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ABSTRACT

Over the last decade, the Central Jail of Nicosia (CJN) - the only correctional institution in the Republic of Cyprus – saw a significant rise in its prison population. Today, the CJN is facing a number of challenges to its legitimacy which are evident in recent episodes of prison unrest, and the rise in self-harm, suicides and rapes. This research aims to provide a critical exploration of the reasons behind the increase in the prison population, and the challenges this brings.

The review of current evidence, while limited, suggests a number of possibilities which might account for the rise including political patronage, racism and corruption. In order to consider issues that concern the rise and challenges of the prison population, this study focuses on the connection between imprisonment and micro elements of the Cypriot society/culture such as crime rates and trends, levels of social expenditure, public opinion and punitiveness, and institutional trust and legitimacy. Exploration of the increase in the prison population was carried out within a critical realist framework.

Data was collected using twenty seven semi-structured interviews with Criminal Justice System ‘elites’, (including politicians, judges, public prosecutors, prison staff, prison administrators, senior counsels of the Republic of Cyprus, officers from the Ombudsman Office, and the Ombudsman herself). Thematic analysis of this qualitative data aimed to uncover the deep and often unobservable structures and mechanisms that influence the prison population in Cyprus.

The findings of this study suggest that the reasons behind the increase in the prison population and its challenges display significant correlation with political patronage, racism, and corruption, and explain the unprecedented levels of immigrants within the Central Jail of Nicosia. The study also revealed that foreign immigrants are at greater risk of rape and suicide, and the impacts of corruption by those in authority. Finally the study, suggests that the rise and the challenges of the rise in the prison population have significant social, economic and political axioms.

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ABBREVIATIONS

CJN	Central Jail of Nicosia
GDP	Gross Domestic Product
PRRU	Police Rapid Response Unit
ECRI	European Commission against Racism and Intolerance
PCC	Prison Classification Committee
CYSTAT	Statistical Service of the Republic of Cyprus
OECD	Organisation for Economic Cooperation and Development
EU	European Union
EC	European Commission
CPL	Criminal Procedure Law
OPERP	Out of Prison Employment and Rehabilitation of Prisoners
CJS	Criminal Justice System
ICVS	International Crime Victimization Survey
EU ICS	European Crime and Safety Survey
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
IMF	International Monetary Fund
ECB	European Central Bank
TCN	Third Country National
EOKA	Εθνική Οργάνωσις Κυπρίων Αγωνιστών
US	United States

DEDICATION:

TO MY MOTHER

***AND IN LOVING MEMORY OF MY GRANDFATHER XRISTOS KOUNNIDES
(ΧΡΗΣΤΟΣ ΚΟΥΝΝΙΑΗΣ) A GREAT FATHER, GRANDFATHER, AND PATRIOT.***

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Στο επανιδείν....

Chapter 1: Introduction

The rise in prison populations is one of the central problems facing contemporary penal policies. At a time when serious crime activity in Cyprus has been falling, the prison population saw a steep and progressive growth. The prison is dangerously overcrowded, and the budget has suffered dramatic cuts due to the on-going financial crisis. Despite the significance of this matter, there has been remarkably scant debate about the reasons and structures behind the prison surge, and possible ways to deal with it (see further Hough et al., 2003). Over the last two decades, governments throughout the world have adopted a wide range of policies in order to deal with the rising prison populations. For example, the American criminal justice system has heavily financed the construction of prisons with the exemption of the states of New York and Texas who saw a significant drop in prison admissions and a downsizing trend. Similarly, in the United Kingdom (UK), prison expansionism has seen investment at an unprecedented scale, though, not at the rate of the United States (Hough et al., 2003).

International criminological research provides a variety of theories and approaches offering explanations for the growth in penal severity and the use of imprisonment (Lappi-Seppälä, 2007). Most of the in-depth studies are confined to a small selection of western countries. Comparisons covering a larger number of countries are often impaired by the availability of data. Moreover, none of the analyses have been able to produce a single and simple explanation of why imprisonment is rapidly growing throughout the world. However, several studies (Lappi-Seppälä, 2007, 2011, Tonry, 1999, Caplow and Simon, 1999, King, 1994, 1999) provide some interesting associations between imprisonment and social, political and economic axioms.

Research on the contributing factors towards imprisonment in Cyprus is scarce. The need for fundamental research through empirical elaboration, has compelled me to undertake this research, which sets to answer why the prison population is increasing in Cyprus, and to critically examine the challenges that the rise brings to the correctional institution. Nowadays, one of the most significant discussions is that of financial emergency, with Cyprus and

Greece at the centre of attention in the global economy (see further Xenakis and Cheliotis, 2013).

This study draws on international literature, and aims to provide a critical exploration of the causes behind the increase in the Cypriot penal establishment. Yet, this is another reason for choosing to collect evidence in Cyprus, since I am a native speaker, a fact that helps in maintaining the richness of the data, which is unlikely to happen by a non- native speaker. Moreover, the application of the methodological framework offered by Critical Realism to this specific context i.e. the cause and consequence of the rise in the population of the Central Jail of Nicosia, is ground breaking. As a researcher, I began my study particularly attracted by the production of observable effects such as the rise in the prison population in terms of underlying conditions (Frawley, 2011, in Kramar, 2011). Critical realism takes events (e.g. crime and imprisonment) as outcomes of deep and in many occasions' unobservable conditions that need identification (Frauley, 2011, in Kramar, 2011).

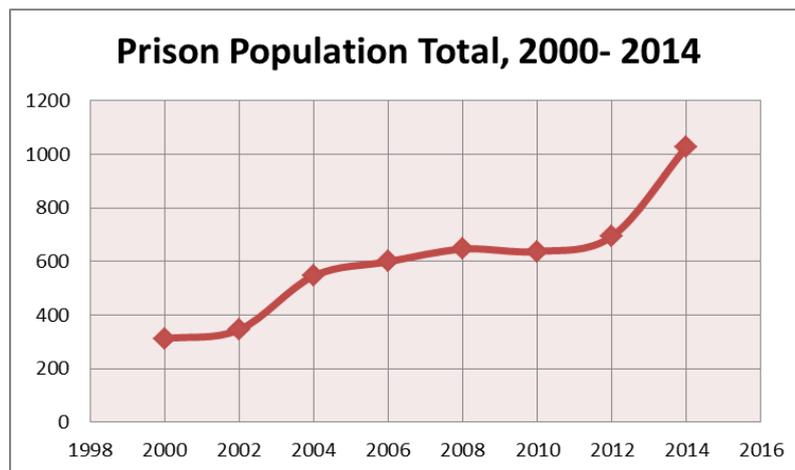
The current study is significant, as this is the first empirical attempt that investigates the causes behind the rise in the prison population in Cyprus and the problems that the prison system is currently facing. After several years studying in the UK, I have developed a detailed understanding of the differences that occur in both penal policies and prison systems, in the United Kingdom and Cyprus. Initially, 'the January events', a significant event in the Cypriot penal history and development could be interpreted using a critical account of what the problems facing the Cypriot prison system are and what sparked those events. Then, the issue of immigration (Aas 2011b, 2013; Boshworth, 2004; 2008, 2011; 2013), penal politics (Simon, 2007; Wacquant, 2005, in Pratt et al, 2005), and political economy (Cavadino and Dignan, 2007; Simon, 2007) appeared to be vital. The criminalisation processes of immigrants has been studied extensively in recent years by criminologists (Melossi, 2003, 2008, 2011), and is implicated with other contributing factors. I believe my results are ground breaking, as they flow from the originality of the Cypriot culture, and position Cyprus in the international criminological debate. As the results of this study suggest, the cause of the rise in the prison population is determined by the relative weight attaching to culture and political economy and party politics with great emphasis on penal populism and penal punitiveness as detrimental themes in politics that have a direct impact on the penal management of poverty and inequality (Wacquant, 1999; 2001; 2009). In fact, nowadays penal punitiveness is a

central feature of the Cypriot society and especially towards immigrants and refugees, with a (continuous) disreputable and ‘unwanted’ media, public and political discourse.

1.1 Prison population

The Central Jail of Nicosia (CJN) is the only correctional institution in the Republic of Cyprus and is located to the west of the city of Nicosia. The prison facility detains convicted and pre-trial detainees, of both sexes and all age groups from sixteen years and over (CPT, 2014). The prison population reached its highest ever peak in September 2014 when it breached 1027 for the first time, although it has an official capacity of 550 prisoners (see Figure 1.1).

Figure 1.1 Evolution of the prison population, 2000- 2014



Source: Prison Population Explained, Eurostat 2014.

The existence of confinement and the nature of imprisonment are – or should be - of interest to social scientists, the governing body of the society, and members of the societies that reside outside the prison walls; after all, the vast majority of prisoners will be released back into society. Very few prisoners remain incarcerated for life. Therefore, the appropriate preparation for discharge is crucial. However, according to the Council of Europe Reports (CPT) many European prison establishments are blighted with various contentious issues including: overcrowding and bad conditions, understaffing, weak security and control, lack of resources, riots, injustice, suicides and rapes and more recently corruption (Cavadino and Dignan, 2007; Jewkes and Johnston, 2006 ; Sparks and Bottoms, 1995). According to

various CPT Reports (2000, 2004, 2008, 2013), the Cypriot prison establishment, has repeatedly suffered various challenges related to overcrowding, insufficient material resources, unhygienic facilities, militaristic regime, violation of fundamental human rights, and high levels of injustice amongst prisoners.

It should be noted that imprisonment is an expensive venture with the detention of each prisoner costing the Cypriot taxpayer 118,000 euros every year. Prison budget in 2014 was 570,000 euros, compared to 750,000 euros in 2012, placing Cyprus amongst the European countries with the lowest prison budget despite the growing numbers of prisoners within the prison establishment. In 2004, the mission of the prison department was revised in the process of harmonisation with the European prison rules and standards with the following aims:

1. The safe detention of prisoners referred to it by the courts.
2. Ensure detention conditions that guarantee and promote a respect for human dignity.
3. The equal treatment of detainees without any discrimination due to race, colour, sex, language, religion, national or social origin, political or other opinion of the detainees.
4. To encourage the self-esteem and develop the sense of responsibility of prisoners by providing them with educational opportunities, vocational training, creative entertainment, reflection, self-criticism and self-awareness.
5. The guidance and assistance of prisoners for a new start after their release (CPT, 2013).

However, incarceration in Cyprus is deeply problematic and spectacularly fails to meet its primary avowed aims. Today, the CJN faces a number of challenges to its legitimacy, evident in recent episodes of prison unrest and the rise in self-harm, suicides and rapes. In terms of equal treatment, serious cases of racism and discrimination and lack of justice practices have been reported in which Cyprus was fined £100,000 for mistreatment and unnecessary use of violence in prison (see further CPT, 2000; CPT, 2004; CPT, 2008; CPT, 2013; Ombudsman,

2012; Ombudsman, 2013a, Ombudsman, 2013b; Ombudsman, 2014; Ombudsman, 2015a; Ombudsman, 2015b).

Regarding educational opportunities and vocational training, the Central Jail of Nicosia has undergone significant expansion, with the conversion of educational and training facilities of the prison into dormitories in order to accommodate the high volume of prisoners sent from the courts (CPT, 2013). Partly as a consequence of the absence of educational and vocational training programmes the Cypriot prison system has recorded high recidivism rates with nearly two in five prisoners reconvicted within two years after their release (CPT, 2013).

In 2015, 62 per cent of the Cypriot prison population were serving a sentence for illegal entry into, departure from, or stay in the country; the third highest figure in Europe, (Green Paper, 2012). More than two decades ago, Simon (1998) drew our attention to the increase of immigration imprisonment, with 'border' the new criminal justice frontier (Bosworth and Kaufman, 2011). Those designated as non-Cypriot citizens encompass a wide range of people, including, refugees, economic migrants, and long-term residents. The 'problem' of foreigners extends beyond penal statistics to the wider marginalisation and mistreatment of non-citizens in Cyprus. This study suggests that non-citizens are the new enemies in the war on crime in Cyprus today. The ongoing emphasis on 'foreignness' in penal policy raises concerns about due process, conditions of imprisonment and the purpose of the prison establishment (see further Bosworth and Kaufman, 2011).

It should be noted that the social composition, the institutional practices as well as the culture (s) of the prison system are historically, politically, socially, and economically set. Prisons are not autonomous institutions or isolated from or impervious to changes in society. The nature of the prison - who is sent to prison and how they are treated, while there - depends on current thinking and attitudes towards 'order' and 'control'. Prisons are a reflection of current cultural norms and values, which can evolve. Prisons are not total institutions (Goffman, 1961) because institutions, as per Goffman's conceptualisation, have significant cultural social, political and economic constituents (see further Karstedt, 2001; 2015). This analytical complexity of the society-prison connectedness is of paramount significance for this study.

1.2 Pains of imprisonment

The adjustment to prison life has long been referred to as what Sykes (1958) calls the ‘pains of imprisonment’, and includes the deprivation of prisoners from their autonomy, liberty, security, relationships, and goods and services. The loss of liberty and autonomy is perhaps the most apparent pains of being imprisoned, as prisoners’ movement within the prison establishment is usually dependent on the prison regime. During the last decade, the CJN has suffered severe and chronic overcrowding conditions, which has significantly affected prisoners’ autonomy and liberty. European watchdogs such as the European Committee for the Prevention of torture and inhuman or Degrading Treatment or Punishment (CPT) and the European Commission against Racism and Intolerance (ECRI) and national pressure groups (mainly the Ombudsman) for example, described the environment in most cells as suffocating and, on many occasions life threatening.

Today, cells originally designed for single occupancy now contain thereto four prisoners, leaving the prisoners in degrading conditions due to lack of privacy, autonomy and dignity. Prison guards’ ‘shake- down’ activity, for example, comprises of unannounced searches, verifying that prisoners have very little privacy, protection and are more vulnerable to suffer from humiliation and degradation. In the same vein, Bloustein (1964) argues that:

“The man who is compelled to live every minute of his life among others and whose very need, thought desire, fancy or gratification is subject to public scrutiny, has been deprived of his individuality and human dignity” (p: 1003).

This lack of autonomy is associated with psychological distress and the creation of mental disorders while the prisoners are in prison (Wright, 1993). Although the extent of deprivation of goods and services has been lessened since the 1950’s, when Sykes (2007) conceptualised the ‘pains of imprisonment’, this study has uncovered significant evidence that in the case of the CJN, there is a serious lack of resources (mainly material) and services (mainly health services) due to the unprecedented level of prisoners. Moreover, the on-going economic crisis had exacerbated fundamental provisions such as food and water supply. On various occasions, the delegation team of the Council of Europe anti- Torture Committee appeared concerned with the strained relationship between prison staff and prisoners, the lack of health care services and the routine use of imprisonment stating that:

“Such overcrowding necessarily puts a strain on relations between staff and prisoners and among prisoners, on the provision of health-care services, and on material

conditions, as well as on the regime of activities offered to prisoners and their possibilities for rehabilitation. While the increase in additional accommodation, such as the return of Block 10 from the police to the prison, might relieve some of the overcrowding, it will not constitute an effective and lasting solution to the problem. In this context, the Committee reiterates that a strategy for the sustainable reduction of the prison population should be put in place, which ensures that imprisonment is in practice the measure of last resort at all stages of the criminal justice system, from pre-trial to the execution of sentences” (CPT, 2014, p:30).

Several studies have found that access to educational and rehabilitation programmes have a positive impact on prisoners’ welfare and well-being and can prevent prisoners from self-harm and suicide (Nurse et al., 2003, Huey and McNulty, 2005). However, the persisting overcrowding conditions have impacted the offer of educational and recreational programmes and turned facilities that were educational into dilapidated dormitories, such as the ‘theatre’. Similarly, the CPT (2014) depicts:

“The CPT calls upon the Cypriot authorities to take vigorous steps to increase the range of purposeful activities for inmates: work, vocational training, sports, educational and other activities must be available so that all prisoners may be purposefully engaged for most of the day. In addition, specific measures should be taken to put in place individual sentence plans and psycho-social support programmes for prisoners serving long sentences” (p: 32).

It may appear counterintuitive to think that prisoners can experience security issues whilst being incarcerated, given the strict levels of security that characterise contemporary prison regimes. However, in the case of the CJN, the lack of security has been laid bare, as three prison guards were caught in 2013, trying to smuggle injectable drugs, alcohol and mobile phones into the prison. In addition, high rates of prisoners’ victimisation have frequently been reported, including violence, theft and sexual assault, leaving us with serious questions regarding the level of legitimacy of the Cypriot prison institution. More recently, the Cypriot Ombudsman received complaints from prisoners about ill-treatment and threatening behaviour with reprisals. In the same vein, the CPT (2014) highlights that:

“The CPT recommends that the Minister of Justice and the management of Nicosia Central Prisons deliver a clear message to custodial staff – and reiterate it at regular intervals – that all forms of ill-treatment are unacceptable and will be punished accordingly. Further, prison management should ensure that all prisoners may make a complaint without fear of reprisals by staff” (p: 28).

Furthermore, over the last decade, the Ombudsman publicised how prisoners, convicted as well as pre-trial detainees, “are living under a militaristic regime and a threatening environment that is increasing fear and intimidation” (Politis, 2013).

1.3 Thesis Justification

Cypriot imprisonment rates - 102 per 100,000 individuals behind bars in 2014 - have reached unprecedented levels compared with other times in Cypriot history (Aebi et al., 2016). According to the latest statistics published by the Council of Europe this unprecedented rate of increase has occurred against a backdrop of declining crime rates (Eurostat, 2015). Today, according to the Council of Europe’s Green Paper, Cyprus has the third highest prison rates in Europe, a number that has created strain within the prison system (European Commission, 2011, Walmsley, 2003, 2012b, 2012a). There is a long tradition of studies in the United Kingdom (Hough et al., 2003), United States of America (Tonry, 1999, 2004), and Finland (Lappi-Seppälä, 2000, 2001, 2004, 2006, 2007, 2008, 2011), exploring the causes and differences in sentencing in national penal policies. These studies, suggest that the key drivers of the rise are a result of a punitive penal climate which has resulted in a new era of penalisation of offences mainly around immigration. Furthermore, politics, punitive public attitudes and welfare spending play a crucial role. Notwithstanding, the identification of the forces behind the increase in the prison population and the challenges this brings in the prison estate is of paramount significance.

Since the financial turmoil begun in 2009, Cyprus has been placed at the centre of attention in the global economy. As a result, the issue of crime has received significant critical attention, with Cypriot scholars focusing on the package of austerity measures. However, there is no research on the factors behind the steep and progressive growth in the prison population, which suffers from major drawbacks. Given the significant lack of Cypriot literature on the reasons behind the increase in the prison population and the challenges this has created, this study produces an original and cutting edge critical examination of the penal ‘drivers’ and the ensuing ‘crises’ this brings in the Cypriot penal system.

Therefore, the research questions that have informed this PhD include:

1. Why is the prison population rapidly growing in the Central Jail of Nicosia?

2. In relation to the on-going growth of the prison population, what types of challenges does the Central Jail of Nicosia face?

Research questions require explanation and justification. An exploration of the rise in the prison population has significant social, political and economic dimensions. According to Cheliotis (2012) recent decades have witnessed a rapid increase in the use of imprisonment in a large number of jurisdictions worldwide (Van Dijk, 2008b). International research is focused mostly on the Anglophone perspectives, neglecting to provide relevant information outside the Anglophone jurisdiction.

With the intention to help rectify this gap in the international review literature, the present thesis turns attention to the case of Cyprus, offering a systematic summary of key findings from a range of sources in both Greek and English: from scholarly studies, to media reports, to official documentation produced by governmental bodies. The overarching aim of this study is to emphasise the need for urgent intervention. The data for this study were collected in five phases: March 2012 (pilot interviews), March 2013, and August 2013, January 2014, and July 2014. This study consists of twenty seven semi – structured interviews with participants from the three main bodies of the Cypriot Criminal Justice System: Legislative, Adjudication and Correction. This study adds to the growing concerns expressed by national and international observers, and it is hoped may alert the Cypriot state authorities to actively promote change, whether through practically reforming the existing operation of the prison system or, implementing policies of decarceration.

The thesis is divided into eight chapters, each unfolding in a developmental sequence towards a full understanding of the major problems faced by the prison system today.

This chapter has introduced the rise in the prison population and the problems this brings to the Cypriot prison institution and the gap in knowledge, which this study endeavours to cover.

Chapter Two provides an analysis of existing literature in the sociology of punishment and penal politics, and pays attention to culture, political economy and party politics, penal populism as a theme in politics, and recent work on punishment and migration.

Chapter Three entitled ‘Cypriot Culture and Context’, presents an overview of the Cypriot culture and introduces the role of nationalism and political parties’ crucial issues strongly related to penal policies and changes. Furthermore, the chapter provides important information about the historical development of the Cypriot prison establishment and offers the first empirical account of what is happening within the wired fences. The chapter concludes with the origin and impact of the January events, the biggest legitimacy episode in Cyprus’ penal history.

Chapter Four offers a picture of the major factors that appear relevant to the rise in the prison population in the context of Cyprus, including political discourses of crime, penal and public punitiveness, the criminalisation of immigration, corruption, clientelism and elite impunity, and more recently the financial ‘crisis’ of neoliberalism.

Chapter Five introduces the methodology utilised for this study. Considering the complexity of exploring the ‘hidden’ mechanisms that contribute significantly to the rise in the prison population, twenty-seven qualitative, semi-structured interviews are utilised with the elites of the Cypriot criminal justice system (CJS). In addition, this chapter presents the methodological process used in the thesis, including research design, sampling and population, data collection and analysis. Furthermore, critical realism is discussed in detail, and I outline how the study benefitted from this research paradigm.

Chapter Six poses the first analysis chapter, and examines the factors behind the rise in the prison population.

Chapter Seven is the second analysis chapter, and provides a critical exploration of the current challenges of the prison today.

Chapter Eight concludes the thesis with multiple reflections concerning the study questions, content, method, and implications.

Chapter 2: Literature Review

In recent years, the concept of culture in the field of criminology has moved from the periphery to the centre of scientific investigation, and culture poses as a primary variable in global change (see further Karstedt, 2001). Similarly, this chapter drawing on comparative analysis explores the potential benefits and inherent limitations, including the difficulty of translating and transplanting crime control policies and concepts across different national and cultural boundaries (Nelken, 2009). In doing so, it attempts to unravel the attached weight to culture and political economy and party politics, with significant emphasis given to Simon's work on 'hyperincarceration' and 'governing through crime'. Following the American paradigm, prison rates in many jurisdictions throughout the world have soared while crime rates saw a steady decrease. Governments have handed over penal policies into the hands of an ill-informed public, and as this chapter argues, governments have increasingly allowed penal populism to impact on penal policy developments and there is a minimal involvement of technocrats and academics (Pratt, 2007). One of the most serious outcomes of penal populism is that of punitiveness in criminal justice practices in numerous countries (Bosworth, 2011). Moreover, this punitive turn is indicative in the overrepresentation of foreigners, immigrants and other ethnic minorities across penal systems worldwide (Aas, 2005).

