

## Foreign Nationals in Cyprus Prisons

Foreign national prisoners comprise approximately 5% of the world's prison population<sup>1</sup>. We should be careful with the figures however as there are differences in the definition of a FNP from country to country. The Cyprus Prison Service accommodates a particularly high percentage of FNPs; with non-Cypriot nationals representing 49.02% of the prison population coming from 67 countries worldwide.

This paper explores how the Rules 15.1 - 34.3 from *Section V. Conditions of imprisonment* of the Committee of Ministers' Recommendation (2012)<sup>12</sup> concerning foreign prisoners, as well as the relevant EPRs and CPT Standards for foreign nationals deprived of their liberty, are applied in the Cyprus Prisons Department giving an insight about the management and treatment of the FNPs consisting 49% of the prison population. Accordingly, it addresses the challenges arising from the Rules 35.1 – 37.2, from *Section VI. Release*, of the relevant CoE Recommendation (2012) 12, and explains how these challenges affect the prison life of FNPs and the operations of prisons.

Furthermore, it highlights the importance of dynamic security and the training of staff given FNPs consist of half of the prison population and explains how trained staff contribute to the smooth operation of prisons according to the Rules 38- 39.5 of *Section VII. Persons who work with foreign prisoners*, of the relevant Recommendation (2012) 12.

Finally, the concluding remarks briefly highlight the positive impact on FNPs from the current prison system, and shed light on how the FNPs forcibly experience detrimentally other stages of the penal process and of immigration policies that diverge from the principles of the relevant Recommendation and EPRs.

### 1. Introduction – a shift in the prison system of Cyprus Prisons

Until late in 2014, Cyprus Prisons Department (CPD) attracted increasing negative attention with high profile corruption and harassment scandals, severe discrimination against FNPs, severe violations of human rights regarding humiliating living conditions, reduced activities for Cypriot-nationals and no activities for FNPs, an unhygienic environment, bad nutrition, a poor health care system, 'favouritism', the uncontrolled exercise of staff powers and ill-treatment prevalent in the prison setting, all resulting in increased inter-prisoner violence, self-harm, riots, suicides, eventually reaching a crisis and the removal of the Prison Service Director.

Unfortunately, until late in 2014, the situation was insufferable with the situation for FNPs worse, as they were overrepresented, constituting the 56% of the prison population. From the 30<sup>th</sup> of October 2014, with a change in leadership with the appointment of a new Director, Ms. Aristotelous, prisons have been run with an

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<sup>1</sup> <https://prisonwatch.org/foreign-prisoners/>

absolute human-centred philosophy, promoting respect for human dignity and diversity, with a totally indifferent mind-set and values from the previous ones.

## **2. The application of the non-discrimination principle in Cyprus Prisons**

The past six years, our prisons promote respect for human dignity and diversity with all inmates treated with respect, equality and according to their individual needs. Discrimination on any grounds in the treatment and management of inmates within prisons, including Cypriot nationals and FNPs, is not tolerated. However, there are still areas of the criminal justice system and immigration policies that discriminate foreign nationals, affecting their lives before and during imprisonment, as well as after release.

## **3. Life of FNPs during imprisonment - *Rec. (2012)12, Rules 15.1 - 34.3***

### **Admission, allocation, accommodation (R. 15.1. – 17, 21.1. – 21.5.)**

As regards the **admission** of the newcomers, all are interviewed and screened by trained prison staff and then are medically screened and assessed by the Mental Health Services (MHS) of the Prisons.

On admission, an interview is carried out by specially trained staff in a language that the newcomers understand and use, during which relevant information that will facilitate their quick and smooth integration into the prison setting, is collected. In cases where there is a language barrier, with the consent of the newcomers, a fellow prisoner with whom they feel comfortable or an **interpreter**, will assist the communication between prison staff and the newcomer. During the interview, inmates are informed about their rights and they can share any information in addition during the semi-structured interview which can more quickly ease their stay in prison. Furthermore, **on admission they can contact their family, consulates, lawyers and any other person who** can provide assistance to them in any way during the penal process.

