led to believe that Berwyn would be a prison predicated on respect for Welsh language rights, those we interviewed for this study described feelings of frustration, anger and disappointment at the reality which they had experienced. Welsh-speaking prisoners, in short, have endured their own 'pains of hope' (Armstrong 2018; Annison and Condry 2022). The research thus offers a timely reminder that utopian prison agendas need to be exposed to meaningful scrutiny and critique.

2 | Disparate Pains and Prison Experiences

The work of Gresham Sykes (1958) remains *the* authoritative starting point for intellectual excursions into the complex social world of the prison. By far the most significant and enduring contribution made by Sykes is his framing and understanding of 'pains of imprisonment'. In seeking to capture the 'infinite power' of the prison, *The Society of Captives* charts the ways in which relations between prisoners, with staff, or the 'vast body of rules and commands' that regulate prison life, expose prisoners to a series of identity-shaping losses, deprivations and pains (Sykes 1958, 75). Not only banished from society and confined *to* the prison, Sykes (1958) helped a generation of scholars to comprehend the ways in which prisoners are simultaneously confined *within* the social arrangements of the prison itself.

In the succeeding decades, a 'second generation' of studies has sought to build upon Sykes' analytical framework. While the infliction of 'suffering and pain' remain central features of critical prison scholarship (Moore et al. 2018; Scott 2008, 168), multiple studies have contributed towards a more fine-grained understanding of prison institutions and prisoners' experiences of imprisonment (Crewe 2009; Warr 2023). This research has challenged the view that prisoners, and their experiences, are homogenous.

Arguably, the most significant body of literature surrounds the experiences of different population sub-groups. In a range of areas, scholars have uncovered a series of identity-specific pains of imprisonment. Studies on racial identity, for example, have highlighted the ways in which prisoners routinely encounter racial harassment, verbal abuse, derogatory comments and bullying (Cheliotis and Liebling 2006; Genders and Player 1989). Research has also uncovered the 'unequal hardship' facing Gypsy, Roma and Traveller communities (Gavin 2019, 141; MacGabhann 2011); the 'subtle' forms of discrimination experienced by Muslim prisoners (Earle and Phillips 2013; HMI Prisons 2010, 20); and the added isolation and separation experienced by Indigenous populations in jurisdictions worldwide (Atabay 2009; Grant 2016).

Central to this article, studies have also revealed the distinct pains faced by linguistic minorities. In the United States, research by Diaz-Cotto (1996, 130) observed a clear 'class structure' between Spanish and English-speaking prisoners. While English-speaking prisoners were housed in an area of the prison with greater access to the most 'prestigious' jobs that offered higher wages, Spanish-speaking prisoners were often held in much poorer living conditions (Diaz-Cotto 1996, 129). In a later study, Diaz-Cotto (2006, 191) found that Spanish-speaking prisoners often felt they were 'more harshly' treated by prison staff because of their distinct linguistic identity.

An increasing body of research into the experiences of foreign national prisoners has further contributed to our understanding of the problems facing linguistic minorities. These difficulties include experiences of linguistic exclusion, with prisoners regularly unable to communicate effectively with fellow prisoners or staff, which often heightens their sense of frustration and 'social isolation' (Brouwer 2020, 709; Ugelvik and Damsa 2018). According to Croux et al. 2023, 253), linguistic exclusion not only 'exacerbates' or compounds the more universal or generalised pains facing prisoners but represents a 'distinct and separate pain' for foreign national prisoners.

Existing research into the Welsh language and the experiences of Welsh-speaking prisoners lends strong support to the linguistic pains of imprisonment literature. Two decades ago, Madoc-Jones and Buchanan (2004, 365) argued that the criminal justice system in Wales was characterised by 'the deeply engrained institutionalized discrimination of the Welsh language', with 'Welsh-speaking offenders experiencing an inferior justice system than first language English speakers'. In a study on both Welsh-speaking and non-Welsh-speaking (Welsh) prisoners' experiences in England, Madoc-Jones (2007, 15) found Welsh-speakers often experienced a heightened sense of 'alienation' and were more likely to report being 'looked down upon' by prison staff when compared to non-Welsh-speaking prisoners. Research on Welsh-speaking young offenders held in England also found that prisoners felt 'isolated and under threat' when held in an 'unfamiliar linguistic environment', with prisoners often experiencing bullying and forms of intimidation from other non-Welsh-speaking prisoners on the basis of their distinct linguistic identity (Hughes and Madoc-Jones 2005, 378). The unfamiliarity faced by Welsh-speaking prisoners is often caused or compounded by the fact that there is 'no provision' for Welsh-speaking prisoners in England. This includes the absence of Welsh-speaking staff (HMI Prisons 2015; Jones 2017), as well as other provisions such as literature, newspapers or religious services—the latter even though such resources are often 'available in other languages' (Welsh Language Board 2007, 89).

While the pains described by those researching foreign national prisoners mostly relate to social exclusion and alienation (Brouwer 2020; Croux et al. 2023; Ugelvik and Damsa 2018), a distinct theme surrounding Welsh-speaking prisoners concerns overt staff interference. Examples include cases where Welsh-speaking prisoners in England have been prevented from sending letters in Welsh (Inside Time 2021), speaking Welsh with relatives during prison visits, as well as attempts to stop prisoners using Welsh on the telephone (BBC News 2012; Welsh Language Board 2007).

An inquiry by the House of Commons Welsh Affairs Committee (HCWAC) in 2007 also heard that Welsh-speaking prisoners in England have been prevented from speaking in Welsh by staff. While members of Parliament were told that this is often justified on the grounds of 'security issues', the Committee (House of Commons Welsh Affairs Committee 2007, 36) described this practice as 'nonsensical' and 'wholly unacceptable'. In a study by Jones (2017, 204), Welsh prisoners recalled witnessing prison staff in England actively attempting to stop prisoners from speaking Welsh on prison landings on the basis that they were 'not in a Welsh prison'.