2.1 Comparative criminal justice: between the Scylla of ethnocentricity and the Charybdis of relativism

Over the last decade, there has been a growing interest in research on the globalisation of crime and criminal justice and the ways this affect the concepts and practices of criminal justice as they are shaped internationally or transferred from 'there to here' (Nelken, 2009, see also Sozzo, 2011, in Melossi et al., 2011). The task of comparative criminal justice scholar is to compare and contrast ways of responding to crime in one country to those practices elsewhere (Nelken, 2007; 2009). However, as Nelken argues there are significant barriers in understanding or interpreting what is really happening in other cultural contexts (see further Karstedt, 2001). On the one hand, we risk ethnocentricity - or culture blindness according to Nelken- if we assume our responses to crime are universally shared and appreciated, and on the other hand, there is the temptation of relativism, the notion that we will never be able to understand what others are doing, thus we cannot evaluate whether what

they do is right (Nelken, 2009). It is important to recognise that criminal justice policies are shaped by both, global and local conditions and criteria (see further Karstedt, 2015).

According to Nelken (2009, 2011) our perceptions of others is depending heavily on our cultural ideas. Nils Christie, for example, first argued that criminal justice policies are ‘cultural polices’ less determined by crime rates but rather reflect the cultural identity of nation countries (in Karstedt, 2001). Which actions are criminalised, what type of crime responses the punitive state offers, and how offenders are dealt with, depends on cultural values and on contemporary ‘law and order’ thinking and attitudes. Today, criminologists claim that the rise in crime rates has been exaggerated by media and political discourses and, that we are obsessed with penalisation and punitive responses towards offenders (Pratt 2000; 2007).

Recent discussions on ‘Asian exceptionalisms’ and ‘western culture’ have brought questions of culture back in the field of criminology. For many criminologists the deep cultural crisis of the west and the failure of western crime control culture have been contrasted to Confucian traditions and conscience collective values and ideals and deemed contributory factors for the low criminality in these nations (Karstedt, 2001). Asian criminologists have found that the absence of collectivistic orientation and the socio- culture syndrome of individualism and consumerism are central features of high rates of crime and violence in societies, especially those of the West. However, this perspective on Asian exceptionalism offers *ad hoc* cultural explanation for economic success and failure (see further Karstedt, 2001).

This perspective on Asian exceptionalism is burdened by prejudice and is shaped by cultural rhetoric more than by systematic analysis. This perspective is monolithic in nature as Asian countries differ significantly from each other and Confucian traditions do not influence all countries in the same way; neither do western values represent a monolithic culture. For example, Scandinavian cultures differ significantly from those of Central Europe, and European countries differ from American culture (Karstedt, 2001). Furthermore, this perspective does not take into consideration the mass modernisation of south-eastern countries (e.g. Japan, China and South Korea) which has disrupted the Confucian traditions and collectivistic spirit and values of these countries.

2.2 The concept culture in cross cultural criminology

Today culture has a predominant feature in this field, and writers pay close attention to the role of culture in the shaping of punishment, and to the cultural significance of penal practices. Most recently, attention has focused on the realisation that culture encodes and is encoded by distinctive political and economic forces. The idea and notion of penal institutions is grounded in cultural norms, values and perceptions; they draw upon particular sensibilities and express specific emotions; they are sites of ritual performance and cultural performance and diffuse crime control (Garland, 2006 in Melossi et al, 2011).

The idea of ‘culture’ in this context has been typically used in two opposing senses. In the first sense, cultural factors appear as a causal force in shaping penal institution, while the second points to different cultures and seeks to show that contrasting cultures produce different patterns of penalty (Garland, 2006). The first conception sets to segregate particular cultural forces, ideas, symbols, meanings or values and to separate them from social, political, economic and criminological factors. Conversely, the second concept of culture recognises the different social wholes, each of which is understood as a distinctive ‘culture’. Therefore, culture is understood to be a bounded and unified set of customs, habits, values, norms and beliefs: a distinctive universe of meanings (Patton, 2002). Those cultures are usually associated with particular communities such as an ethnic group, a social class or a nation- so that we might talk of Islamic culture, working- class or Cypriot culture, and therefore, the conception of culture in relation to punishment is perceived to be implicitly connected with the Cypriot economics (social roles) and politics (political structure). Concomitantly, penal practices are the product of certain cultural traditions and frameworks of values. As Melossi (2001) argues:

Punishment is deeply embedded in the national/cultural specificity of the environment which produces it (p: 407).

2.3 Punitive turn? From American dystopia to European utopia

Today, criminal justice systems face numerous common problems and increasingly seem to respond in similar ways to ‘risk society’ (Nelken, 2009). People are now looking for a ‘safety utopia’ and like all utopias contain some kind of dangerousness, especially for those who get in the way. Therefore, the concern of contemporary work in the field evolves around growing

punitiveness (Nelken, 2009; Pratt, 2008; Matthews, 2005). The majority of criminology scholars do not suggest that prisons should be abolished but their concern has been shifted to what De Haan (1990) calls a ‘bad conscience of punishment’; the economic and political mobilisation of punitiveness especially, but not only, in America (see further Nelken, 2009, De Haan, 2005).

Despite recent evidence that crime levels are decreasing, there is an increased resort to punishment, in particular, a greater use of prison has been seen as useful and appropriate. Recent studies (Tseloni et al. 2010, Roeder et al, 2015) reveal that there is greater use of prison even though crime levels have been decreasing (Beckett and Western, 2001; Downes and Hansen, 2006). In his influential work, Garland (2001) suggests that ‘penal welfarism’ has been displaced by the politicization of crime and the growth of penal punitiveness. Garland (2001) offers an account of how penal policies (mainly in America and England) utilised a victim-centric character and claim that prison works. He also notes the emotional tone of crime policy from humanity and decency to anger and insecurity. Whilst some scholars saw the roots of this penal turn to be found in late modernity and the changes in social and economic conditions, some others (Nelken, 2009) claimed that the new punitive era is an ethnocentric projection – an Anglo- American tendency which assumes that what other countries do is less important because soon they will follow the Anglo-American example (see further Nelken, 2009).

According to Nelken (2009) such critics tell us how we must avoid the dystopia of the bloated American penal system that contains more than 2 million prisoners. However, Zedner (2002) suggests that is necessary to recognise and explore the differences between the USA and Europe and within Europe. Zedner (2002) suggests that numerous cultures of control exist within Europe, and some European countries have a more punitive stance than others. A few years ago, the criminal justice system of the Netherlands, for example, was seen as less punitive. However, things have changed and recently the Dutch prison population has risen dramatically and at a faster pace than in the USA (Nelken, 2009; Van der Leun, 2006). Today, it is the region of Scandinavia that is seen as beacons of tolerance.

2.4 Punitiveness and Political Economy

Cavadino and Dignan's (2006) famous work on comparative penal systems, aimed to demonstrate the differences in penal tolerance in a bid to stop the inflated prison population in England and Wales (Reiner, 2000; 2007). Cavadino and Dignan (2006) dismissed the correlation of cross-national differences in public support for prison sentences, and argued that variation in prison rates – which is the proxy for punitiveness - are related to different types of political economy. As seen in Figure 2.1, the imprisonment rates in 12 industrial societies vary considerable and have been classified as neo- liberal, conservative/corporatist, social democratic, and oriental/corporatist economies. According to Cavadino and Dignan (2006), the biggest symptom of neo- liberal societies is that of the exclusionary nature of social and economic policies which contributes significantly to their higher prison rates. On the other hand, Continental European corporatist and Scandinavian social democratic societies have pursued an inclusive social, economic and penal strategy that offers citizens protection and inclusion and views offenders not as isolated, culpable individuals, thus appreciating resocialisation by employing community as a whole. Typically, these societies are seeking to respond to crime with measures that aim for offenders' reintegration and reformation into society (see further Garland 1985, 2001)

Figure 2.1 Imprisonment rates per 100,000 in 12 countries, 2002/3 and 2008

	2002/3	2008
Neo-liberal countries		
USA	701	756
South Africa	402	334
New Zealand	155	185
England and Wales	141	152
Australia	115	129
Conservative- corporatist countries		
Italy	100	92
Germany	98	89
Netherlands	100	100
France	93	96
Social democracies		
Sweden	73	74
Finland	70	64
Oriental- corporatist countries		
Japan	53	63

Source: Cavadino and Dignan (2006, p: 22).

Meanwhile, Lacey (2008) argues that ‘coordinated market economies’ (such as the Scandinavian and Nordic states) have the opposite effect from neo-liberal societies such as the USA, Australia and the UK, mainly because those countries develop multi-party political systems that are less susceptible to appeals to populism. Furthermore, Lacey (2008, 2013) argues that European corporatist countries (to a certain extent) and social democracies (to a greater extent) are more equipped than neo-liberal, ones in dealing with the challenge of crimes committed by (illegal) migrants (see further Solivetti 2007, 2012).

2.5 Impediments in comparing prison rates

According to Nelken (2009), Cavadino and Dignan’s work is not the only account of the differences in prison rates as indicators of comparative punitiveness. Neo-liberalism in the USA and Europe, for example, is associated with the ‘exclusion’ of offenders, and its establishment coincides with a greater use of imprisonment. While punitiveness poses as an explanation, Cavadino and Dignan (2006) actually define neo-liberalism with increased punitive attributes. However, countries such as China saw a sharp rise in its prison population without being neo-liberal, while Russia, a country that saw a rise in neo-liberalism recorded a decline in the use of imprisonment. Thus, a wide range of variables are connected to punitiveness rather than neo-liberalism itself.

Taking the ‘problem’ of crime levels, for example, it is plausible to assume that countries with high crime rates experience higher prison rates. However, inclusive social democratic countries have recorded a reduction in the levels and severity of crimes committed. However, countries suffering from less crimes are not necessarily less punitive. In Netherlands, for example, - a country with an overall low crime rates - prisoners get shorter sentences, but actually more people are sent to prisons than those with higher crime rates (see further Engbersen and Van der Leun, 1998; Engbersen et al, 2007; Van der Leun and Van der Woude, 2011). However, this penal trend complicates further any argument about punitiveness and inclusiveness.

Figure 2.1 offers a snapshot of from 2002, 2003 and 2008, but prison rates in different countries in earlier years evolved in ways to confirm this argument. Finland, for example, after the Second World War saw a sharp decrease in its prison population compared to other Scandinavian countries. Even the USA had a moderate number of prisoners until the late

'70's and more recently Italy has recorded the lowest prison population amongst the Continental European countries. The reason behind this trend was not the outcome of a generous welfare system but was owed to the collective pardons that decongested the prison population nearly by a third. The example of Italy illustrates how important the criminal justice process is in order to understand prison rates. It is impossible to understand the French prison rates, for example, without taking into consideration its amnesties and pardons (Nelken, 2009).

However, the irregular and mutable nature of prison rates are calling us to search beyond the basic differences in political economy. A country's prison rates not only reflect their attitudes towards offenders. They are also a productive of reflexive responses by politicians and policy makers to what is going in other countries. Roy Walmsley – the man behind the World Prison Population Lists - urges the criminal justice practices and policies of all countries to limit their rates below 100 prisoners per 100,000 of the population.

2.5.1 The 'cultural meaning' of punitiveness and tolerance:

Another importer component of Cavadino and Dignan's thesis is that of cross cultural meaning. However, we cannot compare punitiveness and tolerance in different cultures because each term has different meaning and deliberating actors; for example, in some cultures (e.g. Netherlands) tolerance has been seen a deliberate choice. For instance, the promotion of welfare provisions (Downes and Hansen, 2006) –is it a non- calculated choice - and to a certain extent negligent - that involves the non-enforcement of existing sanctions. Also questions raise related to who is claimed to be tolerant or punitive; politicians, judges or the public?

It cannot be denied that in our attempt to compare punitiveness and tolerance, there is the temptation of relativism. In Greek language, for example, ανεκτικότητα (anektikothta) is not translatable into English or any other language. The term is Greek, and its concept is applicable only in Cyprus and Greece. Similarly, the Dutch word *gedogen*, cannot be compared with the English word tolerance nor with the Greek word ανεκτικότητα (anektikothta). According to Nelken (2009), the English term is passive, whereas the Dutch term entails an open-eyed tolerance, which is part of the governmental policy. In the Netherlands, *gedogen*, is based on the states willingness to accommodate exceptions to the

law, whilst in Cyprus, such accommodation is not applicable mainly because the criminal process is based on strict procedural requirements.

The ‘hegemonic punitive worldview’ that emerged in the 20th century was linked to the global forces that lead to the homogenisation of crime and criminal justice across the globe (Karstedt, 2015). Within such a concept, there is limited space for nation states, giving that global forces and flows play such an imminent role on national justice policies (Aas, 2007). A famous example of the global penal spread is that of the ‘zero tolerance’ policy that originated in America. As criminologists soon observed, there was less convergence than divergence in penal systems and policies, with numerous exceptions to the penal impact of neo-liberalism, and with many regions resisting punitiveness with the formulation of different types of exceptionalisms, from US exceptionalism to Dutch, French and Scandinavian (Karstedt, 2015). However, today penal policies have become powerful instruments of national governments.

2.5.2 Cultural peers and penal policies

According to Karstedt (2015) nation states are part of international systems and their authorities are shaped by both global and local criminal justice issues. As Karstedt (2015) argues, penal policies have local and global dynamics, with governments accountable to their citizens, but concomitantly they are part of a global and transnational system of international human rights values, conventions, and are usually subject to decisions of regional and international courts. National crime policies are shaped by global forces from above, internal forces from below, and finally the horizontal diffusion of practices (see Karstedt, 2015).

The region of Europe is a good example of convergence and divergence processes. Europe is divided by linguistic, political and cultural history, different governmental systems, and significant variances in their criminal justice systems and procedures. According to Unnever (2010) the European region has distanced itself enormously from the ‘harms’ imposed by the penal policies in the USA, like, for example, hyper incarceration, boot camps, and most importantly the death penalty. De Koster (2008) and his colleagues noticed a relative trend toward higher imprisonment in only six out of thirteen countries. According to Snacken (see further 2007, 2010, 2012) the Europeans have managed to ‘resist punitiveness’ for many reasons but their welfare policies are likely the most important reason (Cavadino and Dignan, 2006; Downes and Hansen, 2006; Lacey, 2008; Pratt, 2008), as well as their democratic

political structures (Lappi-Seppälä, 2007, 2008), and great emphasis on human rights and human dignity (Whitman, 2003). Similarly, Garland (2001) argues that European penal policies are paying a lot of attention to due process and human rights against the punitive culture of the American crime control policies. Also, empirical evidence by De Koster et al., (2008) suggests that between 1992 and 2001 neo- liberal policies had no impact on the numbers of imprisonment in 13 West European countries. On the contrary, and very similar to the European model of ‘penal restraint’ high levels of welfare expenditure, solidarity and trust seemed to be effective variables that assisted in the decrease of penal punitiveness; however, these factors vary significantly amongst European countries.

From a comparative perspective, European imprisonment, prison conditions, and public opinion on crime issues appears to hold a unified front yet in reality European regions differ from each other in terms of punitiveness (Karstedt, 2015). Hirtenlehner et al., (2012 in Karstedt, 2015) suggest that specific socio-cultural and ideological characteristics are shaping European penal policies. Punitive - exclusionary regime and welfare-inclusionary regime can be found in Central and Eastern Europe and Scandinavia respectively, while a ‘hybrid cluster’ includes western and southern European countries. As Karstedt (2015) argues, the geographical and regional distributions of these clusters mirror the types of European welfare states.

Despite the significant differences between European countries, Europe has been established as a normative power and more recently has been seen as an effective model of welfare policies, and ‘desired’ criminal justice policies (see further Lappi- Seppala, 2007). This has led to what has been described by Van Zyl Smit (2006) as the ‘Europeanisation’ of penal regimes, the tendency to converge or homogenate penal policies within European countries. However, Van Zyl Smit (2006) highlights that Europeanisation impacts countries differently and is primarily influenced by their resources, political structures and nature of criminal justice system.

As Brodeur (2007) suggested, ‘punishment evolved from a moral episode’ (p: 52), implying a conflict between the good and bad of a culture. Therefore, according to Meier (1994), penal policies are morality policies that contain moral judgement, core principles and values; they are values to establish and not a means to achieve political aspirations. Drugs, alcohol and gambling are amongst the criminal justice issues that contain these values. Penal policies

characterised by moral conflicts, public salience and simplicity. A wide range of criminal justice issues have been explored, from the death penalty, boot camps and three strikes laws, to sentencing guidelines, mainly in the USA. As Karstedt (2015) argues, ‘it is a mixture of cultural actors and characteristics of the political culture that are decisive in the spread of penal policies’ (p: 380). Ideological similarities between nations are a more important factor from geographical proximity (see further Mooney, 1999).

Therefore, cultural and institutional proximity is more decisive than close neighbours, and morality policies are spread to those regions that share cultural and ideological similarities. In addition, Karstedt (2015) argues that in the process of adopting, learning or reinventing penal policies, states are more likely to adopt policies from similar countries in terms of values, beliefs and political representation with the government.

2.6 Punitiveness and Neo-Liberal States:

Nowadays, the surge in the prison population in North America, Western Europe and Australia, has urged the topic of penalisation in contemporary criminology. As stated by Wacquant (2009) the surge in the prison population (mainly in the USA) serves three missions:

“to bend the reticent fractions of the post-industrial working class to precarious wage-work; to warehouse their most disruptive or superfluous elements; and to patrol the boundaries of the deserving citizenry while reasserting the authority of the state in the restricted domain it now assigns itself” (p:38).

Wacquant in his influential works, *Prisons of Poverty* (2009b) and *Punishing the Poor* (2009a) has set the epistemological foundations to scrutinise the relationship between penalty and neo-liberalism in the aforementioned countries. While Wacquant makes it clear that his theory concerns these Western countries –also referred to as economically advanced societies – does not state in which countries penalisation has occurred. Wacquant (2009a, 2009b), states that the focal symbol of all advanced societies at the end of the twentieth century was inarguably the inflation of their prison populations. However, on the other hand, he claims that the situation with the region of Europe differs drastically from that in the USA. However, in recent times, Wacquant (2006) came to recognise that penalisation has been a core characteristic of American society(ies) for the last thirty years and of western Europe for the past fifteen years.

Off course, the fact that imprisonment rates vary in time, raise questions for an explanation. A simplistic approach is that of crime rates, however a rise in the prison population over the last twenty years has occurred when crime rates were stable or in decline (Garland, 2001, Hudson, 2002, Wacquant, 2006), and no clear correlation was ever reported between crime and imprisonment rates (Garland, 2001; Von Hofer, 2003; Cavadino and Dignan, 2006). Instead, Wacquant offers a Neo- Marxist account based on the reasoning of penalisation and neo-liberalisation.

Furthermore, Wacquant (2014) expanded his focus to a transatlantic comparison caused by the moral panic in France and much of the Western part of Europe in the early 1990's about the alleged 'ghettoization' of peripheral urban districts undermined by deindustrialisation (Slater, 2016). Wacquant (2015) argues that the ghetto is an institutional form, a social-organisational instrument that utilises space to fulfil two oppose functions: economic extraction and social ostracization. Wacquant (2015) developed the concept of ghetto to show how the rulers of cities had to maximise 'the material value extracted out of a disparaged ethnic category, while minimising contact with its members' (Slater, 2016, p: 3). As a consequence, ghettos exhibit distinguishing sociological properties and a set of parallel institutions such as schools, places of worship, and businesses, that duplicate those of the city where residents of the ghettos are banished. Wacquant (1992) anchored his analysis to describe the mental and social structures of urban exclusion in the American 'Black Belt' and French 'Red Belt'. Wacquant (2007) soon came to recognise that the 'new' urban poverty of economic advanced societies is characterised by a relatively powerful stigma attached to residence in the segregated spaces, the neighbourhoods of exile where the marginalised populations are being relegated. According to Wacquant, this stigma helps to identify and explain cross-national similarities of a transatlantic convergence between the poverty regimes of Europe and the USA.

2.6.1 Explaining penalisation and neo-liberalization

According to Wacquant (2001), large numbers of people are imprisoned because of the routinely increased use of imprisonment that has been used by governments in order to manage social insecurity. Wacquant (2001) argues that this social insecurity was driven by economic developments related to the transformation of the 'Keynesian' state into a 'Darwinian' one. Whereas the former was based on the principles of solidarity and

egalitarianism, and the prominent role of the state in economic redistribution, the latter utilises neo-liberal and free-market measures that promote competition and celebrate individual responsibility. Thus a less generous system of welfare benefits is seen by Wacquant a key element to explain penalisation. Wacquant's conceptualisation aligns with an extensive literature by influential scholars in the field e.g. Hudson (2002), Beckett and Western (2001), Cavadino and Dignan (2006), and Downes and Hansen (2006).

Although meagre welfare provision was seen a prominent feature, Wacquant (2006) discusses the advent of the Darwinian state as a perplexed process that includes the polarization of the labour market by increasing employment in services, leading to insecure flexible labour, and individualised contracts and fragmented careers. These economic developments were soon worryingly normalised and were generalising precarious employment Wacquant (2009a). Furthermore, Wacquant (2006) supports that these intertwined processes are justified by a neo-liberal discourse, whose main characteristics are the 'competition fetish' and the 'collective responsibility' as posed by the Darwinian state.

Declining welfare provisions, rising numbers of insecure flexible labour contracts and a neo-liberal discourse have caused what Wacquant calls 'surplus labour'. Deprived of secure employment—and subsequently income—this labour surplus is regarded responsible for 'survival' petty crimes. Thus, the Keynesian welfare state, which has traditionally stressed the importance of solidarity and inclusion of marginal groups by providing generous welfare programmes, transformed into a Darwinian 'penal' state, a highly competitive state in which marginal groups (mainly the poor and immigrants) are routinely incarcerated (De Koster et al., 2008). Thus, social insecurity is managed through a process that Wacquant calls 'the penal management of the poor' (Wacquant, 2002; 2009).