During the medical screening and the MHS' assessment, if an issue is diagnosed with regard to a vulnerable inmate who needs to be placed in a closed supervision unit for increased monitoring or who needs to be transferred to the General Hospital for further medical and/or psychiatric examination (if the inmate arrives out of the office hours for our psychiatrist), this information is shared on a need-to-know basis with the senior prison management for further action.

Decisions regarding **allocation** and **accommodation** are taken according to inmates' individual needs and particularities yielded from the above screenings and assessments, aiming to enable inmates to more easily adapt and attuned to the prison setting, by feeling safe and secure.

The **interpretation services** are always provided for free from the Prisons when required on admission and during imprisonment.

### **Hygiene in prisons (R. 18.1. – 18.2.)**

The decent living conditions and the **hygiene** of the facilities are of the utmost importance for the prison leadership, thus in addition to the monitoring of them by the GPs, the Council of Prisons, Ombudsperson, and CPT visits, we often ask for inspections and monitoring by various competent services and departments such as Hygienic Services Department and Veterinary Services. The Food and Safety Council inspect the cleanliness and hygiene of living areas, the quality of food, and water for human consumption etc., so as to maintain high hygiene standards while promoting respect for the cultural and religious differences of FNP's. Since COVID time all areas are often disinfected and inmates are regularly informed in written form and in a language they understand (including WHO flyers with pictures) how to protect themselves and keep the virus outside prison. Often, they are provided for free by the administration, soap for their personal hygiene.

### **Religious preferences and traditions – Freedom of religion or belief (R. 19.1. – 19.2., 20., 30.1. – 30.2.)**

Diversity in religions is respected and all inmates can exercise their religious duties and traditions, having visits from their own religion representatives in addition to visits by their family and friends. Furthermore, individual **hygiene, nutritional** and **clothing** preferences, as well as issues of specific appearance (i.e. hair & beards), are respected according to their religious tradition and preferences. As regards their nutrition, we have 8 menus that are revised monthly by the nutritionist of the Ministry of Health with the Director of Prisons and the responsible Inspector for the prison kitchens, so as to meet the needs and preferences of all inmates, and special arrangements are made to meet needs religiously and culturally appropriate for certain periods of time that reflect the traditions of FNP's.

### **Financial assistance to foreign nationals by prison management**

As regards the lack of financial resources of FNP's, the senior management provides **financial assistance** to those having limited or no financial resources. Furthermore, we often provide for free tele-cards of €5 or €10 each, depending on the availability. Indicatively in 2019, the Director have distributed the amount of €27.,990, approximately in 584 cases for financial assistance, as well as 200 coupons of €20 each for the canteen and distributed more than 2000 tele-cards of €5 each. In 2020, due to COVID and consequently the lockdowns of services, the Director have shared the amount of €48.510 by the end of October 2020 in order to financially assist the inmates who had limited or no financial resources as it was difficult for their relatives and friends to financially assist them. Furthermore, we have shared more than 3000 tele-cards by the end of October in order to **maintain links with the outside world** i.e. their family, friends, lawyers, consulates, religious representatives and with their social network.

What is more, for poor inmates the Department offers **clothing** items (shoes, underwear, clothing, pyjamas, slippers, shirts, pants, track suits, sport shoes overcoats and so on). Furthermore, we provide free items for personal hygiene.

### **Contact with the outside world (R. 22.1. – 25.4.)**

Over the past six years, inmates have increased opportunities for regular contact with the outside world, having a variety of available forms and means to accomplish such contact.

As regards the one-hour **visits from family and friends**, are increased from 6 to 10 monthly. During COVID time, physical visits were restricted but we have extended the use of unlimited phone calls from 0800 – 2030 hours and the increased use of SKYPE for video visits. As from the 2<sup>nd</sup> June prison visits were restarted but without physical contact. Currently, visits are conducted with a plexi-glass separator and by keeping the distance between each visitor. The number of visits is changing from time to time, according to the epidemiological data and changes.

All visiting areas have **playgrounds equipped with a variety of toys and games** for all ages of children where they can play together with their imprisoned parents. Currently, due to COVID, the toys and games are limited in number and only the sizeable ones equip the playgrounds which are easy to disinfect. These can be used only by the children and visitor parents. Special arrangements are made to facilitate the visits by the **children of the inmates who have disability problems** in specific visiting rooms.