Although limited in size and scope, existing research into the experiences of Welsh-speaking prisoners supports the theory that linguistic minorities experience their own distinct pains of imprisonment. Over the last three decades, these findings have contributed to wider debates over the future of the Welsh prison estate and language rights. With much focus on Welsh prisoner experiences in England, however, this research has tended to encourage the view that Welsh prisoners would receive greater support if they were held in Wales 'where its cultural significance is understood' (BBC News 2012; House of Commons Welsh Affairs Committee 2007, 2015, 2019a; Ministry of Justice 2013a, para 7; Madoc-Jones 2007).

3 | The Promise of Language Parity in Welsh Prisons

The protection of the language within Wales' five prisons is highly complex. One of UK devolution's most striking anomalies is that Wales remains the only devolved country without its own distinct criminal justice system. Despite having its own government and legislature, it continues to be a part of the single jurisdiction of England and Wales. Unlike Scotland and Northern Ireland where devolved executives and legislatures align with separate legal jurisdictions and justice systems, it is precisely a lack of alignment that defines the situation in Wales (Jones and Wyn Jones 2022).

Under the Government of Wales Act 2006, responsibility for the Welsh language falls under the auspices of the Welsh Government and the Senedd. In 2011, they introduced the Welsh Language (Wales) Measure 2011 to further safeguard and promote the language. The Measure gives Welsh official status alongside English and empowers Welsh ministers to set rules which public and designated private bodies are obliged to follow at the direction and supervision of an independent regulator, the Office of the Welsh Language Commissioner (WLC). Prisons in Wales, however, remain the responsibility of UK ministers in London. HM Prison and Probation Service (HMPPS), the executive agency responsible for operating prisons in Wales, is therefore not subject to the 2011 Measure or the full jurisdiction of the WLC. Instead, it adheres to the terms of the UK Parliament's Welsh Language Act 1993.

Under the 1993 Act, public bodies are required to publish policies (known as 'Welsh language schemes') outlining the steps which they will take with regard to Welsh language provision. The Act stipulates that these schemes should seek to give effect to a qualified principle of language parity: that 'so far as is both appropriate in the circumstances and reasonably practicable, … the English and Welsh languages should be treated on a basis of equality'. Crucially, the Act applies primarily to services provided *in Wales*; higher standards are therefore expected of Wales' five prisons (House of Commons Welsh Affairs Committee 2019a; HMPPS 2020).

Despite its introduction in 1993, no Welsh language scheme for prisons emerged until 2013. While the Home Office adopted its first scheme in 2002, and the Ministry of Justice (MoJ) in 2010, these contained no detailed instructions for prisons as acknowledged in the first scheme for prisons adopted in 2013 (National Offender Management Service 2013). The 2013 scheme made numerous commitments, including 'bilingual provision

and services whenever they are required to people whose preferred language is Welsh' and the removal of 'obstacles … which inhibit the use of Welsh' (National Offender Management Service 2013, 6, 7).

These commitments were reaffirmed and extended under HMPPS' 2020–2023 (and most recent) Welsh language scheme, which sets out in detail the standards currently expected of Welsh prisons. This policy acknowledges a 'right to use Welsh' for both prisoners and staff (HMPPS 2020, 4): 'prisoners can communicate with each other and with external contacts in Welsh if they wish' (HMPPS 2020, 4). Further, it sets out numerous positive steps expected of Welsh prisons. For example, individuals should be asked their language ability and preferences upon their reception into prison, with data maintained on HMPPS information systems. Even more ambitiously, there should be a 'bilingual environment' (HMPPS 2020, 9), in which all signs and services are to be either provided or made available in both Welsh and English. Media and literature available in the library are to be kept under review to meet the prison's Welsh language needs. Welsh language classes should be available, and the formation of Welsh groups and the nomination of Welsh language ambassadors is to be encouraged.

Despite not being formally subject to the 2011 Measure, HMPPS' declared intention is the same: Within the Welsh prison estate, Welsh should be treated no less favourably than English, and individuals should be able to live their lives through the medium of Welsh if they choose. The limited evidence available, however, suggests that this promise of language parity remains largely unfulfilled. In a major report on the Welsh language within the prison estate, for example, the Welsh Language Commissioner (2018, 62) observed that Welsh-speakers had 'far better experiences in Wales compared to England' but also found evidence of failings across the prison estate as a whole. Following an inquiry into Welsh prisons, House of Commons Welsh Affairs Committee (2019a, 32) concluded that there were 'inadequacies and inconsistencies in Welsh-language provision' right across the Welsh prison estate.

While recent inspection reports have identified progress towards language parity in some Welsh prisons (e.g., IMB 2023; HMI Prisons 2023), there have been several instances in which key stipulations of the 2020 scheme have been breached. There is evidence, for example, that new arrivals across Wales are not asked consistently about their language preferences (HMI Prisons 2022a). Failures to erect bilingual signs and provide key information and forms in Welsh also continue to be documented (HMI Prisons 2022a; 2024, 2025). At some sites, formal opportunities for speakers and learners to develop their skills have been found lacking and the adherence of some Welsh prisons to their own Welsh language 'action plans' has been questioned following inspections (HMI Prisons 2021, 2024, 2025). Concerns have also been raised that some Welsh prisons are 'too positive' and 'overly complimentary' in their own assessments of their Welsh language provision (HMI Prisons 2021, 12, 43).