Despite Wacquant's influential work and impact, his theory has never been empirically tested. Instead his propositions were sketching the startling boom in the United States, by suggesting that the rise in imprisonment was accompanied by a decline in welfare programmes and provisions (Wacquant, 2005, 2006). Although, many scholars have provided empirical tests, they focused only on a part of Wacquant's theory: on the proposition that meagre welfare expenditure leads to higher levels of incarceration. The work of Downes and Hansen (2006) and Beckett and Western (2001), find support of this thesis in the USA. However, the work of Cavadino and Dignan (2006) does not support this thesis.

The study of Downes and Hansen (2006) seems to offer a serious test as they used longitudinal data to illustrate the declining welfare programmes and its impact on imprisonment in the West. Nevertheless, Downes and Hansen (2006) rightly argue the relationship between welfare and imprisonment requires further analysis and research because their work is merely focusing on a bivariate relationship. On the other hand, Wacquant's work on the rise of the penal state stresses more causes than decline in welfare expenditure, including the alarming growth of insecure and flexible jobs, and neo-liberal discourse.

2.7 Penal populism and politics

Today penal populism is a widespread term with much analytical work on contemporary punishment (Pratt, 2007). However, according to Sparks (2001) and Matthews (2005) there has been little consideration of what it might be. In recent years, the term, penal populism, has been attached to politicians for pursuing punitive penal strategies and policies. However, as Pratt (2007) argues, penal populism is a "complex issue representing a shift in the configuration of penal power in modern society rather than something within the purview of politicians to tinker with as they please" (p: 8). Shils (1956), for example, notes that populism exists where there is a prevailed notion of dissatisfaction against the order imposed by a long established ruling class characterised by a monopoly of power and fortune. In the same vein, Canovan (1999) argues that populism represents the moods, sentiments and fears of distinct segments of the public and not the public in general. Those segments feel undepreciated and ignored by local governments, and unlike more deserving groups they feel that government policy benefits less worthy 'others' and not them.

According to Pratt (2007) penal populism also involves those societal sectors complicit in the alienation, marginalisation and dissatisfaction of 'ordinary people' who are unable to have claims or a voice. Those responsible for this are to be found in government's own bureaucratic organisations; sometimes the entire parliamentary process; sometimes various elite groups; and periodically the media. Hence, these forces make up 'the establishment'. Therefore, penal populism should not be merely seen as an essential political tool, but as a device aiming to "inject the will of the people into the democratic decision-making process" (Raadt et al., 2004, p: 3). Very often, populist politicians in mainstream political parties, in order to re- establish their achievements with their consistencies, choose to differentiate from

their traditional political manifestations and demonstrate a shift towards the needs of the people, rather than vested interest groups within their parties (Pratt, 2007).

However, this adverse relationship between mainstream politics and dissatisfied constituencies cannot be bridged by mainstream representatives. Instead, these constituencies are assisting in the development of new politics, and today we can see that in two ways (Pratt, 2007). First, we have the development of new political parties with a solely populist character and nature, campaigning (nowadays obsessively) on immigration and refugees. Second we have the growth of more democratic initiative such as the referenda and citizen-based ballots, thus providing the opportunity for more authentic expressions of public will (Pratt, 2007). However, this new dimension of politics has been the firmed relationship between populist politicians and extra establishment groups such as pressure groups, speaking on behalf or representing the general public (see further Pratt, 2007). Thus, politicians have used those extra establishment groups for policy developments and initiatives, and have also made noticeable shift from consensus politics to politics that is divisive and more in tune with the public ideas and expectations.

Against this backdrop, penal populism sees prisoners and criminals in general to be prioritised above the crime victims and law abiding citizens at large. It is based on anger and general disappointment of the criminal justice establishment, and as with populism, penal populism is fuelled by ‘feelings and intuitions’ (see further Sparks, 2000). Furthermore, penal populism feeds on dissent with the public penal expectations and the actual penal practices of the establishment to be poles apart.

2.8 The significance of (Populist) punitiveness

According to Zarafonitou (2011, in Kury and Shea, 2011) punitiveness is often perceived as a response to wrongdoing that occurred in the past, and not as a preventive strategy for future offending (see further Matthews, 2005). Hence, punitiveness, is usually used “to mean support for a retributivist theory of justice and a lack of support for rehabilitative goals” (Maruna and King, 2009, p: 9). In the same vein, Garland (2001) states that recent increased punitiveness is linked to the decline of rehabilitation ideals, rising prison populations, harsher prison conditions, emotional and expressive forms of punishment, increased obsession with victims’ rights, and the derogatory treatment of offenders. Therefore, punitiveness has a

quantitative and qualitative dimension, with a particularly complex concept and framework. Snacken (2010), when exploring increased punitivity within Europe, suggested that punitiveness expresses attitudes towards punishment including political discourse, criminalisation processes by legislators, decisions from practitioners within the criminal justice system (e.g. police, prosecutors, sentencing, attitudes of victims of crime, and public attitudes towards punishment (the so called ‘public opinion’) (Snacken, 2010).

Comparative studies have clearly demonstrated that penal policies are not related to crime rates, but are related to a complex interaction of different factors, but most importantly by politicians and penal actors (Zimring and Hawkins, 1991; Snacken et al., 1995). Furthermore, international scholarship (Garland, 2001, Tonry, 2004, Pratt et al 2013; Herbert and Brown, 2006; Zimring and Johnson, 2006) on increased levels of punitiveness, suggests that a shift in political decision-making is characterised by the failure of national governments to foster penal moderation by ‘handing over’ the making and implementation of penal policies to the hands of practitioners and experts, and not to the influence of tabloids and the public (see further Snacken, 2010).

2.9 Political parties and ‘governing through crime’

Whilst economic neo-liberalisation has dominated criminological explanations of punishment and increased rates of imprisonment, scholars within the discipline of Sociology have identified the emergence of a new political culture that encompasses a cultural shift. This contrasting school of thought points out that crime is mostly characterised by intense emotional investment in crime and security.

In his monograph, *Governing through Crime*, Jonathan Simon (Simon, 2007) offers an account of contemporary practices and discourses of the political culture in the USA. Simon (2007) provides a detailed account of the use of crime as a governance strategy in America and he argues that ‘victims’ became an idealised subject of legislation (Baker, 2010).

The focal claim of Simon’s analysis is that, progressively, American political order has rallied around ‘the problem of crime’ in a way that legitimises government activity (Simon, 2007, p: 3). According to Simon (2007) an exerting power has been the advent of the ‘crime victim’ as the ideal political topic of legislation. For the last three decades, the ongoing making of crime laws became increasingly the favourite subject of American people:

We are crime victims. We are the loved ones of crime victims. Above all, we are those who live in fear that we or those we care for will be victimised by crime (Simon, 2007: p: 109).

According to Simon (2007), by making laws that implicitly and explicitly appeal to victims and potential victims, law makers saw crime victims as the ideal political strategy that stresses the general good. Subsequently, any plan that addresses crime victims as a class has a universal appeal, and those who question these plans have a deviant status.

This constitutional dichotomy has resulted in significant modifications in the governance. Institutions and agencies of governments have promoted the interests of crime victims and identified as vigorous supporters of common good (Simon, 2007). In the interim, those who support less priority to the crime victims are perceived as working against it. Essentially, this 'zero sum game' transformed into a powerful tool used by the government to cause a division between the 'executive and legislature, on the one hand, and the courts, on the other one' (Baker, 2010, p: 197).

A further feature of Simon's analysis concerns the governmental dynamic between federal and state levels. This analysis concerns the degree in which the federal government can influence crime policies at a state level. The point here is, although, crime constitutes the biggest governmental value, the implementation of crime policies varies significantly across the states. Therefore, federal administrators have had to create a set of imaginative tactics in order to persuade state officials to implement their favoured line (Baker, 2010). According to Simon (2007) once a 'problem' is identified – on a federal level – then crime policies are ready to penetrate states, along with an economic strategy, provided by the federal government to assist the state to adopt the preferred crime policies.

Simon (2007) argues that the logic of these developments promotes the adoption of punitive and vengeful policies because of their victim-centric character. He also highlights that the victim-centric strategy of the government and the patterned thinking that accompanies it, lies beyond the domain of criminal law. As Baker (2010) argues 'this is serving to pervert choice because it generates the expectation that policy responses must conform to the logic of the victim model in preference to any alternative' (p:198). Therefore, the situation of 'governing crime' has transformed into that of 'governing through crime'. According to Simon (2000) another significant element of this transformation is that of hyperincarceration (see further

Wacquant, 2010). Hyperincarceration captures a clear increase in the use of imprisonment for marginal and racially minority groups (Simon, 2000).

2.10 Penalisation and the new political culture

This new ‘cultural’ formation of crime and punishment is characterised not only by a ‘culture of control’ or ‘governing through crime’, but also promotes a quest for national unity and national protection.

It is well established that the counterculture of the 1960’s and 1970’s has popularly featured middle-class young people protesting against the ‘system’ that contained a capitalist technocratic society that was threatening individual liberty. Inglehart’s (1977) studies revealed a shift from authoritarian to libertarian values. More specifically, Inglehart (1977, 2008) saw the emergence of a new political culture with a rightist cultural politics. Most European countries have seen an increase in new-right movements and parties since the end of 1980’s (see further De Koster et al., 2008). Just like new-leftist parties, these new-rightist parties soon emphasised on cultural issues almost obsessively, and as stated by Koster et al., (2008) cultural issues have been deployed electorally with success for more than forty years. Furthermore, Acheterberg (2006) argues that a wide range of right-wing political parties in the West have implemented an authoritarian vocabulary as well as discourses.

The ‘new’ authoritarian discourses are striving for tighter national unity and national identity, obstructing immigration, repressing non-national ethnic and cultural minorities, and reaffirming traditional norms and moral values. These issues are ‘basic’ discourses of new rightist parties’ political agenda’s across western countries that prominently feature crime fighting as a major vehicle to maintain order in the nation.

2.10.1 From penal populism to penal nationalism

The many concerns that occurred in Europe since 1990, growing concern with crime is among the most persistent. Haney (2016) argues that since the collapse of state socialism in Central Europe, there has been a noticeable concern about crime and punishment in general. In these countries political discourses on crime are bellicose and combative and usually call for inhumane and tough measures such as castration laws for sex offenders and three strikes laws for repeat offenders (Haney, 2016). Their penal harshness has been intensified by the influx of immigrants and refugees from the Middle East in 2015. Politicians from Poland,

Hungary and Romania responded to the ‘attack’ in a similarly uniform way, utilising the most punitive measures -from severed pig heads hung along Hungary’s border to deter Muslim refugees and migrants from entering the country to the establishment of riot police and erected barbed wire fences at the borders (The Telegraph, 2016)– all ways of protecting and securing their national and legal order (see further Haney, 2016). One might suppose that Central Europeans would be reluctant to punitive responses due to their experience under state socialism, and sceptical towards punitiveness due to the harshness of dictatorship. However, what we witness is a relatively ‘tough’ treatment towards refugees and opposition to EU Refugee Plan (The Guardian, 2016).

Today in Europe there is a different element of the popular populist culture of punishment. This element emerged in the 1990s from populist politics and has been grown into what Haney calls penal nationalism and has spread throughout the region of Central Europe. Penal nationalism is a central tool for pulling moderate penal populists towards extreme stances by calling them to stop being ‘soft’ on crime. Nationalist sentiments tend to be more pervasive and usually are articulated in small ‘law and order’ political parties but also can be found in mainstream political parties across Europe. In Poland, for example, the Kaczynski brothers are the founding and leading figures of the Law and Justice Party, one of the most anti-immigrant political parties. In Hungary, FIDESZ, after securing a parliamentary supermajority in 2014, utilised penal nationalist ideals, by building an \$80 million razor wire border fence and passing legislation to deploy an army that is allowed to fire against refugees and immigrants. In October 2016, Hungarians voted to reject the European Union resettlement plan, yet, the failed turn out has made the result legally unbinding. In Greece, Golden Dawn, one of the biggest winners of the parliamentary elections in 2015, is a significant mouthpiece of penal nationalism principles and ideas. While penal nationalism can be reduced to central and southern European countries where Christian- conservative politics prevail, it is also the outcome of politically powerful forces in the region (Haney, 2016).

Similarly politicians in these countries articulate penal nationalism sentiments more explicitly in their slogans. For example, in Greece, Golden Dawn campaigned aggressively throughout 2000’s portraying itself as the ‘only nationalist choice’ under the campaign slogan ‘let’s rid the country of this stench’, referring to migrants. The party played heavily on fears over

Greece's frontline role in Europe, posing extreme penal nationalist sentiments toward immigrants and promising to protect the nation from 'ethnocide,' the death of the nation (The Guardian, 2015). Similarly, in Hungary the presidential campaign of the far right party Jobbik, was based on 'gypsy criminality' and on extreme punishment responses such as castration for sex offenders.

The divergence between penal nationalism and penal populism is located in the message of the former. For example, penal nationalist sentiments are referring to the 'people' and the 'nation'. For penal nationalists, crime control is not a matter of security as in many right wing discussions across Europe (e.g. Italy, France, England and Wales and Germany), it is a matter of national protection instead. Therefore, 'getting tough' on crime is a crucial element for national well-being. In these countries, punitiveness is often presented a part of the national character, so when the Polish politicians speak about the war on crime they linked it to the war against communism (see further Haney, 2016). The ways that Central European countries had deal with the refugee crisis, also reveals that for penal nationalist politicians, punitiveness is a central tool for national sovereignty, independence and autonomy (Haney, 2016).

The on-going emphasis on criminal treats to the nation has led penal nationalist politicians to utilise metaphors of national essence and blood ties and often criminal threats are the 'others'. Often penal nationalists' politicians utilise a discourse based on fear and fascist suggestions; for example, in Greece, Golden Dawn supporters are dress in black, its emblem resembles the swastika and is slogan it's 'Blood, Honour, Golden Dawn'. Similarly, in Czech Republic, government officials in 2015 were pulling Syrian refugees off the trains to write their numbers on their arms. Thus, it is not coming as a surprise that, penal nationalist politicians were openly and unapologetically stating who must eradicated in order to regain control: the barbarian hordes of Asians and Africans in Greece, the Arabs in Cyprus, the gypsies in Hungary, and so on.

2.11 Migration and security in the European Union

The past two decades have been empirically and theoretically productive of borders especially within the EU. Governments in many European jurisdictions have expanded their internal and external mechanisms of border control (Bosworth and Guild, 2008). Growing

evidence suggests that foreigners particularly asylum seekers, refugees and members of ethnic minority groups “are increasingly subjected to discourses of criminalisation in government policy and legislation, in the media and in public and community discussions” (Bosworth and Guild, 2008, p: 703). In recent years, there is a growing tendency to correlate disparate groups of non- citizens, from refugees to the so called ‘economic migrants’, or non-nationals in prisons, ignoring fundamental differences between them (see further Bosworth, 2008). Drawing on Jonathan Simon’s thesis on the process of ‘governing through crime’, Bosworth and Guild (2008) have suggested that the unknown and undocumented is not just undesirable but dangerous. And recently a growing body of literature addresses migration as a security problem on a political and public level, that does not occur in neoliberal regimes such as the USA and the United Kingdom, but can be seen in many western countries but most importantly within EU member states (Woude et al., 2014).

According to Bosworth (2008) stringent border controls were not established after the September 11, 2001 attack in New York, but can be traced much earlier. Taking Europe as an example, it has been well commented that political and public discourses towards immigration have become more hostile since the early eighties (Bosworth, 2008). Citizens within member states of the European Union appeared to feel threatened not only by the unprecedented levels of migrants outside the EU, but also by the free movement, the principal policy chapter of the *acquis communautaire* of the EU. Politicians and policy makers have used these fears to create various migration reforms at a member state level (Barker, 2012). For the past twenty-five years, member state after member state asserted that their borders were weak and in desperate need for stricter securitization (Guia, 2013) . In the securitization process, European state governments have created a sharp distinction between deserving and underserving foreigners, which has in turn led to punitive practices and ideologies from the criminal justice system (see further Aas, 2011).

The reliance of national governments – most importantly that of the United Kingdom, France and Italy- on punitive rhetoric and ideologies is in line to what Garland (1996) labelled the ‘crime complex’ of industrial societies, and to what Tonry (1999) has called ‘moral panic’. According to Bosworth (2008) nowadays, foreigners, just like criminals, became targets of state intervention, as many western governments claim to have less capacity to secure their borders. Forces of globalisation, which many neo-liberal regimes have championed, do not

require skilled labour only, but require unskilled labour too. In the process of developing policies and responses about foreigners and immigrants, globalisation worsens the decline of the welfare state which according to Garland (1996, 2001) is a central feature of the punitive crime control policies of contemporary societies (Bosworth, 2008). In addition, recent discourses on immigration and asylum issues over insufficient levels of integration reflect on strategies implemented on the 'war on crime' that according to Simon (2010) is eroding social trust. Hence, stringent migration and asylum controls are not means of securing national and economic security, but are based on fear and mistrust (Bosworth, 2008). They rely on the power of the prison in constructing and securing the symbolic borders of nation states (see further Bosworth, 2008).

2.12 Crimmigrant bodies

In her influential work '*The Crimmigration Crisis: Immigrants, crime and sovereign power*', Juliet Stumpf (2006) first introduced the term crimmigration to denote the merger of criminal law and immigration law (see further Woude et al., 2014). Despite strong evidence suggesting that the merger of criminal law with immigration law is taking place in many jurisdictions throughout the world, scholars have focused primarily in the United States (Leerkes and Broeders 2010 ; Aas, 2011; Melossi 2013a; Melossi 2013b; Mitsilegas, 2013). Stumpf (2006) argues that the merger of criminal law and immigration is odd because criminal law seeks to prevent and address harm to citizens of a given society. Immigration law determines who is allowed to enter a country, and for how long. Historically, immigration law was interlinked with foreign policy rather than the criminal justice system (Stumpf, 2006). According to Stumpf (2006), Bosworth (2008), Van der Leun (2006) and Engbersen et al., (2007) both immigration and criminal law at their core are systems of inclusion and exclusion. Both systems produce policies promoting the inclusion of all citizens or excluding them from all spheres of social life, and by default both system create insiders and outsiders. According to Stumpf (2006) both systems (criminal and immigration law) create different categories of citizens: innocent versus guilty and legal versus illegal. Hence, it is not surprising that these two different types of law are inexorably intertwined. When policymakers, for example, with enacted policies are restricting non-citizens from attaining membership, they are turning to an area of law that operates to exclude non-citizens.

Nowadays, crimes committed by non-citizens have influenced intensely the direction of immigration law. For many years, non-citizens were prohibited from entering a country if they had committed crimes in the past. However, in many countries today immigration violations are defined as criminal acts themselves and can result in deportation. This connection between criminal and immigration law highlights choices about who is a member of a given society (Stumpf, 2006).

2.12.1 European Union: A 'land of immigration'

Over the past two decades, specific parts of the EU saw a disproportionate numbers of EU citizens in prison. Analysis of Table 2.2 reveals that there are *grosso modo* three distinct groups of EU countries (Melossi, 2013a). The first group consist of traditional immigration countries such as the UK and France and Germany. In these countries (especially in the UK and France) most of their citizens are naturalised citizens from other colonies, who are serving a prison sentences and do not show in foreigners' statistics (Melossi, 2013a). In contrast, southern European countries have a common characteristic that of undocumented migrants, usually immigrating for work (Calavita, 2005a; Calavita 2005b). In these countries – mainly those of Spain, Greece, Italy and Cyprus – the criminal justice system provides a rather unique institutional 'care' to migrants by criminalising their presence and sending them to prisons, where paradoxically they enjoy higher living standards than being free in their countries. Finally, there are Eastern European states, where there is a limited presence of migrants, and therefore no migrants in prisons (Melossi, 2013a). As a matter of fact, Eastern European countries such as Romania, Poland, Hungary, and Lithuania are traditional example of emigrant countries with higher imprisonment rates.

A comparison with the USA is very useful. The number of incarcerated people in the US is staggering, whilst the number of incarcerated people in Europe is substantially smaller. According to the World Prisons Population List in 2015 the US imprisonment rate was 698 per 100,000, whereas in Europe the median rate was 84 per 100,000 (Walmsley, 2015). Despite a recent increase in imprisonment rates in countries such as the UK, Spain and the Netherlands, there rates are below to 150 per 100,000 (Snacken, 2010). However, if one considers the percentage of non- citizens in these numbers, the situation change significantly. The percentage of foreign prisoners within state and federal prisons in the US accounts for about 6 per cent of the overall prison population, whereas the of non-citizen population

counts for about the 12 per cent (Mauer and King, 2007). However, as shown in Figure 2.2 the percentage of non- citizen detainees within European prisons is extremely high.

Figure 2.2 Overrepresentation of foreigners in EU prison systems

	Percent of foreigners in prison population	Percent of foreigners/foreigners extra EU in general pop.	Estimate of the rate of overrepresentation
Austria	45.8	10.5/6.57	4.36-6.97
Belgium	41.1	9.7/3.12	4.23-13.17
Bulgaria	1.9	Missing	
Cyprus	59.6	15.9/5.47	3.74-10.89
Czech Republic	7.3	4/2.71	1.82-2.69
Denmark	21.9	6/3.9	3.65-5.61
Estonia	39.4	15.9/15.08	2.47-2.61
Finland	10.3	2.9/1.85	3.55-5.56
France	19.2	5.8/3.77	3.31-5.09
Germany	26.3	8.7/5.6	3.02-4.69
Greece	43.9	8.4/6.97	5.22-6.29
Hungary	3.8	2/0.82	1.9-4.63
Ireland	10.8	8.6/1.68	1.25-6.42
Italy	36.9	7/4.95	5.27-7.45
Latvia	1	17.4/16.97	0.05
Lithuania	1.2	1.1/1.03	1.09-1.16
Luxemburg	69.5	43/5.9	1.61-11.77
Malta	40.1	4/2.39	10.02-16.77
The Netherlands	27.7	3.9/2.04	7.10-13.57
Poland	0.7	0.1/0.07	7-10
Portugal	20.2	4.3/3.42	4.69-5.90
Romania	0.7	Missing	
Slovakia	1.8	1.2/0.47	1.5-3.82
Slovenia	10.8	4/3.78	2.7-2.85
Spain	35.5	12.3/7.25	2.88-4.89
Sweden	28.7	6.3/3.47	4.55-8.27
United Kingdom	12.9	7/3.92	1.84-3.29

Source: Melossi, 2013, p: 126-127, in Tom Daems, Dirk van Zyl Smit and Sonja

Snacken (eds).