Visits by **lawyers, consulates and religious representatives** are allowed in addition to ordinary visits from friends and family. These visits are not restricted even during COVID time.

For FNPs who have **visitors from abroad**, arrangements are made in a flexible manner in order to facilitate the visits for extended hours for the period of their stay in the country.

FNPs who comply with the criteria of their sentence, are allowed to have **home leaves with escort** either to their families or to volunteers and to **attend important family events** (family marriages, funerals, serious illness of their close relatives etc) for those whose relatives and family are in the country, or they arrive to Cyprus for a short period of time. However, all home leaves and transfers to attend family events, are restricted for all inmates, since COVID period, since March, 2020. Currently, all inmates can attend important family events with a SKYPE call visit.

Another form of communication for FNPs for maintaining links with their family and friends, is **the use of SKYPE**, which was firstly introduced in January 2015, specifically

for FNPs so they could see often their family and friends as they had no or rare visits. SKYPE is used in combination with other forms of communication like phone calls, and rare visits from abroad. Approximately, more than 800 skype calls have been made since then. Indicatively, in 2019, 819 SKYPE calls were made by FNPs. The use of Skype in our facilities, is considered as a good practice and is included in the Council of Europe (2016) “A Handbook for prison staff with focus on the prevention of ill-treatment in prison”.

**Telephone calls** were always a means for contact though were limited to two times a week for 5 minutes each call. For the past six years, all inmates are allowed **unlimited access to phone calls** (from phone booths) between 0800-1830 hours, for unlimited time. Since COVID period, the unlimited access to telephone calls has been extended until 2030 hours for unlimited time. As noted earlier, in many cases the Director **provides inmates with tele-cards for free**, especially those that work, attend school, demonstrate good behaviour and/or have no or limited financial resources. However, since COVID times, all inmates with reduced finances due to lockdowns, are provided free tele-cards.

**Correspondence** is another form of communication for FNPs as they are allowed to have unlimited contact with their relatives and friends, as well with independent institutions, authorities, and mechanisms through correspondence.

FNPs like the rest of the prison population can **participate in social and charity events, as well as in art exhibitions, sports and family events** (i.e. Children event, Father’s day, Mother’s day) organized in prisons every year, where they can meet with their relatives and friends.

Last but not least, FNPs have access to **newspapers, periodicals, books and publications**, as well as access to **radio and television broadcasts** in a language they understand, as well as pay-tv services for free to watch football matches, documentaries, educational programs, films and series in several languages. Libraries in prisons are available to all prisoners, as they can meet the language requirements for all inmates. All inmates can borrow books and DVDs (educational, documentary and films).

### **Prison regime – work, education and training, physical education and sports (R. 26.1. -29.3.)**

We have an open-door, constructive **prison regime**, that enables all inmates to be creative and occupied with activities, education, training, work and leisure throughout the day. Inmates can be out of their cells from 0700 – 2100 hours and until 2200 hours during weekends. We implement the application of principles of modern concepts and notions like the learning organization, work-life balance and Good-lives model, fostering a learning and healthy environment with a balanced daily program, where the availability of a large number of choices for activities, work, school programs,

sports and socialization meet the preferences and needs of all inmates. The environment per se, helps to restructure and develop healthy life attitudes and socializing with people inside and outside prisons, become competent in the market, exercise your body and mind, and become accustomed to healthy nutrition.

As it can be viewed from the prison budget, the senior management allocates abundance of funds in the **education and training**, as it is believed that learning contributes to the personal development of prisoners and staff, and helps the organization at all levels to foster a learning environment, restructure behaviours, attitudes and mind-sets, achieve goals and support vision. Furthermore, through learning, we build bridges with the outside world, purge discrimination against rehabilitation, and promote diversity.

As regards **prison education**, we are very proud of the innovative changes and achievements of the 8 schools we have created, as we have the same educational system and learning opportunities as outside prisons, without any discrimination in **secondary and tertiary education, vocational training, typical or non-typical education**. We support **life-long learning** and provide many opportunities and options for studying at universities with the distant learning method and tutoring. Our prison education enables inmates after release to compete in the market environment, continue their studies and reintegrate smoothly into society. Furthermore, for the knowledge and qualifications obtained in prison, a certification is provided by the Ministry of Education and Culture. This certification can be recognised in the country that the FNPs will reside after release.