Wales' newest prison, HMP Berwyn, was supposed to be different.[5] The posterchild of the UK Government's prison modernisation and reform agenda when it opened in 2017 (Jones et al. 2024), this 2100 place prison in north Wales was at the forefront of the MoJ's supposed renewed focus on rehabilitation and purposeful activity (Cameron 2016). At the time, Berwyn was tipped by senior prison officials to become 'the flagship for the rest of the country [and] England to emulate' (O'Connor and O'Murchu 2019, para 11). Berwyn was also the culmination of a long-standing campaign for the construction of a prison in north Wales, seen widely as a 'local solution' to the problems facing those from the Welsh-speaking heartlands in north-west Wales sent to prisons in England (see Figure 1). This was the 'progressive' answer to the Welsh language question: a prison *for* Welsh-speakers that would 'embrace Welsh culture and language' (Prescott 2021, 46).[6] According to the previous Welsh Secretary of State, it would even 'benefit prisoner welfare by allowing Welsh-speakers more opportunity to speak the language in an environment where its cultural significance is understood' (Ministry of Justice 2013a, para 7).

Significantly, Berwyn was the first Welsh prison to have been constructed in its entirety since Welsh language schemes were introduced in prisons. Alongside Ministry of Justice (2013b, para 8) claims that the prison would be 'especially' important for Welsh-speakers, the prison therefore embodied the 1993 Act's promise of language parity. This is the measure against which current practices at Berwyn are to be judged.

4 | Methodology

One of the major impediments to researching criminal justice in Wales is the paucity of disaggregated, Wales-only data within 'England and Wales' datasets (Commission on Justice in Wales 2019). Although the UK Government has pledged repeatedly to address this problem (e.g., House of Commons Welsh Affairs Committee 2019b; Ministry of Justice 2017), many data sources on Welsh prisons and prisoners remain publicly inaccessible, including information relating to both the total number of Welsh people in prison and the number of those who identify as Welsh-speaking. In 2019, the Commission on Justice in Wales (2019, 427), the first review of the operation of the criminal justice system in Wales in over 200 years, concluded that the lack of available Wales-only data had 'inevitably contributed' to a 'major deficiency in Wales specific research' on criminal justice.

We therefore adopted a mixed methods approach. First, original data were obtained using multiple requests for information under the Freedom of Information (FOI) Act 2000. FOI legislation provides researchers with the means to go beyond official discourses and explore under-researched topics and groups (Bows 2017; Savage and Hyde 2014, 303). Requests on the number of Welsh-speaking prisoners and prison staff in England and Wales were sent to the MoJ and helped to gain access to previously unseen or unpublished data. FOI requests were also vital in informing other stages of data collection. Data relating to the total number of Welsh-speaking prisoners held in each prison (see Table 1), for example, informed our semi-structured interview questions and requests were used to help corroborate the accounts given by former prisoners. The information gleaned from our use of FOI supported the triangulation of data and added depth and further originality to our research (Walby and Larsen 2011, 39).[7]

Second, we conducted eight in-depth semi-structured interviews with Welsh-speaking former prisoners who had previously been

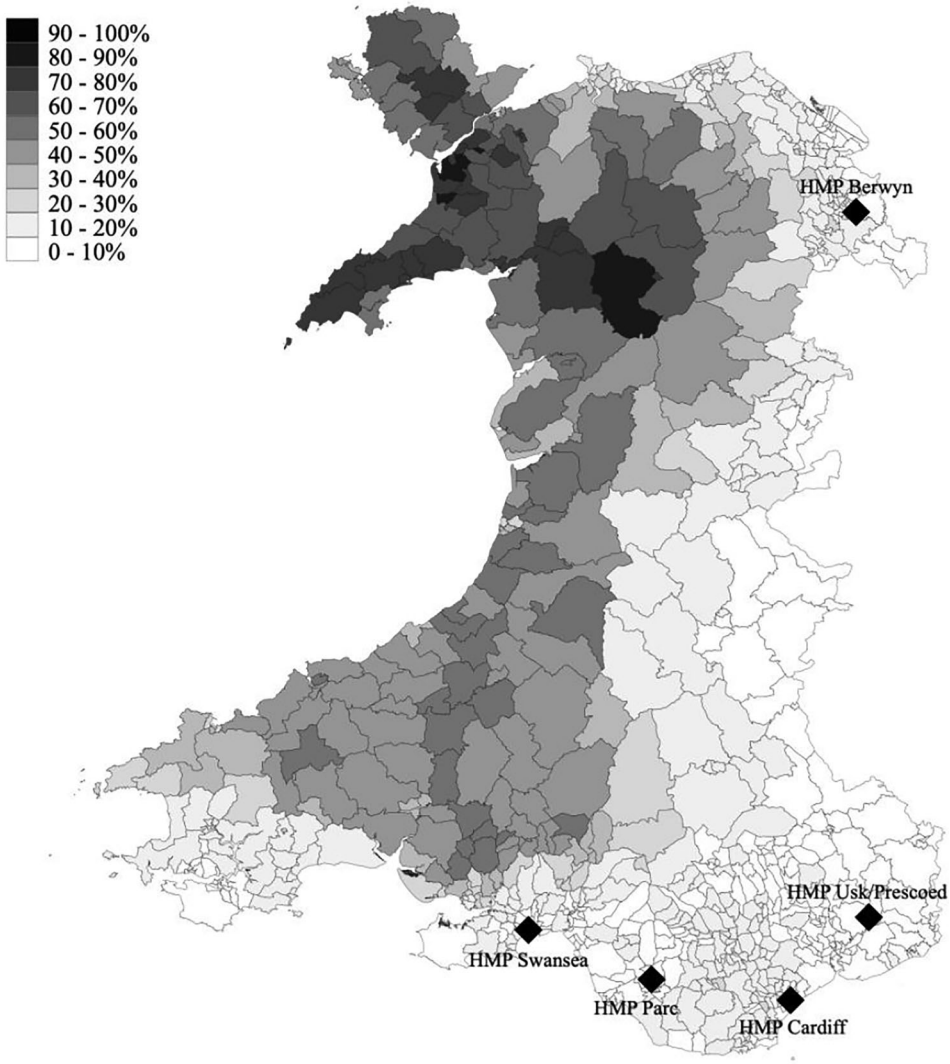

FIGURE 1 | Prisons in Wales overlaid on the proportion of Welsh-speakers in Wales by ward (Office for National Statistics 2022).