2.12.2 Criminalisation processes of immigrants

According to Melossi (2013a) recent data on US imprisonment rates have shown that foreign– born males of all American ethnic groups are systematically lower than those of US– born incarcerated males. Furthermore, Sampson’s (2006) noted that first generations of migrants are in a sense more ‘protected’ based on tight familial ties. Thus, immigrants try to avoid the consequences of any type of criminal and deviant behaviour. After all immigrants

have more to lose than natives (Melossi, 2013b) because foreigners have additional sanctions such as deportation.

Recent criminological discussions on immigration in Europe have been focused on the connection between crime and migration. One of the most common characteristics between EU member countries- flows from Southern and Eastern Europe and extends to most parts of Central Europe and appears to be at the centre of their immigration laws, that is characterised by a criminogenic effect (see further Melossi, 2013b). Political, media and public discussions in these countries are evolved around the notion that ‘foreigners are committing more crime than natives’. However, European research demonstrates that foreigners’ contribution in Greece, for example, has been exaggerated by political and media voices, with the majority of migrants breaching immigration rules (Cheliotis, 2013). In addition, in Italy, crime levels amongst immigrants are very close to the rates of Italians (Melossi, 2013b; Caritas, 2009). An important element of ‘crimmigrant’ discourse in Greece, Cyprus, Italy and Spain evolves around immigrants’ status (documented or undocumented) and the risk of deviant behaviour. In other words, living and/or working in societies with multiple legislative and normative restrictions increases risk factors for criminal behaviour enormously (Melossi, 2013b). Before the advent of the financial crisis in the Southern region of Europe, unskilled labour was in demand with those aspiring to work in these countries entering by any means possible. For example, in Italy immigrants enter the country with boats through Lampedusa, in Cyprus through the Green line and by foot in Greece through the Albanian borders. Before 2011, in these countries immigrant flow was based on the notion that immigrants would be granted the permission to stay through individual or collective amnesty pardons (Melossi, 2013). However, the problems caused by the financial crisis in 2011 has increased migrants’ unemployment and caused the mass exodus of many migrants residing across Europe (see further Papademetriou et al., 2010).

2.13 The meaning and significance of ‘Bordered’ Society

Recent research evidence (Aas, 2007; Calavita, 2005a; Pratt and Valverde, 2002; Pickering and Weber, 2006; Melossi, 2013b) suggests that foreigners and particularly asylum seekers and refugees are involved in criminalisation discourses in all spheres of social life from government policy and legislation to media and public discussions (Boshworth and Guild,

2008). Bosworth (2007), for example, suggests that the mechanisms of border saw a rapid expansion and depended on the criminalisation of non- citizens.

As Brown (2010) argues sovereignty is ‘a peculiar border concept’ (p: 52) and its meaning denotes supremacy and autonomy; and the state’s ability to be ‘a decisive power of rule and as freedom from occupation by another’ (Brown, 2010, p: 52). These two meanings have traditionally belonged to internal and external spheres of security (Aas, 2013b). Historically, internal security was preserved by the creation of criminal law and capable policing, whose task has been to create a well disciplined and ordered society. On the other hand, military security as well as border security and migration laws have governed external security, in order to preserve the states integrity and autonomy (Aas, 2013b). According to Aas (2013b) the role of border control is to ‘maintain clear boundaries between the inside and the outside of the state – the maintenance of the bordered society’ (p: 23).

Traditionally, border issues and crime control were part of different domains; Stumpf (2006) observes that they share significant similarities. For example, they both share and promote the language of protection and security and act as ‘gatekeepers of membership’ (Aas, 2013b, p: 23). Questions of who belongs and what kind of rights they should enjoy are to be found in the states penal sanctions as well as in decision to expel and deny entry. The last two decades have seen intensified globalisation processes and by default have destabilised the boundaries between internal and external security, between policing and soldiering, and between migration and criminal law. Hence, sovereignty has become an unclear, fragmented and highly contested aspect (see further Andreas and Price, 2001, Stumpf, 2006).

According to Sassen (2008) globalisation processes have resulted in novel assemblages of territory, authority and rights. According to Sassen’s (2008) observations, a shift away from ‘centripetal nation- state articulation’, –where the state aggregates most of territory and authority to a ‘centrifugal multiplication of specialised assemblages’, which disrupts normative arrangements (see further Aas, 2013b). Lipper and Pyykone (2012), suggest that assemblage is a concept of disparate elements that work together in harmony. An interesting feature of the ‘ordered’ and the ‘bordered’ is the complexity of existing control practices, population and actors involved in them, and demands an examination of the state’s constitution in different institutional, national and historical configurations. As Aas (2013b)

highlights, the advantages of global assemblage are situated in its concreteness, partiality and situatedness.

Over the last two decades, observers noted that ‘border is everywhere’ in an attempt to examine the recent proliferation of border controls and ID checks within Western territorial states (Aas, 2013a; Aas 2013b; Bosworth, 2007; 2008; 2013; Van der Leun and Van der Woude, 2011). Although, these practices are administrative in principle, their application is usually dependent on the practical involvement of the police force, which may result in high or lesser crime-fighting modus and are also intertwined with a wide range of other objectives such as human trafficking, terrorism, organised crime, and so on. Hence, it is important to note that in these contexts, these measures appear to be punitive rather than punishment. Contemporary penal measures, for example, vary according to the extent of immigration related objectives inscribed in them. In the case of the deportation of foreign national offenders, the penal and the bordered achieve a degree of hybridity of qualitatively different forms of control; what Stumpf (2006) describes as ‘crimmigration control’.

2.14 The Northern penal state

Recent studies (Mitsilegas, 2010, Weber and Pickering, 2011) have suggested that the Northern state, in order to achieve the objectives of internal – crimmigration - control, has expanded its control activities internationally by externalising its domestic control functions (see further Aas, 2013b). This is evident in the unprecedented level of deportation regimes. Since 2010, Frontex, the biggest European border control agency, has arranged chartered flights to countries such as Nigeria, Georgia, Congo, Iraq, Burundi, Kosovo, Ukraine, and Ecuador. The flights return to the global South, unwanted mobility including irregular immigrants and asylum seekers from Schengen States (Aas, 2013b).

The organisation and transference of the ‘unwanted mobility’ is the prime interest of the Northern states. In 2015, for instance, 11 chartered flights from the UK took place. As Aas (2013b) argues, several southern societies depend on remittances from the citizens living and the working to the North, and recent studies revealed the detrimental effects that most of the ‘criminal returnees’ experience in their return (Weber and Bowling, 2008). However, these flights are supported by a complicated political and legal regime in which many of the southern countries are more or less active participants. Taking the European Union as an

example, we can see that the stick and carrot approach is particularly effective in exporting its migration control agenda and calls the Southern and Eastern states to take part in its policing. Frontex, for example, is not only acting as an important border control agency within Europe, by deporting the unwanted mobility, but is also responsible for border control training standards and surveillance equipment, and subsequently imposes a de facto extra-territorialisation of the European border (Aas, 2011, 2013). Mitsilegas (2010), for example, stresses a ‘convergence between models of extraterritorial immigration control globally’ (p: 39).

Another central feature of migration control is that of geopolitics. Although usually states are the main organs of criminalisation, many of the states are not the same and some are more sovereign than others. As Andreas and Nadelman (2006) argue, crime control, what is illegal and how it is policed, usually depends on certain states, most notably the USA and Western Europe. One of the main arguments of Aas (2011, 2013a, 2013b) on the objectives of migration are ‘formative of novel contours of criminalisation, punitiveness, and the state- the Northern penal state- which is crucially defined by its geopolitical positions’ (p :27). In the same vein, Dauvergne (2008) notes that the Northern state has followed a punitive legal regime that promotes the criminalisation of certain forms of movement, effectively rendering a large proportion of the world population ‘illegal’. While the interests of the North drive the control regimes, they primarily affect citizens who reside in the South. These regimes do not only provide legal regulation, but also an assemblage of mechanisms i.e. policing, enforcement, and social exclusion due to the illegalisation that are increasingly becoming transnational in nature.

2.14.1 From deviant states to deviant citizens: Exploring the hierarchies of Citizenship

According to Guild’s (2009) definition illegal immigrants are those:

“Whose presence of the territory the state has passed a law making mere existence a criminal offence” (p: 150).

Evidently, the privilege to decide who has the right to stay in a country is a fundamental right of sovereign states, yet this also implies an element of selectivity. Hence, being born in the global South becomes a legal handicap for citizens from these countries (Aas, 2013b, Aliverti, 2012). This legal handicap stems from the notion that there are several categories of states, those who are desirable (i.e. those whose mobility is to be attracted such as tourists), and

students -, and those states that are black listed. Dauvergne (2008) argues that illegality does denote a breach of immigration law, but it also entails a pervasive and insidious relationship between immigration, crime and insecurity. Despite heavy criticism, recently the concept of ‘illegality’ saw a great deal of popularity on political and legal discourses that relates to migrants. Melossi (2013a) sends symbolic political signals with his work on ‘Criminalisation of immigrants’ and the progressive securitisation and criminalisation of migration today. In the same vein, Huysman (2006) indicates a legitimate but complex process of exclusionary practices. Globally, this approach has created a gradation of states according to the security risk presented by their migration, or what Melossi (2003a) calls their ‘deviancy’. Guild (2009) produced a typology based on inclusion and exclusion practices of European states:

1. “The citizen of the state in Europe.
2. The citizen of the European Union who is not the national of the state where he or she is living (expulsion and exclusion possible only on the grounds of public policy, public security, and public health).
3. The citizen of the European Union who is temporarily excluded (time-limited restrictions for some nationals of the 2004-2007 EU enlargements).
4. Swiss, Norwegian, Icelandic nationals.
5. Turkish workers in the European Union.
6. Third-country nationals with a long-term residence (who enjoy protection against expulsion equivalent to that of the migrant citizens of the European Union).
7. Third- country national whose country of nationality is on the EU’s visa white list (e.g. US nationals).
8. Third- country nationals whose country of nationality is on the EU’s visa black list but with which the European Union has a visa facilitation agreement (e.g. Russia).
9. Third-country nationals whose country of nationality is on the EU visa black-list and with which there is no visa facilitation agreement (e.g. China); there is a presumption that these persons pose a security risk and must obtain a visa.

10. Third- country nationals whose country of nationality is on the EU visa black- list and whose country has been specified in the EU visa rules as a country of specific security concern by at least one Member State” (p:188-189).

According to Aas (2013b) such hierarchies are based on racialized and colonial ranking that is responsible for the level of protection, security and rights nationally, including the various degrees of protection against expulsion. Despite various national differences, most states follow the norms of cooperation with crime and immigration control objectives of the Northern state. Citizens from blacklisted countries (points 8, 9, 10) are described as having a potential risk, such as illegal immigration, criminality, and political violence.

What we witness today is a constitution of two statehoods: the deviant state that entails cooperative and non- cooperative norms, and the Northern penal state, which is responsible for the creation, alteration and export of the ‘cimmigration control’ agenda. This tendency is neither new nor unusual; the US sponsored war on drugs, money laundering and anti-trafficking laws. What is important, though, is that in the case of migration control, the deviant status of the state has direct impact and consequences on its citizens (see further Aas, 2013b). Taking the example of Frontex and its risk analysis on the ‘Top Ten Nationalities’ rankings, countries are classified according to the probability of their citizens to illegal stay, refusal of entry, asylum seeking applications, false documentation applications etc. This has resulted in an anathema of practices related to the identification of the mobile ‘subject’. For example, the rise in the use of biometric ID cards and passports, and DNA databases are raising fears that relates to surveillance and security issues.

What we are witnessing is on one hand the legal production and creation of standards of conduct and governance in the North, and on the other hand Southern compliance and the import of standards for trading and mobility benefits and the potential of EU membership.

2.15 Conclusion

There has been an increase in interest in the factors that contributed to the surge in the prison population throughout the world. The objective of this study is to examine the complexity of these factors and their interconnection. Existing literature on the sociology of punishment and penal politics suggests that today crime has become highly politicized which has resulted in increased punitiveness. This chapter has shown how current penal policies utilise a victim-

centric character that is often used by national governments for electioneering purposes. What informs populist punitiveness today - bloated prison numbers, harsher penalties, dilapidated prison conditions, emotional and expressive forms of punishment, the increased obsession on victims' rights, and the derogatory treatment of offenders - is directed by a rather punitive political discourse and attributes. However, this punitive discourse varies significantly between America and European states and within European states. Along with crime, local governments are highly concerned with their borders and sovereignty, and the principle of supremacy and autonomy of every country. Hence, membership and citizenship have become interesting elements of migration control. Therefore, it does not come as a that the Northern state has followed a punitive legal regime that promotes the criminalisation of certain forms of movement by rendering a large proportion of the world population 'illegal'. The next chapter uses existing work in sociology of punishment and penal politics to the role of history in shaping criminal justice in Cyprus. In doing so, the next chapter offers a historical inquiry into politics as a central feature of crime and criminal justice.

Chapter 3: Cyprus setting and context

Over the past few years, Cyprus has been through a plethora of protests against austerity measures caused by the financial crisis in 2013, political scandals, high levels of unemployment and endless changes in taxation. Cypriot politicians found themselves unqualified and unprepared to handle the situation effectively. The political response to the financial crisis has created misconceptions about the acute levels of crime activity and how it is being dealt with. It is necessary to go behind this alarming façade to consider the history, demographics and the current situation in Cyprus in the context of crime and punishment. What follows is a picture of the fundamental components of the Cypriot criminal justice system in an attempt to gather information of the cultural and social factors, two crucial elements of crime and penal policies (see further Karstedt, 2015). Additionally, this chapter introduces important information on the current challenges facing the Cypriot prison system, with particular reference made to material conditions of detention, health services and self-harm and suicides. Lastly, the chapter uncovers how and why the police raided the prison in an attempt to save it from anarchy and corruption.

3.1 Cyprus - Crime, Punishment and Criminology: An introduction

Since 2004, the Cypriot Commission for Administration (Ombudsman) encouraged the government to take action against the inhumane prison conditions and injustice that many prisoners suffered from. Criminological research in Cyprus is scarce, therefore, solutions on crime problems, ways of preventing it and treatment of detainees is absent. However, the issues of crime and punishment have generated increasing public attention in the aftermath of ‘January events’ – more discussion on this topic will follow. In 2016, the European Commission against Racism and Intolerance (ECRI) have called the government to promote and implement measures - including research studies - to address issues such as the intolerant and xenophobic political discourses, injustice amongst non- nationals and the violation of fundamental human rights of non- nationals held in detention facilities in Cyprus.

The national Crime and Safety Survey (2009) found Cyprus has a raised consciousness of safety and crime that not only matches but indeed significantly exceeds that of their European counterparts. When included in international comparative studies in the late 2000s, Cyprus was ranked amongst the most crime-fearing countries in Europe and beyond (Hummelsheim et al., 2010). Juxtaposing the findings of a nationwide Crime and Safety Survey (2009) with

those of the International Crime Victimization Survey (ICVS) of 2004 – in which Cyprus did not participate – 79 per cent of the Cypriot respondents expressed fears of burglary victimisation, a rate that is two times higher than the European average, and higher than any recorded rate since ICVS was launched back in 1989 (in Van Dijk, 2008). In the same vein, data from the Eurobarometer (2013) have shown that only 35 per cent of Cypriot respondents have trust in the CJS. Moreover, the survey has shown that fifty-three per cent of the respondents reported that the Cypriot justice system is worse than other EU systems. Also, in 2000 the World Values Survey has shown that 63.7 per cent of the respondents have confidence in the national justice system (in Inglehart, 2000). Likewise, recent literature (Roberts, 2005; 2013) found that public hold punitive attitudes towards crime and punishment based on what they perceive as rising crime and a lack of confidence and trust in the CJS.

According to Harrendorf et al. (2010) significant segments of the public in Cyprus appear to favour punitive criminal justice policies especially the use of imprisonment. Cyprus's rate of support for imprisonment is also demonstrated by the International Statistics on Crime and Justice of 2010 (in Harrendorf et al., 2010). Likewise, data from the Eurobarometer (2009) have shown that in Cyprus public opinion about sentences are particularly lenient, especially in regards to drug traffickers, rapists and any type of offence that is alleged to be committed by non-nationals. Ideas put forward by Trimikliniotis (1999; 2001; 2005; 2007; 2009; 2014) resonate with the idea of the 'vicious circle' an ill-informed public asking for harsher penalties in an attempt to improve public safety, which is in turn used by politicians to suggest more punitive policies for electioneering purposes. While not backed up by research, Trimikliniotis (2014) suggests that the connection between non-nationals with criminality became a core topic for discussion for politicians just before the Parliamentary Elections in 2003, and again after the accession of Cyprus into the EU, where politicians demonised the presence of 'unwanted mobility', especially those coming from Schengen States. In order to gather more votes, the government hired hundreds of police officers and created more police units in the process of harmonisation with the European standards. This has resulted in Cypriot politicians misleading the public of the acute levels of criminal activity and thus creating a culture of fear and punitive attitude towards crime and punishment.

Although, the causes of the rise in the prison population have been examined in a large number of jurisdictions worldwide, in Cyprus the need for more research is pertinent. This study focuses on the determinants of public opinion and queries whether crime rates, welfare expenditure and migration policies are important in the formation of Cypriot attitudes towards crime and punishment. This study also addresses how politicians' rhetoric around crime and punishment has created an anti-tolerant and chauvinistic environment and with a punitive public, which in turn prompts politicians to respond with strict and harsh policies in order to gain more votes.

Having shown that research undertaken recognises crime activity and penal punitiveness as core elements of the rise in the prison population, this section comprises important demographic information of the penitentiary system in the Republic of Cyprus.

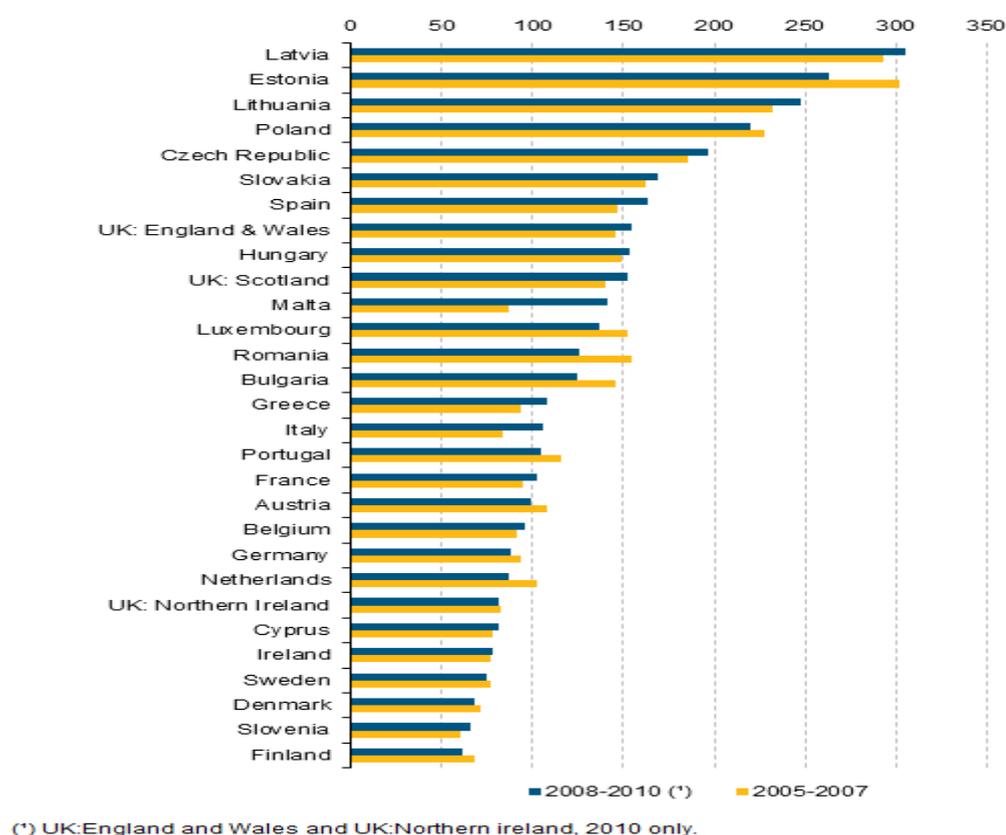
3.2 Current prison population

The prison population in Cyprus has undergone substantial change in both, qualitative and quantitative terms. According to the latest annual penal statistics by the Council of Europe, at the end of September 2012, the population of the Central Jail of Nicosia was 973, with an official capacity of 550 (Aebi et al., 2016). Today it is widely agreed, although not by all politicians, that the number of prisoners in the CJN is alarmingly high. As Figure 3.1 clearly indicates, the Cypriot prison population followed a steady upward trend, despite a substantial decrease of the use in imprisonment in several European countries in 2010. These figures place Cyprus in the group of Southern European countries occupying a central part in the punitiveness ladder that characterises most western countries. In March 2014, the Cypriot Ombudsman estimated that by 2017, the prison population would reach a record high of 2000 if current trends continue to soar. This is not, however, an accurate picture, as evidence suggests that imprisonment rates are much higher. The latest Report (2014) published by the Ombudsman Office, for example, suggests that more than 300 detainees serving short – sentences are detained in police stations across the country.

Among the contributing factors to the rise of the prison population is the hardening of sentencing policies and practices, especially those associated with the war on drugs and illegal immigration. Legislation passed in the early years of 2000s epitomises a 'tough on crime' turn, with judges competing in penal austerity and harshness to prove their integrity

under the shadow of major corruption scandals. This is clearly reflected in prisoner numbers serving longer sentences, and the incarceration of illegal immigrants, constituting an additional burden for the prison administration. Official prison statistics published by the Council of Europe indicate that the prison population is predominantly male (1255 prisoners), young (in 2011 65% of the convicted prisoners were between 30- 39 years old), 59% of the convicts were unmarried, and only 38% of the convicted prisoners have completed the compulsory nine-year education period (Aebi et al., 2016).