Prison education is aligned with the EPRs and the Rec (81) 17 on adult education and all prisoners have access to **education, vocational training, creative and cultural activities, physical education and sports, social education and library facilities**. FNPs have the same opportunities for participation in all educational programs offered in the Schools of the Prison Department, like the rest of the prisoners, with the respective certification for completion or to continue their studies following release. Prison schools achieve good standards, and vocational education provides high quality standards, creating numerous work prospects for the prisoners after release.

Prison education has a meaningful and important role as the participation is voluntary and has equal standing with work. Prisoners can choose between education and **work** activities. Prisoners do not lose out financially by taking part in education; therefore, the same range of payments is applied for both activities – **work and education**.

FNPs are encouraged to **learn a foreign language** that allows them to communicate effectively with most of the staff and other inmates. Furthermore, many opportunities are provided to inmates to study using distance learning or tutoring.

Note that our prison education was recognized as 'good practice' at the European Prison Regime Forum for the years 2017 & 2018 in Rome and The Hague, respectively. It is worth noting that 3/4 of our inmates (496 in total) attend programs at prison schools, having the highest number of participation of inmates in prison schools, of the countries of the CoE. 19 inmates including FNPs, study at private universities through distance learning, for bachelor and master degrees. Last year, a post-graduate FNP completed his MBA degree at a private university.

As regards the learning of Greek and English languages by the FNPs, courses are designed and tailored to their needs. A guide-book is given to the FNPs, participating in these courses. All courses are offered in the micro-group model which allows the instructors to work and train according to the learning pace of each inmate.

All instructors who teach in the prison schools are able to deliver their lessons in both Greek and English while during the delivery of the course other FNPs can help with the translation for their inmates.

Our **prison schools** in addition to the ordinary curricula of schools, **operate non-stop throughout the year**, even during summer, Christmas and Easter time, mainly with projects and workshops in order to keep the inmates occupied in a creative learning mode. Indicatively, during the summer of 2019, 2/3 of our inmates (406 in total) were participating in school programs.

A **recent achievement of our prison schools** was their participation in the national competition for the Prevention of Violence in Schools and Promotion of Active Citizenship, launched by the Prevention of Violence in Schools Observatory. We submitted our application on the 26<sup>th</sup> of March 2020 with 14 relevant activities of the prisons in 2019 and a poster designed by the prisoners. Prison school with another six schools, were awarded as 'best practices' with the amount of 300 euro, on the 9<sup>th</sup> September 2020.

**Physical education (PE) and sports** are considered as an integral part of the general prison education. Physical Education involves a structured programme whereby a variety of sport activities, is available to all inmates under the supervision of qualified specialists – physical educators. We have created 8 gyms, 7 for the inmates and 1 for the staff, available to all inmates 6 days a week. Sport facilities for Football, Basketball, Badminton, and Volley-ball, are available to all male inmates 7 days a week. Also, female inmates can participate in sport activities and programs like basketball, yoga, Zumba, circuit training, Body Combat. A gym is also available for female inmates.

All male inmates can participate in sport activities and events like football tournaments, functional relays etc organized by the prisons and the Cyprus Sports Association inside prisons. Furthermore, the past 3 years, inmates participate in the **European Sports Week "BE ACTIVE"**, with sport activities organized in prisons for a week. This

year, between 23-30<sup>th</sup> of September, many inmates, mainly FNPs participated in all sport activities for the whole week. Due to COVID, we did not have joint sport activities during the event, with people and teams from outside prisons. Impressively, the participation in the European Sports Week was 99% female FNPs.

All inmates are encouraged to participate in the numerous **activities** offered by the Department, and it is a very exciting process for the inmates since many of them discover their talents in so many fields here, like in artwork, graphics, jewellery art, hagiography etc, as well as in theatre, writing, music (band) and dance teams. They participate in art exhibitions, theatre performances, in cultural activities, movie-afternoons, lectures, music concerts, conferences, graffiti etc. Furthermore, inmates participate in projects with staff which require the active involvement of both groups – staff and inmates.