TABLE 1 | Welsh-speaking prisoners in Wales by establishment, 2018 to 2024 (Ministry of Justice 2025a).

	2018	2019	2020	2021	2022	2023	2024
Berwyn	14	40	65	74	82	88	84
Cardiff	16	15	17	12	11	16	18
Parc	31	28	31	35	33	38	46
Prescoed	3	1	3	6	9	6	6
Swansea	29	27	23	21	21	24	18
Usk[7]	4	4	3	2	3	4	21
Total	**97**	**115**	**142**	**150**	**159**	**176**	**193**

held in Berwyn between 2018 and 2022. We decided to approach individuals who were no longer under post-release probation supervision in the community, and therefore outside the remit of HMPPS' National Research Committee (NRC). The NRC was unreceptive to one of the researchers' previous attempts to study this topic (Jones 2017),[8] and stakeholder advice during a research scoping exercise underlined the growing reluctance of official gatekeepers to support research agendas on/about Wales amidst the ongoing political dispute over justice devolution. Interviewing those in the community therefore helped us to avoid the many access challenges widely associated with prison research (Martel 2004; Stevens 2020; Watson and van der Meulen 2019), particularly when seeking to identify and access hard-to-reach minority populations.[9]

Locating and recruiting Welsh-speaking former prisoners in the community, however, presented its own challenges. Data on Welsh-speaking prisoners by establishment, and the input

received during our research scoping exercise, informed our decision to focus on Berwyn, where the largest number of Welsh-speaking prisoners are held (see Table 1). Multiple gatekeepers in north Wales were used to help identify and 'facilitate' access to eight participants who met the narrowly defined inclusion criteria (Kristensen and Ravn 2015, 725). Interviewing in the community meant that participants were spread across a wide geographic area, often in hard-to-reach rural areas, which added to the access challenges we faced. To maximise the number of participants included in the study, the research team based themselves in north Wales over a period of weeks to ensure that as many eligible participants were reached as possible. Although a sample of eight participants might be considered small in the context of studies looking at larger-sized population groups, our sample is sufficient given our interest in a subsection of a minority population. Further, the 'deep exploration' offered in this article speaks to the value of the case study in qualitative research and is a testament to the powerful voices of the few (Maruna and Matravers 2007, 437).

All interviewees were given the choice of conducting the interview in either Welsh or English. Providing this option ensured that interviewees could participate in the language they were most comfortable.[10] The use of in-depth semi-structured interviews allowed us to gather detailed and authentic accounts from Welsh-speakers with lived experience at Berwyn. The adoption of an interview guide added a degree of consistency to our questioning and allowed comparability between interviews (Belina 2023). Once data collection was complete, interview findings were analysed thematically to provide 'an overall story' about Welsh-speaking prisoners' experiences (Nowell et al. 2017, 1–11).

Finally, our FOI data and interview findings were buttressed by a documentary analysis of existing qualitative evidence on the Welsh language across the entire Welsh prison estate. This included academic research, government documents, all HM Inspectorate of Prisons (HMI Prisons) and Independent Monitoring Board (IMB) reports on Welsh prisons since 2007, parliamentary committee reports (including all oral evidence and written evidence), the Senedd Record of Proceedings, Hansard and media stories. The data gathered helped to further corroborate some of our interview data and acted as the basis on which to widen our search for data through FOI. Combining these methods, we were able to generate detailed and original empirical insights with which to examine Welsh language rights at Wales' newest prison.

5 | HMP Berwyn: A Case Study

Official assessments of Berwyn's Welsh language provision have varied. The first IMB report was effusive in its praise, describing bilingualism as 'inherent' to the prison (IMB 2018, 9, 15). HMI Prisons (2019, 15), on the other hand, observed 'no effective strategy to promote the Welsh language' following its first visit, but later found that provisions were 'developing appropriately' (HMI Prisons 2022b, 49). Our interviews and survey of the wider evidence, however, conveyed a different picture: neither one of inherent bilingualism or even a work-in-progress. Instead, we found that the needs of Welsh-speakers have been neglected at the prison and that the use of Welsh has been overtly policed by prison staff.

5.1 | Esgeuluso | Neglect

Several symptoms of neglect were identified during the course of this research: a lack of opportunities to speak Welsh with other prisoners and staff, inconsistent access to bilingual forms and information, delayed correspondence and inadequate educational provision. Taken together, there was no sense that Welsh-speaking prisoners were able to live their lives through the medium of Welsh at Berwyn.

Despite being held in a 'flagship' Welsh prison, opportunities to speak Welsh on a day-to-day basis are often few and far between. Official data from the Ministry of Justice (2025a) indicate that a very small fraction (4%) of Berwyn's prison population is Welsh-speaking. Given the low numbers, this means that individuals may encounter few or even no other Welsh-speakers during their sentence and therefore miss out on the 'practical and psychological support' made available by other Welsh-speaking prisoners (Martynowicz 2018, 11). This problem is compounded by the fact that, according to several interviewees, Berwyn has no policy of placing Welsh-speakers in cells or prison wings together. As remarked by Hefin: 'Six to seven months I was on that wing, and I was the only Welsh-speaker'.