Figure 3.1 Prison population rate per 100 000 population, average per year, 2005-2007 and 2008- 2010

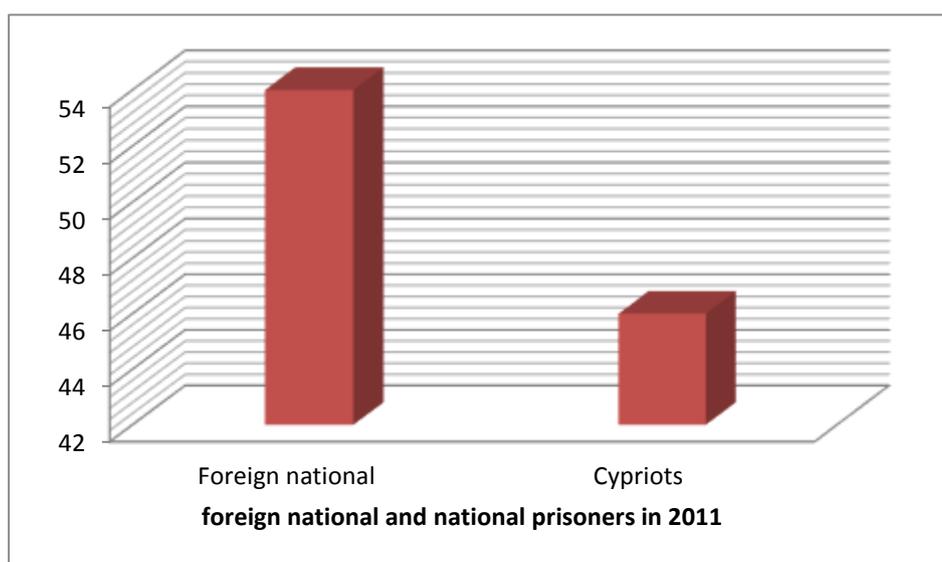


Source: http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Main_Page.

A striking element of the prison population is that of the ethnic composition of prisoners. Within a period of ten years, the presence of non-nationals within the Cypriot penitentiary

system is staggering (see Figure 3.2). Recent research evidence by Hodgson (2011) reveals that today, 54% of the prison population consist of non-nationals, placing Cyprus as the second European member state with the third highest number of foreign detainees including non-national EU citizens and 3rd Country nationals (Green Paper, 2011).

Figure 3.2 The percentage of foreign national and national prisoners in 2011



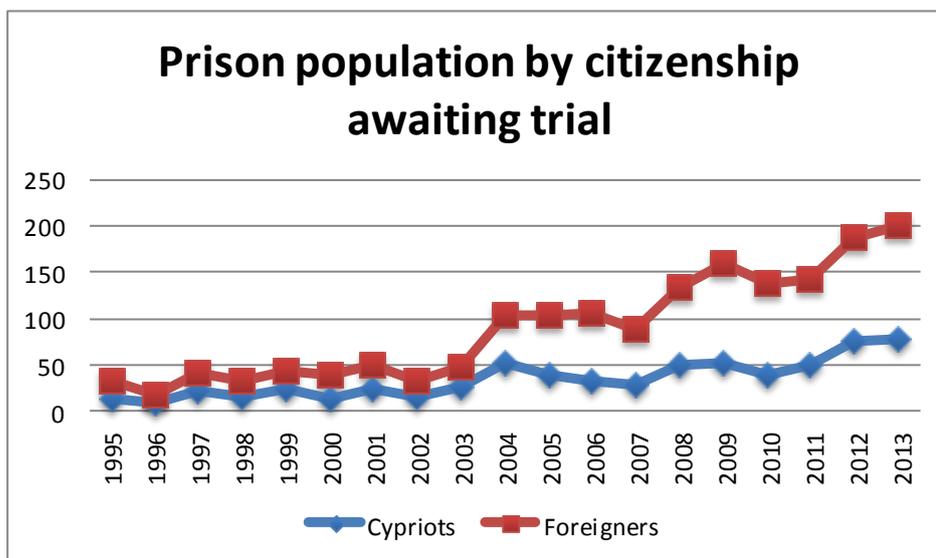
Source: Criminal Statistics, Ministry of Justice and Public Order

According to the latest available data published by the Council of Europe (CPT, 2013) the non-national prison population varies significantly in terms of prisoner's ethno-cultural identity, age, religion, offence, penal status, living in extreme conditions of extreme overcrowding. Furthermore, the social profile of non-nationals (currently from 66 different countries) differs significantly from that of Cypriot nationals: low status jobs, limited family ties and social support, and less economic means than Cypriots. In addition, nearly half of the foreign national prisoners are awaiting trial for immigration offences. Figure 3.3 establishes a clear-cut over-representation of non-nationals awaiting trial in the Cypriot prison establishment.

Finally, non-national prisoners do not enjoy the benefits that national prisoners are entitled to such as prison leave. Although, the last fifteen years have not seen significant changes in relation to the social characteristics of the prison population as mentioned above, very

recently a small but significant segment of the prison population is formed by the middle and upper class (Ruggiero and Ryan, 2013).

Figure 3.3 Absolute numbers of foreign national and national prisoners awaiting trial



Source: Criminal Statistics, Ministry of justice and Public Order

3.3 Cyprus: Background and Demographics

Cyprus's strategic position at the crossroads of three continents and in the middle of the ancient world (Egypt, Mesopotamia, Greece and Turkey) has shaped its destiny throughout the centuries. The plethora of colonisers and conquerors (i.e. Greeks, Phoenicians, Assyrians, Egyptians, Persians, Romans, Franks, Turks and British) has left behind the imprint of their presence. Greek amphitheatres and columns, Roman mosaics, Byzantine churches, Turkish mosques, are all indelibly stamped on the surface of Cyprus today.

Regarding crime, Cyprus's geographical position is seen a contributory factor. Politi (1999, p: 51) argues that Cyprus is a centre providing 'offshore banking facilities and fiscal incentives, a natural magnet for money laundry schemes' (see further Ledyeva et al., 2013). According to Trimikliniotis (2005; 2007; 2009; 2015, Trimikliniotis et al., 2015), following the collapse of Beirut during the 1980's, Cyprus being the nearest regional centre, has become the biggest commercial centre in the Middle East. In addition, a decade later, the

collapse of Eastern European Communist regimes, allowed investment to emerge from the newly emergent bourgeoisies from these countries (Trimikliotis, 2001).

According to the latest Census statistics, 840,407 people are living in Cyprus (Census, 2011), half of whom live in the capital city of Nicosia (Census, 2011). This means that approximately 50 per cent of the economy's sectors are located in Nicosia. Other major cities are Larnaka, Ammochostos, Limassol and Paphos. For the past two decades, Cyprus became a famous destination amongst immigrants. The origin country of these immigrants varies from Middle East and Eastern Europe to Asia. Recent research studies (Trimikliniotis, 2001; 2005, Trimikliniotis et al., 2015) indicates that a large proportion of non-nationals reside in Cyprus illegally. The exact number of non-nationals residing in Cyprus is not clear, although, national statistics recorded that 170, 000 non-nationals are currently living in Cyprus (Census, 2011), which corresponds to around 20% of the total population. However, if one is to include undocumented migrants, then the numbers of immigrants is considerably larger than the aforesaid figures. A fuller discussion of immigration in Cyprus will be given in a later chapter, including the reasons for migration and major issues discussed with relation to migration in Cyprus. And finally, 98 per cent of the population are of Christian Orthodox faith, and under the Constitution of the Republic of Cyprus, the Armenians, the Latins and the Maronites are recognised as minority 'religious groups' (US International Religious Freedom Report, 2010).

While Cyprus is proudly the birth country of Aphrodite, the Greek Goddess of beauty and love, nowadays, Cyprus is associated with its economic crisis, major political scandals, and strikes against the austerity measures imposed by the national government. In February 2016, 42,000 people were unemployed, a number that is estimated at approximately 19% of the total population. In August 2015, the total unemployment number was 32,000; however, this rapid growth of unemployment was caused by the new (austerity) measures imposed by the International Monetary Fund (IMF) to correct fiscal imbalances and to improve competitiveness (see further Michaelides and Orphanides, 2016).

In March 2012, five years after joining the Eurozone, Cyprus went bankrupt, raising questions about how a country that in 2008 had satisfied the strict Maastricht criteria, was cut off from international markets in 2011 and faced default by the end of 2012. According to

Zenios (2013b) the debt crisis in Cyprus was caused by a state of seven different aspects which have been described as ‘the perfect crisis’: 1. Contagion, 2. Herd behaviour, 3. Faulty lending, 4. Silent auditors, 5. Inadequate supervision, 6. Spendthrift government, 7. Shallow government guarantees. According to Zenios (2013b) before the advent of the financial crisis in Cyprus, households, organisations and the government accumulated excessive debt. While the country’s competitiveness was deteriorating, the banking sectors were dangerously expanding. These conditions have assisted the financial disaster when the international crisis erupted. During the period 2008- 2011, Cyprus lost access to international markets, and banks recorded losses of 4.6 billion. During this period, public debt grew from 52.9 % GDP in 2008 to 71.1% GDP in 2011. Along with the 4.3 billion losses of the banking sector caused by the Greek private sector involvement, the independence between banking and public finances was deemed crucial. Without an effective policy in place, Cyprus soon exited international markets. The period 2012-2013, saw the Cypriot President negotiating for an assistance package with international lenders under strict conditionality (Michaelides and Orphanides, 2016). In addition, politicians have blocked appropriate policy response, with initial banking losses of 4.6 billion to 21.6 billion. The Cyprus crisis culminated on March 25, 2013, with the Eurogroup meeting, where Cyprus was put under the strict supervision of the international lenders (Michaelides and Orphanides, 2016). In April 2013, deposits above 100,000 were used to by the government to contribute towards the bailout.

From that day until now (May 2017), issues such as the country’s debt, capital controls, political scandals and fears over the possibility of exit from the EU, have been ever- present. For the past three years, the country has suffered massive strikes and protests against emergency taxes and the harsh measures proposed by international lenders including the massive layoffs of workers in the public sector and the privatisation of the Cyprus Telecommunications Authority and the Electricity Authority of Cyprus.

In April 07 2016, the President Anastasiadhs, in a review conference on his three years of governance, proudly claimed that:

“The government will continue with full determination consensus policies and hard work to avoid the mistakes of the past and enduring pathologies that led us to the crisis we have experienced and still experiencing” (Politis, 2016).

According to Panayi and Zenios (2015) the crisis that the President was referring to is associated with a ‘grande’ corruption at all societal levels, tax evasion, bribery practices between politicians and private companies, and the inadequate supervision of banks. The newly elected President Nicos Anastasiadhs (DHSY) laid the blame on the previous government led by Dimitris Christofias (AKEL). On March 23 2016, the Cypriot Minister of Finance, Charis Georgiadhs, announced that Cyprus officially exited its three-year Economic Adjustment Programme (also known as Memorandum - Μνημόνιο) which included the implementation of a reform agenda to ensure financial stability, improve public finances and economic growth. Today (June 2016), Cyprus is under post- programme surveillance until the 75 per cent of the financial assistance is repaid. This difficult financial situation of the Cypriot economy had serious implications on the prison establishment too. The first signs occurred in 2011 when the prison budget saw a significant drop to £18, 727 545 from 21, 862 323 in 2010 (Panayi and Zenios, 2015). In 2013, and within the spirit of ‘austerity’ measures, the prison department was ordered to cut costs by 24 per cent, a fact that negatively affected the quality of life of prisoners. In addition, in 2016, the general government total expenditure on public order and safety stood at 1.7 per cent of GDP, with only 0.1 per cent spent on the prison, whilst Cyprus spent the highest amount of GDP, 1.4 per cent, on police services (Zenios, 2013a).

3.4 History of nationalism in a divided state

According to Karstedt (2001, 2015) penal policies are cultural polices. The Cypriot landscape of penal culture is characterised by particular historic trajectories that require identification. Values, ideas and ideologies are central to the concept of culture and have an important impact on the systems of crime control, as the history in Cyprus has shown (see further Karstedt 2001; Braithwaite, 1989). Crime and social control have become expressions of the wider culture, thus indicate and produce evidence about the structure of its inner core.

Cyprus is a relatively young Republic (1960) and gained independency after eighty years of British rule in January 1960. Ever since it has remained a member of the Commonwealth and the Non- Aligned Movement (Hadjidemetriou, 1995). Cyprus joined the European Union (EU) as a *de facto* divided island in 2004 and is the third smallest country in EU, after Malta and Luxemburg. In 1974, the Turkish invasion left the country divided into two communities:

the Greek-Cypriot and the Turkish-Cypriot. The consequences that followed after the division and the chronicle of the invasion are internationally recognised as the ‘Cyprus problem’. According to Mavratsas (1999) “the ‘Cyprus problem’ as we understand it today, emerged out of the clash between the two nationalisms (Greek-Cypriot and Turkish-Cypriot) and perhaps, more importantly, out of the manipulation of this clash by foreign interests” (p: 91). In Cyprus, nationalism has been seen as a polymorphous phenomenon, directed and fuelled by political ideologies, cultural forces and economic interests (see further Mavratsas, 1996; 1997; 1999; 2003).

There can be little doubt that Greek-Cypriot nationalism has been the dominant political ideology in the modern history of Cyprus. Both Turkish-Cypriot and Greek-Cypriot communities “have experienced strong feelings of ‘motherland nationalism’ and maintained loyalty to the national centres of Ankara and Athens respectively” (Loizides, 2007: p: 173). Both communities perceived common origin, destiny and history with Turkey and Greece respectively, an instrument that was later used to create two opposing and highly competitive nationalist projects (Loizides 2007). Starting from the late nineteenth century, Greek - Cypriots saw their destinies linked to the ancient and glorious Hellenic past, which was predicated on the Megali Idea (Great Idea)¹. Enosis (a term usually used to express the great desire for Unification with Greece) became the predominant form of Greek-Cypriot nationalism with very particular constituents and driving forces. In the case of Greek-Cypriots, Enosis was based on the chauvinistic and romantic-idealist approach that was espoused in the history of the Hellenic world (see further Faustmann, 1998). Additionally, it was largely conservative in nature and strictly followed and fuelled by the Greek Orthodox Church.

In the middle of the nineteenth century, ‘Cypriotism’ (Civic nationalism) appeared as the main internal opposition against Greek-Cypriot nationalism. This new political ideology and cultural discourse, positioned Cypriot identity as the primary one. This territorial nationalism, proposed that Greek-Cypriots should consider their Cypriot identity first (Mavratsas 1996). In broad terms, Cypriotism saw Cyprus as an independent entity form the two motherlands

¹ “The PanHellenic Ideology that the Byzantine Empire would again be recreated and which included Cyprus in its irredentist claim” (Anthias and Ayres, 1983: p: 62).

(Greece and Turkey). Such a statement is in direct contrast with the nationalist ideology that sees the island as a natural extension of Greece for the Greek-Cypriots and Turkey for the Turkish-Cypriots. However, Cypriotism was not disengaging from the cultural, social and political structures of Greece and Turkey respectively; rather, it argued that the ethnic identity and most importantly the culture of the two communities had some common grounds and features.

3.4.1 Cultural Considerations

Unlike traditional individualistic western societies, but very similar to Mediterranean and the Middle Eastern traditions, it could be argued that Cypriot culture has been based upon 'conscience collective' norms and customs (Georgas et al., 1997) placing particular emphasis not only on the needs, values and preferences of the individual and nuclear family but also those of the extended family and close friends (Georgas et al, 2001). Since time immemorial, the Cypriot family has been seen as a central institution in society and a significant instrument of social cohesion (Georgas et al., 2001).

Despite the recent urbanisation and modernisation of the Cypriot society, family ties and affairs have been always treated with reverence and remain strong to date. Georgiou (1995) argues that family values are not always solid and firm but heavily depend on the community. More specifically, Georgiou (1995) described Cypriot families as highly cohesive and community orientated, with a great emphasis given to the social norms and to what the Cypriot community defines as appropriate and inappropriate (Tsoudis, 2001). Research evidence indicates a significant controlling power of social sanctions within Cypriot society (Tsoudis, 2001). In addition Tartter (1993), found low criminality and imprisonment within Cypriot society as the outcome of the closeness of the family, the upholding of the family's honour and reputation and finally the social pressures for achievement and recognition (in Solsten, 1993). Furthermore, Peristiany (1965) describes shame and honour as two crucial components and valuable sentiments of the Cypriot society.

3.4.2 Fragmentation and Bipolarization: the political culture of Cyprus

Criminologists and sociologists have long sought to establish a connection between crime activity and political culture (see Simon 2000; 2007). Today, crime offers a new style of political governance by utilising a strong sentiment of vengeance and incapacitation (Simon, 2007). Levels of imprisonment are the results from policy choices and political actions, in a

given political culture. Penal policy in Cyprus, for example, has been partially seen as the outcome of a bipolar and fragmented political system. Cyprus is amongst the European countries with the smallest electorate, only 530,000 in 2014, a fact that makes it more susceptible to small town political structures, characterised by political patronage, nepotism and favouritism. According to Christophorou (2006), Cyprus is a peculiar case of the Southern European family and deeply affected by its volatile history; it is a *de facto* European divided state with two separate party systems. The Greek- Cypriot government is running under a presidential system, whilst the Turkish- Cypriot government has a parliamentary system with enhanced powers for the president (Christophorou, 2006).

According to Katsourides (2013b), the political parties in Cyprus are extremely powerful and influential. Cyprus's belated appreciation of the benefits of independence (Papadakis et al., 2006) has given little opportunity for the development and establishment of a civic and democratic culture (Katsourides, 2013b). Nationalism, for example, was the dominant feature of the twentieth century. The constitution of the Republic provides a clear separation of powers: the president holds executive power and is not accountable to the Parliament (Katsourides, 2013a). However, the political structure is solely centred on political parties: they are the exclusive nominators of presidents and deputies as well as mayors and municipal councillors (Katsourides, 2012, 2013b).

Certainly, politics in Cyprus has a dominant character. As Mouzelis (1994) argues, this is a residue of a society that experienced late development. A key element of the political culture is the way in which political parties and politicians firmly control all social and institutional domains (see further Faustmann, 2010). The political agenda influences all spheres of social life: the education system; welfare spending; health provisions; criminal justice system; media reporting etc (Katsourides, 2013b). This situation is further intensified by the unsolved Cyprus problem, which has been at the centre of political parties, and which has significantly contributed to the politicisation of the Cypriot society. Mavratsas (2003), for example, argues that the unsolved Cyprus problem has contributed to the atrophy of civic society and prominence of political parties. This atrophy involves the mass media's lack of autonomy; the powerful role of the Cyprus Orthodox Church; the social marginalisation of immigrants and other vulnerable societal groups; corporatism; and the dominance of nationalism that encompasses high levels of intolerance (see further Mouzelis, 1986).

In Cyprus, the evolution of political parties has not changed drastically. Since 1974, for example, nearly ninety five per cent of the votes were received by four political parties: namely AKEL, DHSY, EDEK and DHKO. Although there have been signs of change, and regardless of the different approaches to partisanship, Cyprus has witnessed a pervasiveness of the party identification and partisan loyalties (Katsourides, 2009). According to Christophorou (2001, p: 97) the most striking feature of Cypriot politics is that of continuity in voting patterns, which according to Katsouride's (2009) discoveries, is inherited through the family, where most electors feel a general allegiance to a political party. The section below intends to give a brief overview of the manifestations of political parties in Cyprus today, considering the attached weight of party rhetoric and positions towards crime and imprisonment in general.

On the Left

AKEL (Ανορθωτικό Κόμμα Εργαζόμενου Λαού) was founded under British colonial rule in 1941 and accepted legitimacy and authority as a major political party until today. Over the years, the party has remained faithful to its Marxist-Leninist communist ideals though without proclaiming revolutionary positions and ideologies. AKEL is the party for the working class and the left progressive forces (Sepos, 2008). In the last Parliamentary election, the party received nineteen seats. Christophorou (2007) underscores that AKEL is the largest communist party in Europe and places particular emphasis on independence, sovereignty, demilitarisation, democracy, socialism, tolerance and acceptance (Sepos, 2008). For the past twenty years, AKEL sees crime as a symptom of well-hidden social problems that need some form of restoration. At the heart of AKEL's law and order plans after Cyprus became a European country was the extension of community policing. AKEL, were the first to recognise low morale and a certain degree of corruption in the police and prison services.

The mainstream right

DHSY (Δημοκρατικός Συναγερμός) was founded in 1976 by Glafkos Clerides (President of the Republic, 1993-2003) and cadres from the Unified Party and the Progressive Front, which collapsed following support by some of their officials for the coup against Makarios in 1974. The party gained full legitimacy in 1985 following the success of the parliamentary election in 1983. Today DHSY is the largest party and holds twenty seats. According to Sepos (2008)

the party adheres to western ideals of democracy, freedom and justice is based on right-wing crime reduction rhetoric. The right wing crime policy is based upon retribution and incapacitation. For the last fifteen years, the party provides a punitive stance for those breaking the law, rejects other explanations of the causes of crime and celebrates individual responsibility. In 2004, under pressure to harmonise legislation and practices, entrance and promotion criteria for the police and prison department become more objective. Most of their policy positions includes an opposition to illegal immigration and a strong national military force. In 2013, the Anastasiadis government (which is supported by DHSY) implemented a tough immigration law due to the ongoing migrant crisis.

Left of Centre

EDEK (Κίνημα Σοσιαλδημοκρατών) was created in 1969 by Vassos Lyssaridhs. Historically, the party favoured the socialist ideals with an open, well equipped and trained national health system, and the nationalisation of the banking system. In the last Parliamentary elections EDEK received five seats. The law and order agenda for EDEK is based on the notion that an increase in police officers will deter offenders more rather than tougher sentences. Additionally the party supports the national and international human rights watchdog organisation's arguments for an increase in availability of jobs and training programmes for prisoners, aiming to reduce reoffending rates and prison numbers in general.

The Centre ground

DIKO (Δημοκρατικό Κόμμα) was founded in 1976 by Spyros Kyprianou, Makarios' successor. The party is located on the left of centre and aims to offer citizens an alternative to left wing AKEL and right wing DHSY. The party have been an advocate for meritocracy, human rights and European acquis. Today, DIKO is the third largest political party and has nine seats in the Parliament. In 2014, the party recognised the need for fairer and more tolerant treatment by the police and prison services, however these positions were passive. Their attitudes towards crime and crime prevention are similar to the traditional right wing view that criminals need to take responsibility for their actions and receive appropriate punishment, which also helps to deter others from committing the same or other crimes.

Other parties

The Ecological Environmental Movement -Cyprus' Green Party- was founded in 1996 and emphasise political ecology and environmentalism. During the last election, the party secured one seat, after calling for military withdrawal from Cyprus and opposing any kind of division based on geography, ethnicity or religion.

Political parties with a constituency less than five per cent include the newly founded European Party (Ευρωπαϊκό Κόμμα) and European Democracy (Ευρωπαϊκή Δημοκρατία), both of which are nationalist parties with right wing ideology and principles. The United Democrats (Ενωμένοι Δημοκράτες), a party formed by the President George Vasiliou (1988-1993) are in the political centre (Sepos, 2008).