**During the first wave of COVID** (March – May) **school programs** were partly suspended and **gyms** were closed, however, inmates were allowed to exercise outdoors using the football and basketball grounds. As from 2<sup>nd</sup> of June, gyms and schools reopened fully, but still operate with protective measures keeping the hygienic rules and social distance accordingly.

For **entertainment and socialization**, many **events** are organized within the prison facilities where people from outside prisons can join our events, such as art and craft exhibitions, musical concerts, numerous football tournaments, DJ events, cultural music concerts for FNPs, etc. Always prison leadership joins the events with staff and inmates. Furthermore, **participation in social and charitable events** for all inmates is encouraged and supported.

Since COVID period (March – September) many **joint events and sport activities** with people from outside prisons were postponed but still many **projects and activities/ events** were launched within the prison setting where all inmates could participate; 5 projects from which 3 were recently completed and 6 activities/ events for all inmates. Note, that prisons always encourage and support inmate's own innovative ideas for projects.

### **Health care and treatment for FNPs including female FNPs (R. 31.1. - 31.9)**

The right to health care and treatment, as well as to mental health care is available to all inmates (Cypriots and FNPs), in the same manner as in the outside community, without any discrimination. Two GPs (male and female) along with the rest of the medical team as well as the Mental Health Services (MHS) provide health care and mental health care with respect to cultural sensitivities and medical confidentiality.

**All inmates are medically screened and psychiatrically assessed** on admission with follow ups during imprisonment and sufficient resources are provided to face any



health problems when needed. Special emphasis is given to the prevention of suicide and self-harm especially for FNPs, many of whom come from countries with unstable, hostile regimes. Interpreting services are provided for free by the prisons when required for better communication, following the consent of the concerned prisoner.

In 2018, **WHO and ECDC** in a two-day joint review visit to Cyprus, expressed their satisfaction with positive comments about prisons with regard to our medical processes on admission and during imprisonment for the prevention and control of transmittable diseases, the vaccinations as well as other procedures and medical protocols followed by the prison medical centres.

As regards **female FNPs**, they are treated with sensitivity regarding their cultural and religious diversity. Furthermore they are examined by GPs and gynaecologists earlier than the rest of the females in the community following arrangements made by prisons and are provided with gender-specific health services (i.e. breast cancer screening, pap test) equivalent to those offered to women in the community. For pregnant FNPs, arrangements are made for their health care and treatment within the prison setting or to the state hospital when required. Additionally, a suitable facility with conditions as those outside prisons for a new born child and/or infants, is available.

Indicatively, **statistics show high standards of the health care and mental health system within prisons**, as during the year 2019: 1369 cases of inmates were transferred to state and private hospitals and examined by 48 medical specialties. In 7768 cases, inmates were examined by a physician, in 1187 cases by a dentist, in 11547 cases by the MHS, in 420 cases by a dermatologist, in 976 cases a mantoux test was performed. Similar statistical data for the year 2018 as 1205 inmates were served by 44 medical specialties and in 2017, 1303 inmates were served by 40 medical specialties. Furthermore, the nursing processes in the Department for the years 2019, 2018, 2017, reached 16472, 14695, 14233 cases respectively. The number of cases for the health care of FNPs from all the above statistical data, are nearly 50% of the cases and in some fields, more than 50%. **As regards the mental health care, 2/3 of inmates who were provided services by the MHS, were FNPs.**

#### **4. STAFF – Dynamic security, selection, training and specialization (R. 32.1 – 32.4., 38., 39.1. – 39.5, 40.)**

We have applied the principles of being a learning organization, in order to facilitate learning and foster a learning environment in prisons for staff and inmates.

**Dynamic security** is key to the smooth operation of prisons. Therefore, the Director invests a lot in the education and training of the staff, with focus on the development and enhancement of their interpersonal, communication and negotiation skills, as well as to their learning and knowledge on various issues and challenges that will encounter in prisons, enabling staff to carry out its duties with efficiency, effectiveness and flexibility, according to professional standards.