A lack of Welsh-speaking staff at Berwyn also presents serious challenges. Even before it opened, HMPPS faced significant criticism over its approach to staffing at the prison. In 2016, the Welsh Language Commissioner (2018) found that the agency had breached its own Welsh language scheme after it omitted any mention of Welsh language ability on job advertisements for prison staff. The prison's Deputy Director later claimed that there were 25 Welsh-speaking staff and that prisoners had 'direct access' to them through the prison's intranet (Dann 2018, Q317). The Welsh Language Commissioner's 2018 report also noted that prisoners at Berwyn had encountered Welsh-speaking staff in 'the gym, the college and the health service' and even in certain senior roles (Welsh Language Commissioner 2018, 67).

Our interviewees, however, gave mixed accounts. Some suggested that there were 'a lot more staff who understood the Welsh language', compared to English prisons (Aled) and recounted some positive experiences. Others had encountered few Welsh-speaking staff. Carwyn recalled meeting 'one Welsh-speaking officer the whole time I was there for a year'. Another, Emyr, recalled 'maybe three, four Welsh-speaking screws' on his wing. Others said that 'none of them [staff] could speak Welsh' (Gwilym) and that 'there was no Welsh staff in there at all' (Hefin). New data obtained from the Ministry of Justice (2024) through FOI support these accounts: As of June 2024, there were just 13 declared Welsh-speaking officers at the prison, the equivalent of 2% of all operational staff.

This environment, where the majority of staff and prisoners are non-Welsh-speakers, often discouraged prisoners from using the language.[11]

> Because we know most of the staff would speak English, we'd speak English. But if it was just us lads in a little group, we'd chat in Welsh and that. (Aled)

> Say there was a group somewhere, and there was only one Welsh-speaker among them, I wouldn't have gone automatically into Welsh then, because in a place like that … you're going to get somebody's back up. So I would've stuck to English. (Francis)

The distinct pains facing minority prisoners often include experiencing amplified feelings of anxiety and isolation (Atabay 2009; Earle and Phillips 2013; Grant 2016). While studies have previously identified that Welsh-speaking prisoners feel a heightened sense of isolation when held in England (Hughes and Madoc-Jones 2005), Hefin described how the environment in Berwyn—a Welsh prison—contributed to his own feelings of isolation:

> You need someone Welsh to speak to if you're Welsh. … You feel more at home, basically. That's all it was in my eyes, that I felt awkward and left out…(Hefin)

A related problem for prisoners was that, even if staff could speak Welsh, identifying Welsh-speakers was often difficult. Although HMPPS' 2020–2023 strategy to deliver language parity states that both staff and prisoners should be offered lanyards or badges to clearly communicate their Welsh language ability, HMI Prison's 2022 inspection found that '[s]taff and peer workers did not routinely wear badges to identify Welsh speakers' (HMI Prisons 2022b, 19). This problem was also raised by Francis:

> [W]hat surprised me was, if there were any Welsh-speaking officers, I don't remember anybody—you see it with teachers, the police, the NHS, they'll have a lanyard or something which says, 'Siaradwr Cymraeg'. I didn't see any of that. … [B]eing a Welsh-speaker, the type of person I am, if I saw someone with, you know, 'Siaradwr Cymraeg', chances are I would have spoken Welsh with them. (Francis)

In its most recent inspection, published since our interview data were collected, HMI Prisons (2025, 30) again found that prisoners at Berwyn 'could not easily identify staff who could speak Welsh'.

Prison reports and interviewee accounts suggest that various other aspects of the 2013 and 2020 Welsh Language Schemes have not been observed at Berwyn. For instance, while prisons are expected to establish new arrivals' language preferences at reception, several interviewees claimed that this never took place. This account is corroborated by HMI Prison's 2022 inspection (2022b, 19), which found that prisoners were not 'routinely' asked about their language preferences at reception. Even in those instances where prisoners were asked, interviewees suggested that this often made no difference to the services offered: 'Like, they say, "Right, you're Welsh," and that was it. They wrote it down and that was it' (Ieuan).

Our interviewees also cast doubt over the extent to which prison officials at Berwyn issue forms, information and correspondence in Welsh. Gwilym, for example, remarked that 'everything [at the prison] was in English', while Francis said that information on the intranet was only available in English and that only some things were provided bilingually, such as forms and communications from the governor. Problems have also arisen in relation to correspondence with those outside of the prison. HMI Prison's (2019) first inspection noted delays in the translation of Welsh telephone calls at Berwyn, which it flagged as a potential security and public safety concern. These issues have been documented previously in English prisons (e.g., Welsh Language Board 2007), but not in relation to prisons in Wales. Even accounting for problems elsewhere in the Welsh prison estate, Berwyn appears to be an outlier. Additionally, several interviewees had experienced significant delays when correspondence was written in Welsh, whether sent via letter or email:

> [M]y pad mate, he sent a letter [in English], and it arrived within two, three days. My letter [in Welsh] takes two weeks, three weeks, and if not, [it will] go missing. … It was pathetic. I stopped writing letters in the end just because of the fact of they never received some of them. (Hefin)

> Yeah, this was to my solicitor. I wrote to him in English. And I got a reply back off him straight away. I wrote to [my probation officer, in Welsh], and it took a week. And I was like… thinking, 'Why is it taking so long?' I thought he was being funny with me; do you know what I mean? (Ieuan)

> [W]hen I send an email it's yellow, once it's gone green, it means it's sent. So I remember writing emails in Welsh, it would still be there six days later. (Gwilym)

Although HMPPS' Welsh Language Scheme contains a commitment to offer Welsh language classes, interviewees raised further concerns over Berwyn's Welsh language educational and library provision. Two interviewees claimed that there was no Welsh language education at all at Berwyn. Others acknowledged that there was some, albeit limited, provision for Welsh-speaking prisoners. According to Carwyn, 'You can go to Welsh speaking lessons and education and stuff, but it's not like there's lots of it or anything'. This corresponds to the Welsh Language Commissioner's (2018, 63) previous observation that 'fluent Welsh speakers' at Berwyn were attending classes targeted at Welsh learners. In response to an FOI request, the prison education provider confirmed that just one Welsh language course, aimed at learners, is offered at Berwyn (LTE Group 2024). For fluent Welsh-speaking prisoners, this was a source of considerable frustration. Francis, for instance, said it was 'pointless' to him as a first-language speaker.