3.5 Features of the Cypriot Criminal Justice System

Given that this study seeks to understand why the prison population is rising, it is necessary to explore the structures of each criminal justice agency in Cyprus. Rooted in Hirsch's (1976) just deserts rationale, the Cypriot prison system was revised in 1996 to strengthen, at least on paper, the mission of the prison department as described in the previous chapter. The organisation of the prison is primarily based on the Prison Law, the Criminal Code (Cap 154) and Criminal Procedure Law (Cap 155). The responsibility of the function and operation of the penitentiary system in Cyprus lies on the Cypriot Ministry of Justice and Public Order. The relevant constitutional provisions are provided in Article 11 of the Cypriot Constitution.

The main crime control agencies in the Republic of Cyprus consist of the Police Department, public prosecutors, coastguards and the customs service. According to Zalaf and Wood (2009) the Cyprus Police is based on a militaristic regime and since 1993 is under the Ministry of Justice and Public Order. According to the Council of Europe Report (Eurostat, 2015) the largest number of police officers (631 per 100,000 inhabitants) were in Cyprus, compared to the size of population.

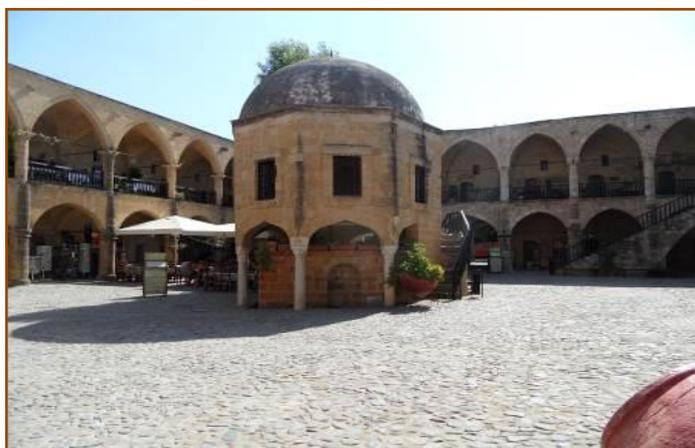
In relation to the judicial system, the judiciary in Cyprus is manifestly rooted in the Anglo-Saxon system of Law (Ker-Lindsay and Faustmann, 2008). The Supreme Council of Judicature, a body that consists of all the judges of the Supreme Court (Xatzimihail, 2013), appoints judges. Only the President of the Republic appoints the judges of the Supreme Court. Once appointed, a judge cannot be removed except under very exceptional

circumstances. In 2014, there were eighty-five judges serving the Courts of first instance and thirteen judges serving in the Supreme Court. Moreover, sixty per cent of the judges were male and forty per cent female. In relation to the court system, there are Courts of two instances in Cyprus: the Supreme Court (second instance) and the various courts of first instance such as District courts, Assize courts, Family courts, Rent Control Tribunal, Industrial Disputes Tribunal, and Military court. Probation is a relatively new agency enforced by the Ministry of Justice and Public Order in 2005 and voted in 1996. According to Eliades (2005) probation order was seen as the only reliable and effective interim measure of punishment of juveniles and other ‘inexperienced’ offenders. Today, probation order aims to decongest the prison population and support offenders. Nowadays, only seven probation officers are employed, despite its urgent need.

3.6 The prison in Cyprus: A historical development

In the last years of the occupation of Cyprus by the Ottoman Empire, the prison was housed in an old Ottoman inn, the so called Buyuk Han – Μπουγιουκ Χαν (1878- 1893); nowadays this is not controlled by the Government of Cyprus and is located in the northern part of the divided Nicosia (see further Iacovides, 2012). As Figure 3.4 illustrates, Buyuk Han was a prison with a ‘Panoptic’ influence in a Benthamic sense. It was designed to accommodate up to eighty prisoners Dreghorn (1979) and detained prisoners from all districts across Cyprus, whose sentences were more than six months.

Figure 3.4 The Buyuk Han today



(Photographed by the researcher, 2014)

The Panopticon prison design consisted of a central circular watchtower (where the guards were located) surrounded by an outer circular structure comprised of prisoners' cells. According to Dreghorn (1979) the prison structure aimed to maintain continual observation, where guards had the chance to observe a lot of prisoners. The cells were likened to small theatres, "perfectly individualised and constantly visible" (Foucault, 1975: p: 200). Prisoners whose sentences were shorter than six months were kept in the District prisons located in the rest of the five cities of the island (Cyprus Prison Department, 2011). District prisons progressively began closing down in the middle of the 1940s, and by 1950 only two District prisons were functioning, one in Paphos and another one in Famagusta. Prior to being a prison, Bougiouk Han inn provided accommodation to travellers from Antalya (Turkey) and shelter for their animals (Iacovides, 2012).

In February 1879, Buyuk Han was taken over by the British. The British prison governor used the ground floor as the prison and the first floor as a space to accommodate the prison guards (Dreghorn, 1979). Historical records demonstrate that prisoners were peasants who could not meet the high taxation imposed by the state and who lived under poor and degrading conditions. As a result, work for prisoners was designed to enforce obedience and discipline. More specifically, prisoners were forced to work endless hours in exhaustive and monotonous jobs such as the fracturing of stones and the manufacture of rope. A large numbers of prisoners died from insanitary conditions and poor diet, as prisoners were given only one piece of bread a day and nothing else (Council of Europe, 2007). Furthermore, prisoners were not allowed to have any visits as any contact with the free society was strictly forbidden.

To a large extent, the operation and administration of the prison establishment at the time was greatly influenced by the British colonial imprisonment policies and principles. The Cypriot prison had followed the British prison practices and processes, and soon had transformed into a place of pain and torture. According to the Report of the British police governor for the year 1899, convicted prisoners were sent to the Central prison, a place of torture and severe deprivation (see Council of Europe, 2007). The main principle of the prison was the safe detention of prisoners within the prison walls and the exemplary punishment of the detainees (Council of Europe, 2007). Prisoners were deprived of all essential pleasures in life, living in continuous isolation in unhealthy cells and under a punitive and cruel regime imposed by the

wardens. The sentiments which dominated in the prison were hostility, hate, rebellion, malevolence and scorn: sentiments which lead to a repeated loss of human lives (Council of Europe, 2007).

The Cypriot society responded with a severity that often harboured feelings of hatred towards convicted prisoners. According to Iacovides (2012) the conviction of prisoners brought shame, embarrassment and humiliation to the conservative and traditional nature of the familial system, where in some cases, prisoners after their release, were banned from visiting or speaking to other members of their families. Another important element of the prison regime in the era was the relationship between prisoners and prison staff. Through historical recordings (mainly books and reports) it is apparent that the prevailing conditions in prison at the time were full of hostility and hatred amongst prisoners and prison staff. This resulted in the creation of two factions: one for the prison staff and one for the prisoners. Prison staff devised various humiliating ways to enforce 'law and order', whilst prisoners invented new techniques to bypass them. This environment caused the complete undermining of the prison system, the sharp increase of corruption among prisoners who inevitably left prison not rehabilitated (Patsalidou, 2013).

It was in 1910 that the administration of the prison saw a significant change. The arrival of British colonialists, for example, introduced new routines and methods of treating the prisoners, reflecting the spirit and the new ideas of that era. Unfortunately, the prison improvements were disturbed by the Independence Fight of EOKA (a national guerrilla organisation that fought for the end of the British rule between 1955-1959, where the prisons once again, became places of terrorism, torture and death for the freedom fighters). The real change in the perception of the mission and the purpose of the prison began after the declaration of Democracy in 1960 (Cyprus Prison Department, 2011). Soon it became apparent that the oppressive prison conditions and policies were no longer effective mechanisms to rehabilitate or reform prisoners. In 1970, the prison department, following the significant prison changes in other European countries, were forced to adopt a more humane prison image and regime. Prison was no longer a place of torture and isolation, but a place of confinement instead, where prisoners were held for their sentenced period. During this period, the CJN marked another significant change as, for first time, the Prison Department

introduced a new mission based on the means that are considered necessary for the smooth reintegration of offenders back into society (Prison Department, 2011).

With the aim of achieving this objective, the Prison Department introduced new legislations for the safe detention and treatment of prisoners, adapted from European models and from international statements and conventions on the protection of Human Rights (Prison Department, 2011). During the early '90s, the Cypriot government at the suggestion of the European Union, invested in new modern prison buildings as well as new systems of education and professional training. Also, new establishments like the Open Prison and Guidance Centre for out of Prison Employment and Rehabilitation of Prisoners was constructed in order to be in full compliance with European prison standards and conventions.

In 2000, the Ministry of Justice and Public Order of the Republic of Cyprus proclaimed that the Prison Department was favourable compared with the prisons of most European countries in terms of legislation and technical infrastructure. The methods of education and the programs of resettlement of prisoners were seen as some of the most progressive across the European Union countries. It should be noted that, at this point, the prison population was already rising significantly, including high numbers of foreign nationals. In 2004, the Republic of Cyprus marked a remarkable development by joining the European Union. The accession of the country to the European Union impacted on the mission and the policies of the Cypriot penal estate. Specifically, the mission of the prison department was based upon the following four vital issues: safety, humanitarian treatment, education and rehabilitation. Today, the mission statement of the Prison Department is summarised below:

1. The safe detention of individuals sent to prison from the provincial courts.
2. The safeguarding of detention conditions that guarantees the respect of human dignity.
3. The equal treatment of detainees without any unfavourable discrimination of race, colour, sex, language, religion, social origin and political or other beliefs.

4. The encouragement of self-esteem, feelings of responsibility of detainees with the benefit of education, professional training, creative entertainment, engrossment, self-criticism and self-acknowledgement.

However, the validity of the mission statement of the Prison Department is contrary to national and international accounts on the operation and management of the Cypriot prison establishment. The following section will provide a rigorous account of the challenges that the Central Jail of Nicosia is currently undergoing as seen through the Ombudsman Reports and the Council of Europe of Reports.

3.7 The Cypriot prison department today:

The Republic of Cyprus has only one Prison Department which is divided into the following three categories and buildings: closed prison, open prison and the Guidance Centre for out of Prison Employment and Rehabilitation of Prisoners. The operation of the prison is centrally coordinated by the Ministry of Justice and Public Order and other bodies such as the Unit of Criminological studies and Correctional policy, and the Committee for Prisoner Transfers. In theory, the role of these bodies is to provide the Minister with independent propositions on prison policy matters. However, in practice the Unit is staffed by high-ranking police officers and other ministerial officials and less by prison specialists and experts. As a result, international watchdog organisations such as the Amnesty International and domestic extra-judicial control mechanism – the Office of Commission for Administration and Human Rights - have noted that the suggestions and proposals of the bodies are not independently made and in many occasions their recommendations have been disregarded and ignored. One of its biggest failures is that of security which is accompanied by a string of scandals.

When it comes to inspection, the Office of Ombudsman (or Office of Commission for Administration and Human Rights) is designed to ensure that prison rules and regulations are observed and to minimise instances of arbitrariness, abuse of power, mistreatment, and discrimination amongst prisoners. However, in 2011, the former Ombudsman was refused access to the prison after a series of complains from prisoners related to the internal operation of the prison. Complains were evolved around electricity and water supply cuts, hunger strikes, lack of food, and drug dealing. There are additional ways in which the internal operation and management of the prison is shrouded in a veil of secrecy. To mention a few

examples, access to the prison was systematically denied to doctors, members of non-governmental organisations such as the KISA, academics, researchers and members of parliament. Although, inspections by the Ombudsman became easier over the years, an advance warning of inspections is necessary; a factor that is undermining the effectiveness of the visits.

3.7.1 Structure of the Cyprus correctional system

In Cyprus there is only one Correctional Institution, which operates under a new and comprehensive legislative and regulatory frame, put in place in 1996 and 1997. This legislation incorporates the European Prison Rules and is consonant to the standards contained in the Council of Europe relevant instruments. The Cyprus Prison Department is under the administration of the Ministry of Justice and Public Order and caters for all categories of convicted and under trial prisoners of both sexes and all age groups. The Cyprus Prison Department consists of nine wings of closed prison (eight for male offenders and one for female offenders) guaranteeing raised security conditions of detention; one open prison providing minimum security conditions of detention; and the Guidance Centre (out of prison employment) as a semi-liberty condition of detention (CPT, 2013).

3.7.2 Material conditions of detention

The rise in the prison population has significantly contributed to the severe overcrowding in the prison system, and especially in the male wings. Indeed, international comparative statistics derived from the Council of Europe (Annual Penal Statistics, Space I and II Reports) have repeatedly ranked Cyprus amongst the most overcrowded prisons in Europe (see further Aebi and Delgrande, 2010; 2013; 2012, Zurhold and Haasen, 2005). Despite the continuing addition of new accommodation (especially in the male wing), overcrowding conditions have persisted. During the period 1998- 2013 the occupancy level rose by 200.3 percent, from 226 to 1200. With a certified official capacity of 550 and currently standing at 1200, it is evident that the prison system is on the brink of total collapse and explosion.

As a consequence of severe overcrowding material provisions and conditions are deplorable. A number of Reports from the Ombudsman's Office supports prisoner and ex-prisoner allegations and media reports and the European watchdog (mainly CPT) has stated that the Central Jail of Nicosia is plagued by inhumane detention conditions where prisoners are

living in dormitories with poor hygiene, miserable sanitation areas, unsatisfactory provision of food (in both qualitative and quantitative terms), and unsatisfactory provision of electricity and water supply. A recent report (Ombudsman Report, 2015a; 2015b) showed that due to overcrowding conditions, facilities that were used by prisoners for education and training purposes have been converted into dormitories. In addition, provisions such as bed linen and washing powder is minimal. In light of the above, the European Court of Human Rights in several occasions has warned the Cypriot prison system about its inhumane and degrading treatment of prisoners (see CPT, 2004, 2008, 2013). Furthermore, in 2014 the Cypriot government was fined for keeping a 24 year old male convict in isolation for two and half years (CPT, 2013).

3.7.3 Health services

Like material conditions, health services within the CJN have been meagre. In 2013, CPT Report showed that health care for prisoners detained within the Cypriot prison establishment has shown structural deficiencies. In particular, the prison employs only two general practitioners on a full time basis; a number that much too low to accommodate the needs of detainees. The CPT Report (2013) also shown that a dentist and a dental nurse are available twice per week, and four nurses are available on part time basis, and one nurse is on duty every day. Furthermore, CPT (2013) notes that staffing levels are inadequate with prison officers (and in some cases prisoners themselves) spending most of their time administrating and distributing, and in many cases injecting medication to prisoners.

Newly arrived prisoners are not required to go through a medical screening by a medical doctor, Medical records are not kept systematically, and there are no confidentiality of medical records (CPT, 2008, 2013). In fact, the CPT delegation in many occasions have noted prison officers browsing the medical files of prisoners, a stated reason by the psychiatrist for making sparse annotations in the medical files of prisoners (CPT, 2013). With respect to mental health services, Cyprus has been ranked amongst the countries with the lowest ratio of mental health staff to prisoners. Indeed, the Central Institute of Mental Health in European Prisons notes that the Mental Health Services in the Prison department consist of one psychiatrist and five Mental Health Nurses of whom three are working on a part time basis (European Commission, 2007). For many years, mental health screening was not obligatory at any stage of incarceration, and there was no suicide and self-harm prevention

strategies until 2015, following the tragic January events (see further European Commission, 2007; CPT, 2008, 2013, Ombudsman, 2012, 2013a, 2013b 2014, 2015a, 2015b).

3.7.4 Transmittable diseases and mental disorder

There no official data on the actual number of transmittable diseases in the Cypriot prison establishment. However, the Cyprus Human Rights Report (2012) reveals that HIV and Hepatitis B and C were highly prevalent. In the same vein, the CPT Report (2008, 2013) demonstrates the need for the implementation of a health education programme in the prison to prevent transmission. As with transmittable diseases, no official data are available in Cyprus on prison disorder within the prison. However, a Report by the European Commission in 2007 has shown that a large proportion of prisoners, have indicated high levels of long lasting psychological problems such as anxiety and depression. The prevalence of mental disorder appears to be high amongst foreign national and women prisoners (see further CPT, 2013, Ombudsman, 2012, 2013a, 2014, 2015b). The vast majority of prisoners diagnosed with a mental disorder receives treatment, however the regularity and duration of treatment is ambiguous (CPT, 2008, 2013).

3.7.5 Suicide, and Self-harm

For many years, the levels of self-harm were amongst the lowest in Europe. However, the most recently published study by the Ombudsman (2015a, 2015b) reports that the rates of deliberate self- harm in the prison have seen a rapid increase. In the same vein, the recent CPT Report (2013) reveals that self-injurious behaviour is worryingly prevalent and has called upon the Cypriot authorities to ensure that a comprehensive suicide prevention and management approach is introduced in the Central Jail of Nicosia. The high levels of self-injurious behaviour can be better understood if we take into consideration the overcrowded prison conditions, the prevalence of mental disorder and drug use within the prison in Cyprus.

According to a recent report by the Council of Europe (CPT, 2013), the rate of prisoner suicides in Cyprus is the second lowest in Europe; however, suicides within the CJN are surrounded by vagueness and uncertainty as the vast majority of prisoners with chronic and severe mental health problems commit suicide in the Psychiatric Hospital of Athalassa. The latest published report by the Ombudsman (2014) suggests that that the general profile of pre-trial detainees who commit suicide are young men (between 20- 25 years old), who have

violated the law for first time and have been arrested for a minor offence, and who commit suicide in the early stages of their detention. Prisoners who serve a sentence are over the age of 30, are usually individuals deprived of family support and have spent considerable time in custody (more than 4-5 years). The same Report also indicates that foreign national detainees both convicted and on remand, are at higher risk of committing suicide, due to strong feelings of marginalisation and abandonment from family support. The Ombudsman Report (2014) makes a special mention on how the risk of suicide is increased within the prison in Cyprus because foreign nationals become victims of discriminatory, racist and degrading treatment.

3.7.6 Prison staff

According to the latest Report published by the Council of Europe, on December 2014, the prison establishment in Cyprus have recorded 38 staffing positions fewer than the approved amount (CPT, 2013). In May 2016, 420 prison officers were employed in the prison, 115 of whom were located in offices, an excessive number to be significantly reduced according to the Ministry of Justice and Public Order. In 2014, the Ombudsman (2015a, 2015b) has reported that a large number of prison officers are on sick leave for long periods. The Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT, 2013) reported low morale not due to insufficient staffing levels but poor management and lack of incentives available to prison staff. With regards to training, the Ombudsman Reports (2012, 2013b, 2015a, 2015b) highlights that the great majority of prison staff are not sufficiently trained to cope with the demanding nature of the work. In 2012, for example, the initial prison training course was reduced from a six - week to three - week duration, and prison wardens responsibility is that of static security (see further CPT, 2008).

Recently, prisoners allegations and national pressure groups (such as KISA and the Ombudsman Office), have suggested that prison staff in Cyprus are engaging in a variety of criminal activities with prisoners behind bars, and their families outside the prison walls (Proto Thema, 2014). A recent Report (Ombudsman, 2015a) reveals that corruption is spread throughout all layers of personnel within the Cypriot prison establishment, and was a key contributor of the January events (see more detail below). In these circumstances, it is not difficult to understand why the CPT (2013) has suggested that:

“The Central Jail of Nicosia requires dynamic management to address the various challenges facing it and to develop a long-term strategy. However, the fact that the establishment continues to operate with an acting director hinders this process. Every effort should be made to resolve this matter as soon as possible. In addition, on-going training should be further developed for all senior officers in the prison” (p: 33).

3.8 The “January 2014 events”:

Undoubtedly, the January events in 2014 were an important episode in the penal history of Cyprus and have had a significant impact on the Cypriot society. It could be argued that the scale of the events is comparable to the Strangeways Prison riot during the 1990’s in the United Kingdom. The penitentiary institution was confronted for the first time with its biggest crisis linked with an epidemic number of rapes and suicides. Within eight months, five prisoners ended their lives, and the causes of these deaths are to be found in a penitentiary system based on illegitimate distributions of institutional power, corruption and governmental self - indulgence.

It all began in 2009, when Mr Tryphonides was appointed as the new Acting Director of the Prison Department. The appointment was in violation of the Council of Europe strict guidelines, as Tryphonides was a high rank Police Officer. From early days, prisoners felt the tough new managerial measures. According to complaints posed by prisoners to the Ombudsman Office, they were tied with handcuffs for long hours, they were obliged for a haircut and shaving every day for decency purposes, and water supply was available to prisoners every day for five minutes, in an attempt to minimise wastage (Ombudsman 2012, 2013a, 2013b, 2014). Furthermore, in 2010, the prison management came in a juxtaposition with the Commissioner for Administration (Ombudsman), preventing her team from conducting their own- initiative inquiries after a pile of complaints from prisoners, and then not applying any of the changes recommended. In 2011, visits have been reduced from two visits to one visit per week and also telephone calls have significantly reduced. In 2012, the Annual Report on conditions of imprisonment published by the Ombudsman (2012) noted that most of self- harm and rape incidents are not recorded, and accused the prison management of concealing the real extent of these episodes. At this point it necessary to mention that the newspaper Poliths (Πολίτης), due to ongoing revelations, was banned for three years from the prison.

3.8.1 The Chronicle of the events

On December 2014, a 21-year-old Romanian prisoner arrived at the General Hospital of Nicosia from the Central Jail of Nicosia a few hours after he was gang-raped by a group of prisoners. Immediately, the incident attracted media attention. Three days after, a 22-year-old prisoner was found dead, hanging from a bed sheet. Within eight months five prisoners had ended their lives in the Central Prison of Cyprus, whilst more than thirty self-harm incidents were reported in the same period (Politis, 2014).

3.8.2 The events in a context

On 11 January 2014, the acting prison governor of the CJN, George Tryphonides, was forced to leave his job and re-joined his police duties. The main reasons were the pandemic proportions of suicides, the physical and sexual abuse of prisoners (mainly non- nationals), chronic corruption from all layers of prison personnel, and intolerable prison conditions. Along with these incidents, the corrupt and erratic behaviour of prison staff roused the concern of the political parties, which then forced the President of the Republic of Cyprus to intervene. Hence, on 12 January 2014, the President of the Republic ordered the Police Rapid Response Unit (PRRU) to raid the Central Jail of Nicosia. In his statement, the president of the Republic of Cyprus said in an angry tone:

“I am very disappointed. Enough is enough. The current behaviours and corruption of some people [prison guards] will be punished even if is against the will of some other people. I am willing to undo various bodies of the criminal justice system, and to the people involved I want to send a message that they have to do their job correctly otherwise they don't have a place within the prison” (Fileleftheros, 2014).