Dynamic security, ensures good order, security, and safety, by preventing risk factors regarding escapes, inter-prisoner violence, radicalization, suicides and self-harms. As from 2017, with the establishment of the Prisons Academy, the Operations Center for simulation and the Gym for the staff, the high standard curricula for the recruits, the education and training of the staff, are of paramount importance for the vigilance of the inmates with regard to changes in their behaviour and attitudes, that enable prisons to minimize risks.

As stated earlier, leadership promotes respect for the human dignity and diversity and therefore this applies as a milestone for the personal development of our staff and dictates the framework of their education and training. Attitudes and behaviours out of that framework, are not tolerated.

Courses that promote staff awareness for the rationale behind the reform initiatives of the leadership, were paramount in the training and education of staff. Furthermore, courses with specific educational content, are delivered to the majority of the staff, so as to enable them to address effectively and efficiently issues regarding FNPs. Some pertinent courses are: Management of the FNPs, Juveniles, Prison education, Diversity issues, Transmittable diseases, Treatment of inmates, High risk prisoners, Probation, Migrants/Racism and Xenophobia, Multicultural society of prisons – FNPs, LGBTI issues Health and safety issues, Communication Workshop, First Aid, Terrorism, counter terrorism, Prevention of radicalization in prisons, De-radicalization in prisons, Sports in prisons for all, Human Rights issues, Mentally ill prisoners, Risk Assessment tools, Suicide prevention and indicators, Illegal Substances/Drugs, Prevention of ill treatment, Effective Negotiations Workshop. Additionally, the staff carrying out the interviews on admission receive a 5-day special training. Special training is delivered to those who staff the visiting areas.

Last but not least, staff and inmates participate together, in conferences, European projects and workshops, as well as to events and activities inside and outside prisons.

This is just a glimpse to understanding the priorities of the current leadership regarding the education and training of the staff and consequently the fostering of a learning environment in prisons. The budget for this purpose since 2014 has increased due to great efforts, from 6.000 euro 6 years ago, to 100.000 euro now, accomplishing the relevant objectives for the staff education and training.

## **5. Concluding remarks (R. 35.1 – 37.2.)**

Throughout this paper, a variety of issues related to the life of the FNPs within the prison setting, are encountered correspondingly to the Rules of the relevant CoE 2012(12) Recommendations. Having a detailed analysis of the life of the FNPs in Cyprus Prisons, evidences the great effort put in by the prison leadership to successfully apply the rules of the relevant recommendation, regarding their education, vocational training, recognition of qualifications obtained in prisons, health

care, mental health care, nutrition, non-discriminatory constructive regime, increased contact with the outside world, etc.

Evidently the quality and standards of life in prisons are reflected in the statistical data, having in total the past six years: 1 suicide, 9 self-harms, 1 attempt of suicide, 47 inter-prisoner violence (19 of them in 2019 due to overcrowding), from a prison population of 700 inmates on average. Comparatively, the statistical data for the years 2013 and 2014 (punitive regime), show that due to the punitive system and humiliating conditions, in total there were 6 suicides, 2-3 self-harms daily, 12-13 attempts of suicides annually, 2-3 violent incidents daily. Certainly, the findings highlight the negative, far-reaching impact, of a punitive system and the positive results of the current rehabilitative system embedded with high quality standards of life for all inmates, which is dictated by the human-centered philosophy and values of the current leadership.

Demonstrably, FNPs are not discriminated within the prison setting, however, they certainly seem to be disadvantaged in other stages of the penal process. They are de-facto treated by the criminal justice system as high-risk offenders and by ineffective migration policies that diverge from the relevant Recommendation as their legal status is not determined by the competent authority during their imprisonment, until the date of their release. Therefore, they are overrepresented in prisons as pre-trial inmates having a percentage of conviction approximately at 64% (2015-2019) and as convicts are not granted home leaves without escort they cannot enjoy the privileges of the Open Prison and Reintegration Center or participate in activities outside prisons. This uncertainty, until the finalization of their immigration status, is stressful for both prisons regarding decisions concerning their sentence planning and educational programs and for FNPs themselves, regarding their future plans about their lives.

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