> … the only course I saw with Welsh was somebody wanting to begin learning Welsh. Which [was] pointless for me, really. But apart from that, I don't remember being offered a course in Welsh. (Francis)

The absence of any advanced educational provision in Welsh means that English language programmes dominate the curriculum. This issue was raised following HMI Prison's (2025) most recent inspection, which concluded that 'there was not enough emphasis on promoting the use of Welsh and supporting Welsh first-language speakers' within educational provision. For prisoners educated and raised through the medium of Welsh, often with limited experience of learning in English, this is a significant impediment. As Ieuan explained:

> I can speak better in Welsh, like express myself better and things like that. Sometimes when I speak English, I stutter…because it's not my first language. I went to a Welsh [medium] school. We were taught in primary school to speak it [English] a bit, but we only had one lesson in English. … I'm from a little village in rural north west Wales. It's only Welsh we speak. It was only really when I left [the village] and I got put into care at 11 that I started speaking English, you know?

When asked to attend an English course as part of the prison's general education programme, Ieuan refused, resulting in an official reprimand and the temporary removal of his 'privileges' under the Incentives and Earned Privileges (IEP) scheme.

> 'You should be asking the English lads', I said, 'to go on a Welsh course, not asking me to go on a fucking English course'. Do you know what I mean? I said, 'I'm not doing it'. I said, 'I'm not leaving my pad'. And she wrote back and said, 'If you don't come to education and do English', she said, 'then obviously, you'll get a nicking'. And I lost privileges for twenty-eight days. (Ieuan)

Ieuan's account underlines the failure to deliver parity between the Welsh and English languages in educational provision at Berwyn. It also provides a clear sense of the frustration and unfairness felt by prisoners confronted with the absence of meaningful language rights. In place of parity, it seems, individuals like Ieuan face the pains of social exclusion typical for other minority language prisoners (Brouwer 2020; Croux et al. 2023; Ugelvik and Damsa 2018). The fact that such pains are inflicted in a *Welsh* prison, however, only deepens them.

5.2 | Ymyraethau | Interferences

While interferences with the use of Welsh by prison staff have been documented previously in England (Inside Time 2021; Jones 2017), historically there has been less evidence of such treatment within Welsh prisons. Despite this, the policing of Welsh by staff at Berwyn emerged as a consistent theme throughout our interviews and documentary analysis. Once again, the pains experienced by other linguistic minorities in prison—suspicion, hostility and feelings of exclusion—were also evident here.

In 2020, Berwyn's IMB observed that multiple prisoners had submitted Discrimination Incident Reporting Forms alleging threats to their IEP status for communicating in Welsh (IMB 2020). The issue attracted significant political and media attention, with the Welsh Government's (2021) Welsh Language Minister writing to the UK Government to demand an explanation. While the Ministry of Justice (2021) denied the allegations, HMPPS' 2020 Welsh language scheme placed considerably greater emphasis on prisoners' freedom to communicate in Welsh without interference.

Allegations have continued to surface, however. In January 2021, a prisoner at Berwyn, Rhodri ab Eilian, claimed that Welsh-speakers were subject to suspicion, frequent threats to their IEP status, segregation and even physical violence. ab Eilian revealed to a local media outlet that he had been physically assaulted after making public criticisms of Berwyn's treatment of Welsh-speakers (Mills 2021).

During the interviews, we were given a variety of examples of staff interfering with the use of Welsh by prisoners. Several individuals described being confronted by prison officers when speaking Welsh with fellow prisoners on prison landings and association spaces. In some instances, they had been asked to convey what had been said. On other occasions, prisoners were instructed by staff to switch to English. According to Gwilym, such interventions occurred on a 'daily basis'.

Some also described outright hostility toward the language from staff. Emyr, for example, said that the officers 'hated it'. Ieuan, similarly, recalled frequent hostility from staff on the prison landings:

> [L]ike, you've got all the lads from Caernarfon and Bangor. So they all meet and they all start speaking Welsh. And you've got the lead officer telling them not to, do you know what I mean? They [staff] obviously swear at them and everything, you know? 'Either fuck off onto the yard or get back onto your wing', and all this… 'Standing there and fucking speaking that fucking language', and that. What do you mean, 'That fucking language?' That's our language. (Ieuan)

As Ieuan's reference to 'our language' makes clear, such interactions represented an acute lack of respect from staff towards the individual and cultural identities of Welsh-speakers at Berwyn, exacerbating their sense of exclusion and alienation. There were also more extreme examples. Emyr described losing his job while working at the prison after speaking Welsh to a customer on the telephone:

> One of the jobs was telemarketing. So you've got your computer in front of you and a phone, and it would just automatically dial numbers, and then you would give these questionnaires.… And one day, the phone—just a random number. This lady answers… you could tell from the off, massive Welsh accent. So I started speaking Welsh to her. I explained everything in Welsh and got the questionnaire done and everything, but two minutes later, the officers come with the woman that's

> running the place and told me never to do that again, to speak Welsh. And when I sort of confronted her, I got sacked. (Emyr)

> When you confronted her about it, what did you say to her? (Interviewer)

> 'Well, I'm in Wales. I'm using my language.' You know? (Emyr)

This was not the only example of overreach by prison staff. One interviewee, Ieuan, recounted how he had been told not to speak Welsh with his solicitor during a supposedly private and confidential meeting:

> I was on video link with my solicitor and I was speaking Welsh with him, and the officer come in and told me to stop speaking Welsh, or else I'd get done for it. I'd get a nicking for it. And I was like, 'What do you mean? What? I am Welsh', I said, 'and he's Welsh'. And it was nothing to do with them anyway. I was on video link with my solicitor, in a room—it should have been private. And, yeah, he walked in and told me to stop speaking Welsh. And I was like shocked and even my solicitor was. … So obviously we had to speak English then. (Ieuan)

Despite being encouraged by his solicitor to continue speaking Welsh, Ieuan was inhibited by the potential consequences. Although he raised the issue with other prison officers, they were unreceptive, despite his insistence that 'it's a Welsh right to speak my language'. Other interviewees also expressed their concern about the consequences of speaking Welsh at Berwyn. If not asked to translate or switch to English, or if they continued to speak Welsh, they suggested that a Welsh-speaking officer would arrive and stand within earshot. Several interviewees also indicated that they had been threatened personally with reduced IEP status, with direct consequences for their income, food provision, visits, gym access and other amenities:

> …the officers in Berwyn, they actually threatened to give you a nicking unless you change, unless you speak what they can understand. (Gwilym)

> They would just ask, you know, 'I can't understand what you're saying. You have to speak English to me'. And then if you carry on with it, right, if you don't stop, they put you in the box, which means, you know, you lose your status as an enhanced prisoner. (Emyr)

In this context, some prisoners circumscribed their use of Welsh under a clear sense of duress. Put simply, they did not want to risk incurring punishments or making their situation more difficult. Aled, for example, described how he and other Welsh-speakers would always speak English around staff to assure them that 'we weren't trying to cause mischief'. Here, several interviewees referred to a tacit threat of sanctions, which is ever-present in the prison setting:

> I wouldn't risk it [protesting] because I didn't want my enhanced [status] taken off me. (Gwilym)

You don't kick up a fuss in jail, because you've got no rights, you know? The harder you make an officer's work, the more your life is going to suffer. (Emyr)

These insights vividly demonstrate the potential of the IEP regime to inflict additional pains upon prisoners (Crewe 2011), specifically by inhibiting their language use and self-expression. In this way, the interviewees also lent support to the view that the IEP regime has been used to subordinate prisoners' rights to the status of revocable privileges (Hutton 2017), with the exercise of language rights in Berwyn seemingly conditioned by the threat of IEP sanctions.

During the interviews, the pattern of interferences was attributed to a lack of Welsh-speaking staff, as well as the wider culture within the prison, in which even Welsh-speaking officers 'talked back in English to you, and they'd tell you to stop speaking Welsh' (Ieuan). Previous research shows that the 'pains' experienced by minority group prisoners often include feelings that they are treated with greater suspicion and distrust by staff (Genders and Player 1989; HMI Prison 2010). Similarly, interviewees identified a climate of suspicion around the language at Berwyn centred on order and security considerations, particularly among the staff who could not speak Welsh.

> They'd just be like, 'I don't know what you're saying, or you could be up to something'. Or… just stuff like that. (Carwyn)

> They're saying, 'You could be talking about us, … or you could be planning something in that language'. (Ieuan)

While officers discouraging Welsh on security grounds has been documented previously in English prisons (House of Commons Welsh Affairs Committee 2007), it was suggested that this atmosphere of suspicion was particularly severe at Berwyn. Since opening in 2017, the prison has been widely criticised for high levels of violence and assault, including attacks on prison staff (Jones 2020). According to some interviewees, it was a 'volatile environment' and a 'free-for-all', where officers were likely to be 'intimidated' by 'seeing people speaking Welsh' together (Carwyn). Several interviewees even remarked that they had experienced greater tolerance of the language in English prisons. Conditions at HMP Altcourse in Liverpool, once widely regarded as north Wales' local prison, for example, were described as 'much more relaxed', with officers generally unphased by prisoners having 'a moider in Welsh' (Ieuan).

Prisoners' experiences of Berwyn also carried a deeper emotional and personal significance. There was an acute, shared awareness among those that we spoke to that Berwyn was built to be a *Welsh* prison: a more supportive and understanding environment for people from north Wales, particularly Welsh-speakers. In

Gwilym's words, it was supposed to be 'our jail'. The suspicion, neglect and mistreatment that several interviewees experienced had dashed these hopes, leading some to characterise Berwyn as an *English* prison that had failed comprehensively in its stated purpose.

> It was the lack of that Welshness, if you like. It was very English. (Francis)

> To me, it's an English jail. That's how I feel about it. It was an English jail. (Hefin)

> It's sold as a Welsh prison for Welsh [people], you know? A local prison stopping us going into Liverpool and things. It's no different. (Emyr)

> Berwyn is meant to be a Welsh-speaking jail. And it's far from that. It's one hundred percent not a Welsh-speaking jail. (Ieuan)

For Welsh-speaking prisoners sold the promise of a more supportive environment, this was clearly a distinct pain of imprisonment in itself. Their dismissal of Berwyn as an 'English prison' stands as a damning indictment of the protections conferred by the 1993 Act.

6 | Discussion and Conclusion

The experiences of the small sample of Welsh-speaking prisoners documented in this article cast serious doubt on claims about the 'inherent' bilingualism of Wales' 'flagship' prison. What is more, they suggest that the Welsh language protections available to prisoners have often been *illusory* in practice. Despite their supposedly privileged legal position under the 1993 Act (Hunter et al. 2022), Welsh-speaking prisoners at Berwyn have experienced 'distinct and separate' pains similar to those endured by minority language-speakers elsewhere (Brouwer 2020; Croux et al. 2023, 253; Diaz-Cotto 2006; Sykes 1958; Ugelvik and Damsa 2018): the loss of linguistic autonomy, feelings of exclusion and alienation and the emotional and psychological challenges of navigating a criminal justice system unsympathetic or even hostile to their language. Their description of Berwyn as an 'English' prison powerfully captures their feelings of being outsiders, even in a Welsh prison.