The penal estate to which the President of the Republic was referring contains the 3rd highest number of prisoners in Europe and is growing at an alarming rate. A spate of cases came to light in which pre-trial foreign national prisoners were detained without a sentence for more than a year for migration offences and were not considered for deportation. Since 2010, the Commissioner of Administration openly accused the prison governance of following and practising improper administrative behaviour based on a militaristic regime, and more recently of ill- treatment and torture. What the Ombudsman really meant was the degrading treatment of prisoners by the intentional and frequent cut of water and electricity supply, beatings, and deprived from eating for sixteen hours until the next meal is served. Additionally, the Ombudsman's Annual Report for the Year 2012 acknowledged occasions

where prison guards were suspected of being involved with illegal activities - mainly with convicts that serve a long sentence - such as selling drugs, mobile phones, and other substances to prisoners. In 2013, the Ombudsman received many complaints related to inhumane treatment by prison guards (mainly beatings and humiliation); the Ombudsman noticed that the complaint box that was installed in the prison few months earlier was missing. Furthermore, when the Ombudsman requested explanations for the humiliating and erratic behaviour of prison guards, she was told not to believe criminals (Kathimerini, 2014). Additionally, in August 2013, self-harm incidents doubled and the prison governance did everything to prevent those episodes going public (Fileleftheros, 2014).

3.8.3 The political Response

On January the 13th 2014, the Cypriot Minister of Justice and Public Order announced 18 out of 34 measures to deal with the unprecedented events. In the press conference, the Minister stated:

“the President of the Republic has stressed the government’s determination to put an end to the unacceptable situation in the prison and to upgrade the level of the penitentiary institution to fully comply with the European standards. It was not our intention to hide the problems or seek excuses for the tragic events of recent months. The government took measures from day one, but unfortunately demonstrated negligence and in few instances they have been undermined. The policies and measures are not enough to be announced but also to implemented” (Signalive, 2014)

The measures included the immediate return of the Acting Prison Governor back to his police duties and responsibilities and the suspension of a prison officer and nine prison guards. The disciplinary investigations, for the purposes of maintaining their objectivity were conducted by officers from the Legal Service. In addition, the Minister ordered the redesign of the closed circuit monitoring system, in a way that makes it impossible to interfere with the material recorded. Also the PRRU was responsible for the daily control of the cells, common areas and overall facilities of the prison for three months, and the categorisation of prisoners based on their sentence length and their offence. Lastly, the Minister ordered the immediate application of measures to prevent and combat corruption amongst prison staff, such as the declaration of assets by members of the prison staff and their relatives.

3.9 Conclusion:

This chapter presents vital explores of the Cypriot history and culture that help us to understand recent developments of the penitentiary system. The penal institution in Cyprus, like elsewhere, is grounded in cultural norms, values and perceptions; and draws upon cultural sensibilities and expresses specific emotions. The struggle for national identity, for example, and the fact that Cyprus is a *de facto* divided state has given the grounds to political parties to pursue an anti- tolerant, chauvinistic and xenophobic rhetoric and a considerable punitive public opinion. Furthermore, the chapter explored the conservative and controlling family structure and the fragmented Cypriot political culture characterised by party identification and partisan loyalties, which created a political culture that is based on favouritism, political patronage and nepotism. In addition, this chapter provided a rigorous account of the main challenges that for many years the prison system was suffering from and that led to the raid of the CJN by the police in 2014. The following chapter stresses societal and political reactions to crime and imprisonment and how these have been linked to increasing racial and economic inequality, two central features of the recent sociological discussions on punishment and penal politics.

Chapter 4: Exploring crime and punishment in Cyprus: A Socio-Political Approach

Over the last fifteen years, Cyprus has witnessed an unprecedented expansion of penal control which is consistent with the overall rise in the prison population in Western countries but is a dramatic change compared with earlier, very low Cypriot prison numbers. In an attempt to grasp the causes of this penal shift, the most obvious indicator has been penal punitiveness accompanied with punitive public opinion. Such perspective reveals two puzzling findings. First, that the prevalence of crime has been stable for most serious offences whilst fear for crime does not matching the actual levels of criminality. And second, crime victimisation is not correlated with penal punitiveness, but highlights a lack of confidence in the criminal justice system agencies instead. This chapter aims to review these contradictions within the midst of a deep economic crisis. The chapter starts with the organic components of the financial downturn in Cyprus related to corruption and clientelism practices following persistent scandals that involved Cypriot politicians and elite members. The next section elucidates recent level and trends of crime in Cyprus and further illustrates a disconnect between crime and imprisonment rates, especially if the race and nationality of the offenders is taken into consideration. Subsequently, attention is given to the heightened political significance of interplay during deep financial turmoil periods. The full-blown financial downturn was turned by politicians into a criminogenic tool in order to ensue a ‘getting tough’ approach towards property and violent crimes; and once again scapegoating immigrants and asylum seekers (Melossi, 2013; Aas, 2013; Bosworth, 2011; Stumpf, 2006). Lastly, taking inspiration from political economies of punishment of jurisdictions elsewhere, the chapter deploys media and political discourses on ‘law and order’ that have caused social insecurity and moral panic against crimmigrant ‘others’ (Aas, 2011; Wacquant, 2001b; 2009a; 2009b).

4.1 Economic downturn in Cyprus

Prior to the economic downturn, Cyprus was seen to have a healthy economy, high GDP growth, low unemployment and sound public finances. As part of its EU accession, Cyprus was forced to implement financial policies to bring it in line with EU requirements that included the rapid liberalization of its fiscal policy and financial industries (Brown, 2013). As stated by Georgiou (2013), the abrupt expansion of the financial sector - within three years of

adopting the Euro meant that the top Cypriot Banks (Laiki Bank and Cyprus Bank) soon found themselves in possession of assets over eight times the GDP of a small country like Cyprus' size (Hess, 2015). The financial crisis in Cyprus was triggered by the United States' subprime mortgage crisis in 2007- 2008, and inevitably in 2009 the Cypriot economy went into recession (OECD, 2013), which led to a rise in unemployment as the economy shrank by 1.67% (see further Zenios, 2013b). Whilst all European states have suffered from the global downturn, the impact was severely experienced in Cyprus and Greece (Zenios, 2013b). In 2012, the Cypriot commercial property values declined by 40 per cent and non-performing loans rose significantly up to 6.1% causing significant pressure on the banking system. With a small population and a modest economy, Cyprus had a large offshore banking industry. In addition to these factors, the historical and financial ties with Greece, had led the Cypriot government to take on major shares of the Greek bonds. As a result, the national deficit rose to 7.4% GDP, more than twice the acceptable amount stated in the EU guidelines (Hess, 2015).

In response to Cyprus's admission in March 2013, a bailout packaged was engineered with the condition that the government implement a wide array of austerity measures from spending cuts to tax rises and the privatisation of public assets. Whilst the effectiveness of the austerity measures received extensive and mixed responses on an economical level, there has been scant research or evaluation of the social impact of those measures. Even before the advent of the financial crisis, Cyprus had persistently shown high levels of income inequality and poverty. With the imposition of austerity measures, the levels of unemployment rose from 4% in 2008 to over 16.6% in May 2015 (Eurostat, 2015c). Living standards have also significantly dropped as the Income and Household Living Condition study revealed (Eurostat, 2015b). A significant number of families suffered from a significant drop in income, and, relatedly, there was a rise in suicides, mental health problems and divorces, all caused by cuts to health and welfare spending and rise in imprisonment (European Commission, 2015).

4.2 Corruption and clientelism

A vast majority of national and international observers have reported that the financial crisis in Cyprus was organically related to the mismanagement of the banking sector (Serricchio et al., 2013; Karanikolos et al., 2013 Panayi and Zenios, 2015). Cyprus had a large banking

sector, about six times the size of the nation's GDP, with banks heavily loaning abroad. In simple terms, the Cyprus banking industry was running with low supervision and so this, combined with the governments' mismanagement of the budget, was the two-core element responsible for the collapse of the Cypriot economy. Successive scandals have illustrated, for example, how politicians and business elites have been involved in clientelistic relations - particularly associated to tax evasion (Pashardes and Polycarpou, 2008, Pashardes and Polycarpou, 2003, Pashardes, 2011). Clientelistic forms of corruption have been associated with 'grande' recruitment in the public sector and semi-governmental organisations in pre-elections times, which has led to the establishment of oversized and under qualified semi-governmental organisation appointments, transfers and promotions (Faustmann, 2010).

The two main political parties (AKEL, on the left, and DHSY on the right) have often argued that all levels of the Cypriot society are responsible for the financial crisis, emphasising the patronage and corruption practices by public servants and bank employees. This political positioning has caused public frustration and anger as politicians and elite members of the Cypriot society have been incessantly involved in corruptive practices.

With the advent of the financial crisis, public frustration saw a dramatic intensification that soon turned to anger. In 2013, an exasperated domestic public placed a substantial amount of pressure on Cypriot politicians to stop treating 'elite' corruption with impunity. Cypriot mainstream politicians supported and maintained impunity towards elite corruption because elite corruption has long functioned as a prerequisite to the maintenance of elite consent to the political status quo in the country (see further Xenakis and Cheliotis, 2013).

4.3 Cypriot 'partitocracy' and elite impunity

Following the economic downturn in 2013, public disaffection about persistent corruption and grand scandals was exacerbated by the continued leniency by mainstream politicians toward elite grand corruption impunity (see further Xenakis and Cheliotis, 2013, Kanol and Charalambous, 2014). One of the most frequent discussions evolved around the avoidance of the two dominant political parties - AKEL and DHSY - to take responsibility for their involvement in a series of major scandals that had rocked Cypriot politics in recent years.

One of the most recent scandals revolved around the close relationship between high ranking members of the Council of Paphos with a Construction Development mogul, who had forged plans and been granted building permits by submitting misleading and deceptive information (Fileleftheros, 2014). Another major scandal that erupted in 2013 was the involvement of Christodoulos Christodoulou, ex-Minister of Finance and Governor of the Central Bank in Cyprus, in multiple charges of bribery and forgery of official documents in order to avoid paying income tax of around one million euros (Fileleftheros, 2014). According to Law 65/1965 (in European Commission Anti – Corruption Report) there is currently no legislation that obliges politicians or senior officials to disclose their assets.

In a similar case, it was uncovered that since the beginning of 2000s' the Mayor of the city of Paphos was receiving bribes from contractors for the construction of the sewage system (Fileleftheros, 2014). The way in which those scandals were handled and resolved, whilst the country was undergoing severe economic decline and stagnation, drew the public's attention to the protective and immunity Law sections from prosecution by elected members of the Cypriot Cabinet (Assiotis and Krambia-Kapardis, 2014). The scandals involved the criminal liability of members of the Cabinet as well as mainstream politicians for corruption, bribery, money laundering and tax evasion.

Equally crucial to growing public disaffection was the consistent impunity of Greek and national wealthy elites, Middle Eastern moguls and Russian oligarchs who have engaged in a string of grand scandals of tax-evasion, fraud and embezzlement (Ledyeva et al., 2013). A famous example is that of the 'Lagarde List', when Christine Lagarde the French Minister of Economic Affairs, Finance and Employment, and Managing Director of the International Monetary Fund (IMF), informed the Cypriot Authorities that 459 prominent Cypriot politicians, wealthy Cypriot bourgeois and political 'elites', were suspected of having been involved in notorious tax evasion scandals and money laundering between 2000- 2012 (Kathimerini, 2015).

In September 2015, the President of the House of Representatives raised a storm of reactions by refusing to reveal the names of the people involved and instead stated:

“This List will be kept in my Office in the House of Representatives and I will take any action to respect the confidentiality of its content and personal data contained therein” (Politis, 2015).

4.4 Crime trends

Although Wacquant (2009a) argues that crime rose significantly in European societies between 1985 and 2000, the data for total recorded crime for the EU 28 shows a steady decrease since 2003, and as far as Cyprus is concerned, the crime-incarceration thesis holds true (Aebi and Linde, 2010). Expressed as a rate per 100,000 inhabitants, the volume of reported crime in Cyprus rose from 4.8 in 2002 to 8.0 in 2011 (Aebi et al., 2015). Whilst one might argue that the volume of reported crime has doubled within a decade, a closer look at the statistics reveals that 33 per cent of those cases in 2012 were classified as no cases and 10 per cent were classified as false (Aebi et al., 2015). Data for violent crimes have shown a steady movement from 7,256 reported crimes in 2002 to 7,556 in 2013 (Council of Europe Crime Statistics). In addition, the number of homicides recorded in 2013 reveals a modest increase from 15 in 2001 to 19 in 2013, however, from 2007 to 2013 the number of robberies doubled in Cyprus (Aebi and Delgrande, 2013). Furthermore, drug trafficking offences registered a modest increase from 876 in 2007 to 1030 in 2013.

4.4.1 Political discourse towards crime

Since 2012, as the first signs of the financial crisis have shown in Cyprus, dominant political discourse has grown heavily preoccupied with an inexorable rise in property and violent offences, conflating it with the presence of migrants and other social events such as urban poverty and degradation. In fact, in 2009, the Mayor of Nicosia stated that the housing conditions of migrants downgrade the city (Trimikliniotis, 2005). In 2011, a nexus of illegal immigration and asylum seeking was seen central by the vast majority of the political parties, in the presidential elections in 2012. The Democratic Party (DIKO), for example, required blocking the allowances provided for asylum seekers. In the same vein, the Democratic Rally (DHSY), and the National Popular Front (ELAM), have proposed the termination of medical and social welfare access to Turkish Cypriots and other minority groups who did not contribute to the country’s Social Insurance Fund. Those propositions were backed by the Movement for Social Democracy (EDEK), the European Party and the Greens (Katsourides, 2012; 2013). The political agenda of the elections has opened a can of worms and given competition to xenophobic and racist votes (see further Cheliotis, 2013). In June 2015, at the

peak of the Syrian refugee crisis, the Interior Minister Sokratis Xasikos, has said that ‘we prefer Christian refugees’, which then gave the opportunity to ELAM, the extreme-right political party in Cyprus, to patrol areas supposedly inhabited by immigrants and committing acts of violence against them. ELAM is a new political party, only founded in 2008, however, in the parliamentary elections in 2016 it won 2 seats and attained 3.71 per cent of the vote (Fileleftheros, 2016). Their political agenda was focused on an anti-immigrant, national and ethnic purity platform, with slogans like: ‘Cyprus, is a Greek land’, ‘Cyprus is part of Greece’, ‘Race, blood, decent’, ‘Foreigners out of Cyprus’, ‘Each refugee turns a Greek unemployed’ ‘No to pseudo-political asylum seekers’ (Katsourides, 2012; 2013, ECRI Report, 2016)

Diachronically, politicians and government officials used arguments to legitimise their attitudes towards immigrants in Cyprus (see further Trimikliniotis, 2001; 2014). In 2009, the MP Koulias argued that the presence of immigrants is in line with the increase in criminality. In the same vein, in 2012, the then Minister of Justice and Public Order Loukas Louca made the infamous statement that “most burglaries are proven to be committed by immigrants who come to Cyprus for three-four days for this purpose” (Sigmalive, 2012).

The ‘criminality’ issue is regularly invoked by ethno-nationalist and populist politicians by narrating ‘stories’ of immigrants involved in criminal activities. MP Pittokopittis, in 2006 claimed that ‘crime is in their blood’ and claimed that immigrants “pose a threat to our society, culture and nation” (Trimikliniotis et al., 2015). This discourse has led the government to intensify policing against illegal immigrants and asylum seekers and enforced the ‘sweep’ and ‘cleaning’ operations aiming to fight illegal immigration to Cyprus (Trimikliniotis, 2007).

These discourses have had a great impact on public attitudes (see further Van der Leun, 2006). According to Eurobarometer (2015) survey data, the financial crisis has altered the public’s attitudes as concern is now centred on unemployment, rising prices, inflation and the overall economic situation. However, there is a significant rate of public concern about crime which is significantly higher than the EU average (see further Hummelsheim, 2011).

4.4.2 The significance of property and violent crime

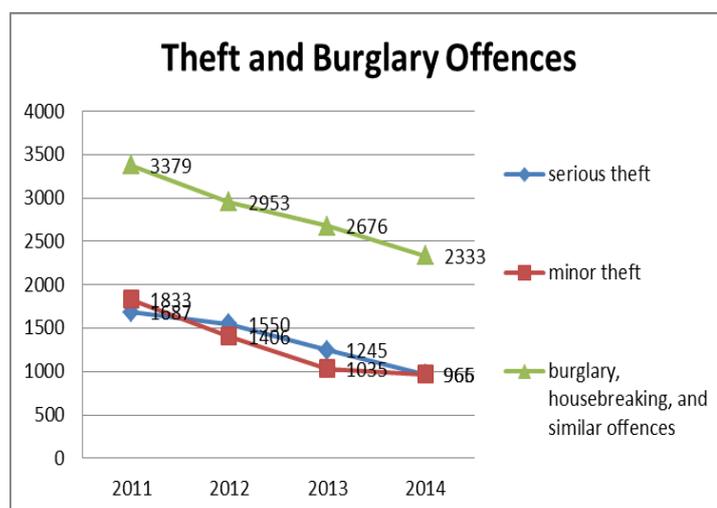
Since the advent of the financial crisis, public sentiments and fears about property and violent crimes have risen significantly, and have been associated with offences around illegal

immigration and drug abuse (Aebi et al., 2015). Public sentiments and fears have been fuelled to a greater extent by political and media discourses that have deliberately drawn parallels between the rise of property and violent crimes such as thefts, burglaries, homicides and robberies, and the presence of immigrants in Cyprus. Such proposals represent a clearly partisan distortion of figures; between 2008 and 2010, for example, the total number of robberies rose from 62 to 156, whilst the respective volume of homicides saw a significant decline (Aebi et al., 2015). Amongst offenders known to the police, Cypriots were responsible for the majority of burglaries, homicides and thefts, but non-Cypriots were over-represented in proportion to their share of the general population (Aebi et al., 2015).

Such data confirm the longstanding trends of disproportionately high levels of public fear of criminal victimisation but also underscores public support for harsher sentences, especially when offenders are non-nationals. Indeed, over the last decade, Cyprus has become one of the most crime-fearing and punitive nations in Europe and beyond, even though police-recorded crime rates have been rising modestly and generally for offences that have minimal criminological interest (Entorf and Spengler, 2002). Today the levels and patterns of public fear of crime are still disproportionate to the actual levels of victimisation. According to the latest published crime statistics, certain types of theft and burglary offences have fallen significantly since the advent of the financial crisis (see Figure 4.1). Also, the participation of Cypriots in thefts and burglaries have risen considerably since 2009, whilst the participation of non-Cypriots has reduced considerably between 2012 and 2013 -as many immigrants lost their jobs because of the financial crisis and were then forced to leave the country (see further Aliverti, 2014).

In any case, recorded crime statistics in Cyprus have to be treated with particular suspicion as they are used as a proxy for actual crime rates. We must keep in mind that the Cypriot police very often file unwarranted charges because of their systematic over-policing of immigrant communities and also the police's susceptibility to stop and search and arrest immigrants. In addition, Cypriots are not only fearful but are also highly suspicious with a great tendency to report unimportant crimes to the police, especially when believed that the perpetrator is of immigrant origin (see also Xenakis and Cheliotis, 2012).

Figure 4.1 Theft and Burglary Offences between 2011 and 2014 in Cyprus



Source: Cyprus Police Department, 2014

4.5 Media discourses and public opinion

The role of mass media in galvanising and inflaming the public's concerns and insecurities in Cyprus has barely been studied. Whilst mass media constitute a field with its own rules, these rules are defined by its positions in the world in general and the attractions of the 'meta fields' of economy and politics (Bourdieu, 1998). It was in this spirit that Hall et al (1978) argued that sensationalised media reporting along with punitive penal policies by capitalist states have displaced mass economic insecurities onto powerless minorities, thereby strengthening class rule (Cheliotis, 2010).

In the same vein, Sparks (2000) work highlights how media speaks "irresistibly to the moral and emotional dispositions" (p: 101) of the public, with vengeful representations of crime that he calls 'sentimental altruism'. Interestingly, the public has shown resentment and solidarity to the victim in a highly emotional process and provides the outlet for blame and sanction, as well as an amplification of fear and anxiety (see further Sparks, 1992, 2002). Consequently, the public regards atrocious crimes and bizarre sentences as the norm. They believe that sentences are soft, and have the tendency to believe that crime rates are rising even when they are falling because this is what they read about in the press. As a result, the majority of ordinary Cypriot citizens perceive sentences imposed by judges as too lenient, although when asked to propose sentences for individual cases they generally suggest sentences that are

shorter than those actually imposed. According to Tonry (1999), the public perceives crime as the nation's most pressing problem and support harsh sentencing laws/policies that occur as a result of media and political preoccupation with crime. Cypriot politicians attempting to win favour by demonstrating their toughness have said that they are honouring citizens' wishes, though the evidence implies that emphasis by politicians and the media on crime is the primary cause of the public's concerns with crime. Jewkes (2004), for example, expresses a critical opinion of how politicians engage with media by stating that:

“Politicians of every political party campaign on law and order issues, reducing complex crime problems to easily digestible ‘sound bites’ for the forthcoming news bulletins on radio and television” (p: 3).

Therefore, in Cyprus it is not public opinion that leads to harsher penalties (which then lead to the expansion of the prison estate), but politicians' proposals and rhetoric that lead to penal changes in public opinion and consequently fear. Over the past decade, Cypriot politicians have, for partisan advantage, deliberately invoked the public's fear of crime, (markedly regarding immigrants) and then offered harsh policies to quell this ‘created’ fear. Hence, it is necessary to explore why crime control has become a focal issue in Cypriot politics and how immigrants have been targeted as a threat by political and media discourses. There are certain favourite issues that the Cypriot media is keen to bring up regarding migrants in Cyprus. Recent reports mainly generated by the mass media highlight the ‘negative’ social consequences from the ‘excessive numbers’, ‘floods’, ‘chords’ and ‘waves’ of migrants (Trimikliniotis and Demetriou, 2005). In Cyprus, anti- immigrant and xenophobic attitudes have been identified and summarised by Trikiikliniotis and Demetriou (2005).

The connection with unemployment: A recent undocumented presumption that has been extensively made is the connection between the unprecedented number of immigrants and the sharp increase in unemployment rates amongst Cypriots. Trimikliniotis and Demetriou (2005) argue that this connection is amplified by the media and individual politicians who are using the current financial crisis and its consequences by focusing on the themes of Cypriotness and patriotism. Significant too is the attitude of the trade unions, that support attempt to reduce the numbers of migrant workers in Cyprus.

Metaphorical connections: Regular connections between migrants, disease and dirt have been reported. Headlines like “Foreign workers are a real cancer” or referring to undocumented workers and refugees as ‘gangrene’, a ‘plague’ and a ‘headache’ are amongst the most used remarks (see further Trimikliniotis and Demetriou, 2005).