To some extent, these pains were linked to immediate environmental and institutional factors at Berwyn, such as the placement of Welsh-speaking prisoners, the proportion of Welsh-speaking staff and the attitudes of staff towards the language. However, they were also systemically rooted. The experiences of interferences, in particular, flowed in part from the coercive, 'psychological power' of the IEP regime and its potential to inflict additional pains and deprivations in the name of order and discipline (Crewe 2011, 456; Hutton 2017). More fundamentally, the findings underline the primacy of order and security as the governing logic of the prison system. In the context of wider operational failures at Berwyn, it appears that Welsh has often been regarded either as a potential security concern or an administrative inconvenience.

More broadly, our research contributes to wider critical research agendas by capturing the distinct pains deriving from legal rights and reforms that have failed to deliver real improvements to prisoners' lives. Armstrong (2020, 85) argues cogently that rights are not always tools of salvation; they are also mechanisms of control that can inflict 'material and psychic burdens' on prisoners, 'creating both hope and the basis of destroying it'. In an environment where hope is often integral to survival (Laursen 2023), the constant pledge of prison reform is therefore not something which simply goes unnoticed.

Echoing Armstrong (2018), Annison and Condry (2022, 1266) have discussed the 'pains of hope', or 'the pains of penal politics as experienced … "from below"'. 'Hope…', they note, 'is both central to the possibility of change, but also acutely painful' (Annison and Condry 2022, 1266). Repeated government pledges that promise or even hint that a prisoner's situation will improve thus have the effect of raising the expectations of those affected, while a 'lack of alignment between supportive talk and substantive action' in turn corrodes that hope (Annison and Condry 2022, 1253, 1258). Wherever pledged improvements fail to materialise or the prison fails against its own explicitly stated purposes (Mathiesen 1990), pains of hope are likely to follow, exacerbating prisoners' feelings of loss, mistrust and alienation (Sykes 1958). In contexts where the discourse of 'prison modernisation' is deeply embedded (Jones et al. 2024), the pains of hope are likely to be as widespread as they are diverse. The experiences of Welsh-speakers at HMP Berwyn testify powerfully to the 'cruel optimism' engendered by this process (Kemp and Tomczak 2024, 1706).

The analysis presented here also has several important implications for ongoing and future debates. Recent prison population figures point to a concerted effort by HMPPS to keep more Welsh prisoners in Wales. In 2024, 70% of Welsh prisoners were held in Wales, compared to just 54% in 2013 (Ministry of Justice 2025b). To the extent that this enables individuals to remain closer to their homes and families, it is a welcome shift in prisoner placement policy. In light of this study, however, it cannot be assumed that this trend necessarily represents progress for Welsh-speakers. As the case study of Berwyn makes all too clear, Welsh-speakers can experience neglect and interferences on both sides of the border. For the same reason, any future attempt to justify further expansion of the Welsh prison estate on Welsh language grounds warrants the utmost scepticism.

Finally, the glaring weaknesses of prisoners' Welsh language rights also demand fresh consideration of the anomalous constitutional arrangements governing prisons in Wales. The only common law country in the world to have its own legislature and executive without its own justice system (Welsh Government 2018), our findings further illustrate the difficulties of enhancing devolved rights in areas that remain reserved to the UK Parliament (Davies and Jones 2023). This reinforces, once more, the need to take seriously the UK's multi-national, post-devolution landscape and thereby challenge dominant characterisations of 'UK' or 'British' criminology, which have long overlooked Wales's distinct problems and arrangements (Jones and Wyn Jones 2022). Without this, criminological debates are more likely to distort than clarify the realities of law and justice within the United Kingdom.

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Endnotes

[1] Welsh-speakers in Wales constitute 'the largest historically situated, territorially bound, linguistic minority group' in the United Kingdom (Madoc-Jones and Buchanan 2004, 354). It is estimated that around 17% (538,000) of people currently living in Wales are Welsh-speakers (Office for National Statistics 2022).

[2] Laws in Wales Acts 1536–1542.

[3] In 1847, three non-Welsh speaking commissioners published the Report of the Commissioners of Inquiry into the State of Education in Wales. The report described the Welsh language as a 'manifold barrier to … moral progress' and warned that its 'evil effects' should not be underestimated (1847, 66). Despite the widespread upset the Report caused, it reinforced the idea throughout the 19th and 20th centuries that the Welsh language was irrelevant, inferior and subordinate to English (Roberts 1998; Johnes 2024).

[4] The Identity and Language (Northern Ireland) Act 2022 is testament to the legislation's continuing influence.

[5] HMP Berwyn is an adult male category C training prison.

[6] Although one of the prison's six stated core values when it opened in 2017 was to 'embrace Welsh culture and language' (Prescott 2021, 46), few specific details were ever provided to explain what this vision would mean in practice, or how it would be achieved.

[7] There was a 425% increase in the number of Welsh-speaking prisoners at HMP Usk in 2024. According to HMPPS, this sharp rise is due to an 'improvement to local recording practices' at the prison.

[8] An official application to research this topic was previously turned down by the NRC. Although the 'official' reason given was that the project was hampered by 'methodological' issues, justice officials later informally disclosed that the study was rejected due to fears that it was 'nationalist' in nature.

[9] The project received approval from both of the researchers' University Research Ethics Committees in 2023.

[10] A handful of participants opted to take part in the interviews in Welsh, and others opted for English. In many cases, however, both languages were used during different stages of the interviews.

[11] For a more detailed analysis and discussion of the circumstances surrounding language choice among Welsh-speakers in the criminal justice system, see Madoc-Jones and Parry (2013).

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