The connection with the country’s size: a phrase often heard in public is “Cyprus is too small to absorb the current number of foreign workers” (Trimikliniotis, 2005, p: 16). This phrase is derived from the “host-immigrant” model theory that assumes that migrant workers pose as a “threat” to the social fabric of the Cypriot society (see further Trimikliniotis and Demetriou 2011).

The connection with the ‘Cyprus problem’: According to Trimikliniotis and Demetriou (2005), anti-immigrant argument that is often invoked by politicians is that Cyprus is still semi-occupied, therefore restricted migration policies are of paramount significance to ensure its national survival and sovereignty. Conservative politicians often argue that immigration issues are not important elements of their political agenda as long as the ‘Cyprus problem’ is still unresolved.

National culture and heritage vs. alien cultures and religions: According to Trimikliniotis and Demetriou (2005), alien cultures and religions are sensitive issues. Cypriots feel strong about their culture and societal values and norms; however, they often based their opinions on various misconceptions. For example, public discourse suggests that migrants are carrying ‘contagious’ attitudes, beliefs and morals that have the potential to alter ‘our’ social institutions and to impose their norms and values.

The connection with criminality: the ‘connection’ between immigration and criminality is one of the media’s favourite themes, also used by populist, right wing or ethno-nationalist politicians, as well as by the police. The media often record such statements made by politicians or the police without criticising their underlying message and usually accompany the text with photos of unshaved dark-skinned men, thereby reinforcing this connection (Miloni et al., 2015).

Illegal immigrants and asylum seekers: Syria's brutal civil war has pushed a new wave of immigrants into Cyprus. Today asylum seekers are frequently the subject of media reports, which, although in some cases are sympathetic, generally tend to portray them as a potential threat. This is in line with the view often expressed by the trade unions and the authorities. A conclusion that may safely be deduced is that the media tend to be sympathetic when covering heart-breaking stories of individual migrants and less sympathetic, or even at times xenophobic, when they refer to migrants as a group or section of society (Trimikliniotis and Demetriou 2005).

4.6 Public and penal punitiveness

According to Unnever and Cullen (2010), similar to elsewhere in the West, the public in Cyprus favours a 'get tough' approach to crime control. According to their analysis of data from the Eurobarometer Survey of European Values and Societal Norms in 2006, Cyprus appears the most intolerant country with 97 per cent of the respondents agreeing that criminals should be punished more severely. Moreover, significant segments of the public in Cyprus appeared to favour punitive criminal justice policies especially the use of imprisonment. Cyprus's rate of support for imprisonment is also demonstrated by the International Statistics on Crime and Justice of 2010 (in Harrendorf et al., 2010).

Cypriots are also alleged to support a 'zero tolerance' approach towards immigrants and are also in favour of stricter police monitoring, especially in areas or communities populated mainly by immigrants (Harrendorf et al., 2010). According to Constantinou (2015), in Cyprus, police officers frequently exercise police biased stop and search operations particularly in areas inhabited by foreigners or immigrants. Such attitudes, have led to the widespread perception of immigrants as one of the most persistent problems in the Cypriot society connected with criminality (Constantinou, 2015). The connection of immigrants with criminality is based on two assumptions: one is that immigrants, by their nature, are more prone to criminality and the other assumption is that immigrants because of their social circumstances and "impoverished ghettos" are driven into criminality (Trimikliniotis, 2007, see also Wacquant 2001a). Romanians and Bulgarians, for example, are especially likely to be seen as dangerous, and the terms 'Ρουμάνοι' -Romanians, 'Βούλγαροι'- Bulgarians and

‘Αράπηδες’- Arabs is often used derogatorily by Cypriots to describe immigrants in their entirety.

Another way of gauging trends in public punitiveness in Cyprus consists of the restoration of the death penalty which has abolished in 1999 but can be applied in the case of high treason. Furthermore, the public have also expressed support for vigilantism, possession of guns, and also the use of violence by the police (see Eurobarometer, 2015). Using data from a national survey focused specifically on the public attitudes and opinion for the death penalty in Cyprus, have found support for the restoration of death penalty mostly for rapists, paedophiles and drug traffickers. Despite the strong and principled position against the death penalty of the member states of the European Union, it is important to gauge public opinion on the use of death penalty in Cyprus. The death penalty, for example, offers a symbolic significance in populist ‘war on crime’ as any opposition mostly by politicians who have to endorse a ‘tough on crime’ approach.

More evidence of trends in public punitiveness in Cyprus can be found in polling company research. The findings show that a sizeable proportion of the people participating in the survey supported increased use of CCTV cameras in public places for security reasons, the establishment and consolidation of neighbourhood-watch schemes, the expansion of the police force, the use of violence by police force at times of urban disorder, and mass arrests of protesters (see further Mawby, 2011, Psara, 2013).

Another way of gauging trends of penal punitiveness in Cyprus is by looking at developments of the criminal justice policy and practice. In Cyprus, for example, the perceptions of the public define the nature and content of the penal policies implemented by the government (Gibson, 1992). The most characteristic example within the Cypriot context is that high levels of public support towards imprisonment coincides with the unprecedented levels of non-Cypriots within the CJN.

In recent times, crime control in Cyprus -just like elsewhere- has been at the centre of partisan politics, and policies have been shaped more by symbols and rhetoric than by substance and knowledge. During the 1970s’, in Cyprus, although many voters held conservative views on social and racial issues, penal policies were still in the hands of

criminal justice practitioners and technocrats. During the 80s' and '90s', crime control was still an unpopular matter for the political matters, and the 'Cyprus problem' was dominating the ideological tack of political parties (Christophorou et al., 2010). It was in the middle of the new millennium that the new main political parties took particular manifestations about crime control in Cyprus (Tsoudis, 2001). In Cyprus today, conservative's proposals suggest that crime rates are rising because judges are lenient and punishments are soft, demanding greater toughness, and argued the leftists (the Progressive Party of Working People) did not take much guidance from academic expertise in formulating its new crime control policies in 2008. In 2007, for example, the presidency of Christofias, Cyprus borrowed 'European' symbols and policies, using crime as a governance strategy, with victims and their rights to be idealised. For example, the 'importation' of neighbourhood Watch Scheme in 2011 is a good example. Furthermore, in 2013, the Right won the elections based on a campaign that promised support for a tough stance on criminality and exemplary punishment for those who are breaking the law.

4.6.1 The importance of courts and criminal procedure

While Cavadino and Dignan's (2006, 2007) thesis seeks to identify the causes of high and low punitiveness, the role of criminal justice system is of paramount significance when examining penal punitiveness. It can be argued that political economy can shape punitiveness through mediating variables such as crime levels, national culture, the role of media, political culture and political institutions (Cavadino and Dignan, 2007). However, in the case of Cyprus criminal procedure could be seen, to a certain extent, an independent variable (see further Nelken, 2009).

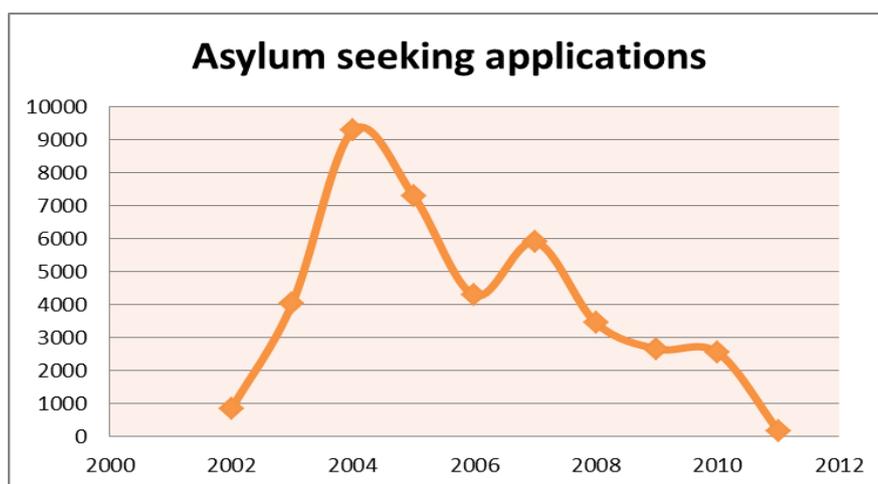
Criminal procedure in its own right is a sociocultural variable. Myriad differences occur between countries with regard to how receptive the criminal justice system is to political direction or public pressures. Lacey (2008) for example, suggests that prison rates are more likely to be in moderate levels because of the concerted efforts between politicians, policy makers and judges. Therefore, penal rules are often seen as substitute for political and policy decision making, given the fact that other forms of civil regulation are often poorly accomplished. Within the four districts (Nicosia, Limassol, Larnaca and Paphos) powerful elites control parts of the economy as well as regional and local politics.

Similar to the Italian case (see further Nelken, 2009) the moderate numbers of the prison population in Cyprus in the past when compared to other European countries –despite the growing trend in recent years- was due to the processes of attrition; although a very high number of cases have been reported that did not develop into criminal investigations and were either interrupted or suspended. However, many of the procedural benefits are not available to illegal immigrants or minor offenders, and today are those people who fill the Central Jail of Nicosia.

4.7 Governing through Migration control: Non- citizens in Cyprus

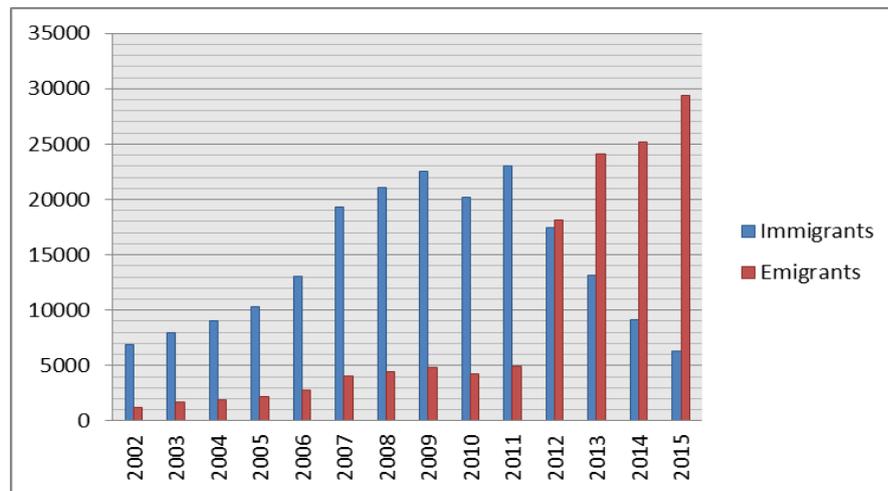
According to Trimikliniotis et al., (2015) thousands of people cross the border each years. This considerable number of ‘visitors’ includes tourists, workers, retired people, asylum seekers and refugees. According to the latest published statistics by Cyprus Statistical Service, 170, 000 people arrived in Cyprus in 2011, from the European Union and outside the European Economic Area (EEA). According to Trimikliniotis et al., (2015) migration statistics provided by the Statistical Service have to be treated with suspicion as those numbers do not include students, refugees and asylum seekers. In 2011, asylum applications declined significantly since 2002 (see further Figure 4.2).

Figure 4.2 Asylum seeking application cases, 2002- 2011



Source: Asylum Service of the Ministry of Interior, 2012

Though governments’ attention and popular concern stresses the ‘floods’ and ‘waves’ of migrant populations – particularly those who belong outside the EEA – over the same period, there was a great movement outside Cyprus (see further Figure 4.3).

Figure 4.3 Migration and Emigration movements, 2002- 2015

Source: Demographic Report, 2015, Ministry of Interior

Around 29,000 people emigrated, of whom more than 4000 were Cypriot citizens; however, this group is rarely considered in discussions about migration. More than 15,000 migrated people were non- EU citizens. While there are no precise figures of where non- citizens live, the 2011 Census showed that 34, 1% of non-citizens were living in Nicosia, 16,2% in Larnaca, 27,1% in Limassol and 17,4% in Paphos. According to Trimikliniotis (2014) there are a disproportionate number of immigrant clusters in Cyprus. Asylum seekers, for example, are an emigration cluster with an extensive and stringent regulation system that is dispersed around the country. Recent published figures for this immigration cluster shows large numbers in the cities of Paphos and Larnaca. Those asylum seekers that are dispersed are located in socio - economically deprived areas. In addition, there is an unknown number of undocumented non-citizens of trafficked people in the country, many of whom reside in geographical area already established by other in their ethnic or linguistic communities.

Such figures are in line with Bauman's notion of 'liquid modernity'; a period that is characterised by fluid boundaries, identities and borders (Bauman, 2000). According to Bauman (2000), as the obstacles of information, capital and goods have eased the movement of people has been subject to increased scrutiny. Asylum seekers, refugees and unskilled workers are seen as a threat to public services, social cohesion and culture, which is linked into one discourse that connects all non-citizens.

4.8 Migration in an era of austerity measures

Today migrants, TNC's, and EUN's comprise one fifth of the economically active population and since 1990 they have been seen as a temporary and transitional attribute, and workers from these countries in migration policies are referred as 'working hands' (Trimikliniotis, 2005). From its inception, the permit for TNS's was not designed on integration ideals and principles. Over the years the permit regime for TNC's was based on an eclectic 'Europeanised' version of *Gastarbeiter* (quest worker on four year visas) and *Kafala* (where the worker is tied to employer) (see further Trimikliniotis, 2005). Consequently, until the beginning of 2011, there was no integration policy or civic rights in place.

In 2013, the number of irregular or undocumented migrants was estimated between 20,000 to 30,000. Irregular migration is a subject of fierce debate in media and political discourses and has become a central feature for the transformation of the political divide. Inevitably this is structurally connected to issues of national protection and survival and economic perspectives. There are many aspects that require an explanation here. The first is structural, imposing an authoritarian regime on migrants, and the second is ideological, comprising by political and technocratic divide over the migration management, order and cohesion (Trimikliniotis, 2015). This second aspect is a significant element of political parties and Cypriot politics in general.

4.9 Immigration and the Ideological divide of the right and left

The division of the party system along left/ right ideological lines is centred in three political fields (a) socio- economic order, (b) the Cyprus problem, and (c) a spectrum of social issues, for example, immigration and multiculturalism. Immigration holds a central feature because in not only related to the process of nation formation but also interconnects with a wider range of social and economic issues (see further Trimikliniotis, 2005). This schismatic divide clearly illustrates the analytic divisions of migration in political discourses. Given the specific, and to a certain degree, particular historic and political context, the fact that the 'Cyprus problem' is still unsolved, coupled with the fact that immigration is a relatively new phenomenon, the political divide over immigration policies does not respond to other European contexts. Nevertheless, it could be argued that since Cyprus accession to the EU, debates around immigration and immigrants have been informed by Greece and, to a lesser extent, the UK (Trimikliniotis, 2015). It can be safely assumed that political discourses of the

traditional right spectrum tend to utilize xenophobic, racist and anti-immigrant sentiments, in comparison those of the left. However, a closer examination is required.

Undeniably, political parties occupy a central role in Cypriot politics; however, critiques of the dominance of the political parties are often evolved around the 'deficient modernisation' or the 'underdeveloped civil society'. In the same vein, anti-immigrant, racist and xenophobic sentiments are blamed using the same arguments. However, migration has a different development in Cypriot politics. The post-colonial development of Cypriot parties has suggested that parties are not homogenous carriers (Trimikliniotis, 2015). In Cyprus, party formations vary significantly from charismatic leaders who run a clientele to small sectarian groups. The ideological divisions distinguish political parties' organisational structure, membership and politics they espouse, for example, the way that the communist mass party of AKEL approach the issue of immigration differs significantly to the way in which the issue of migration and migrants are viewed by the other mass party of DHSY and characterised by the Helleno-centric right (see further Trimikliniotis, 2014). In Cyprus, certain parties can be safely termed traditionally clientistic. Weber, for example, argues that modern party formations are based on 'rational-legal' frameworks because after all political parties 'are the children of democracy' (Weber, 1991, p: 102).

The belief that the maltreatment of immigrants is the result of an underdeveloped civil society is problematic. Cyprus advanced modernisation by expanding finance and banking sectors on one hand, and on the other hand by utilising cheap labour from third world countries in order to achieve high levels of growth. Therefore, it is not a matter of modernisation when comparing Cyprus to other European countries, but is a matter of modernisation that combines a different set of politics when it comes to address issues such as migration, gender, racism and class (Trimikliniotis et al., 2015). Regarding immigration policies, in Cyprus political parties are not the key drivers; recent research evidence suggests that immigration policies are instrumental tools by other state structures such as the office of the general attorney, immigration authorities, the judiciary and media moguls (Trimikliniotis et al., 2015). Despite the various treaties and international conventions for equal rights, human rights and fair treatment of immigrants there is a deeper and often unseen policy making that amplifies anti-immigrant politics where immigrants are regularly racialized. This can be found in right political parties or those with a nationalistic leaning. However, those parties are used as

opportunistic vehicles of racism and xenophobia in specific constituencies or by newcomers in politics calling for attention by utilising anti-immigrant and often racism discourses.

4.10 Political parties and xenophobic-loaded ideologies: Governing through fear

In the context of Cyprus, the uprising of xenophobic populist parties cannot be explained or explored in the same ways as in other European nations. The ‘national problem’ (i.e. the Cyprus problem) is the issue that defines whether a party is ‘ethno-nationalist’ or ‘radical right’ (extreme right) (see further Kamali, 2010). Who belongs to the ‘nation’ usually is determined by how ‘nation’ is defined. For ethno-nationalist parties, the ‘state’ is the organ of power for territorial protection as well as the protection from other ‘threats’ to its sovereignty and survival (i.e. health, welfare, internal security).

However, in Cyprus, immigration has always been subordinated to the Cyprus problem’s key determinant in defining the ‘nation’. The ‘others’ are primarily immigrants, though these ‘others’ are also multiplying beyond immigrants, to include Turks, Turkish-Cypriots and refugees. These are primarily media generated images where ‘others’ are portrayed as spies, criminals and vagabonds. A particular property of racism and xenophobia in Cyprus is that of anti-immigrant and xenophobic populist politicians. The small size of the Cypriot society gives the opportunity to individual politicians to act as carriers of xenophobic-loaded ideologies. This is confirmed by International Reports generated by the Council of Europe on racism and xenophobia across Europe. ECRI Report (2016) refers to political discourses of ‘inflammatory’ speeches with racist statements in the public sphere as common phenomenon. Furthermore, the ECRI Report (2016) deplores occasions where politicians and public figures (such as the Archbishop of the Autocephalous Church of Cyprus) blamed migrants for unemployment, and welfare scroungers and migrant women were stereotyped as prostitutes. In addition, the ECRI Report (2016) depicted an offensive discourse targeting Muslim migrants.

4.11 Punitiveness and Political Economy: the Case of Cyprus

Trends in punitiveness require a political economy perspective that will assist to understand and then uncover “the efficacy of symbolic power and the symbolic efficacy of material power” (Cheliotis and Xenakis, 2010, p: 27). This perspective hasn’t been developed in contemporary Cyprus. According to the world systems theory, peripheral societies are the

losers of the intentional commodity exchange. Cyprus is a small size, peripheral state with a distant island status that hosts a low-profit production process employing merely -but not exclusively- labour intensive techniques (Sepos, 2008). It is this peripheral status that generates sharp divisions between higher and lower classes, as small upper classes are often more close to influence policies to their favour. Recent research evidence suggests that the elite groups and professional middle classes in Cyprus have played a crucial role in shaping the socio-economic conditions as well as their trajectories (see further Cheliotis and Xenakis, 2011).

4.11.1 Cyprus and (IL) logics of neoliberalism

Whilst Wacquant (2009a) argues that neo- liberal penalty has travelled from the US borders and entered Europe, we have to appreciate that Europe today consist of twenty seven member states and some states have been unaffected. Neo liberalism bears little pertinence to the Cypriot case and this is evident if we shift our attention from the penal realm to the history of welfare and economy regulation, two *vita prerequisites* of neo liberalism.

Esping-Andersen's (1990) work "Three Worlds of Welfare Capitalism" categorised welfare states into three archetypes. The first archetype consists of the Scandinavian or social-democratic model, which is a "public service state" -essentially financed by taxes- and characterised by the principle of universality and the public provisions of services rather than the distribution of cash incomes. According to Esping-Andersen (1990) the second archetype is the Continental state-corporate model:

"which is a "distribution state" - mainly financed by the contributions by employers and employees in work-based insurance schemes - and characterised by social transfers in cash, related to earnings. In addition, the entitlement to the social rights is founded on social status and work performance" (p: 26-27).

The third archetype is the Anglo-Saxon model which is financed by tax, its main features being not only its universality, but also the residual means-tested services and the relatively low flat-rate benefits (Esping-Andersen, 1990).

According to Gal (2010), the Southern European or Mediterranean welfare regime could arguably be considered as a fourth model. Gal (2010) has argued that the Mediterranean welfare regimes of eight countries namely Cyprus, Greece, Israel, Italy, Malta, Spain, Portugal and Turkey, have characteristics which distinguish them from other welfare regimes.

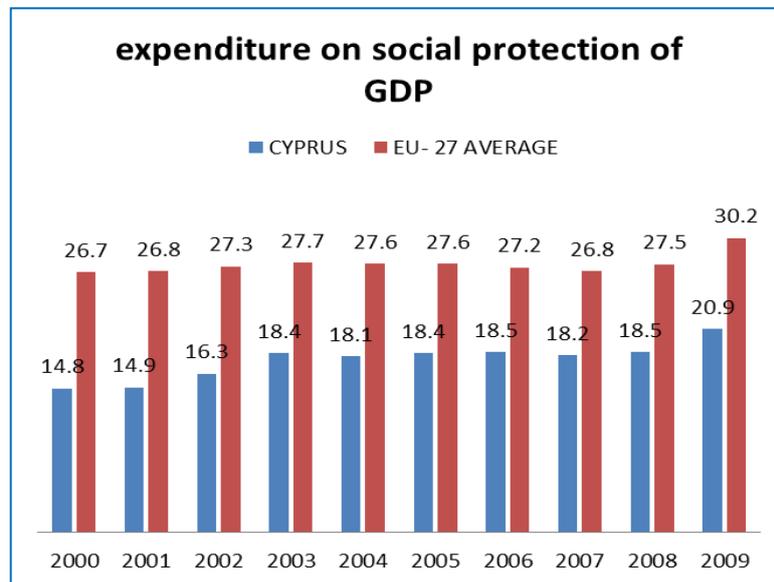
These countries were perceived to belong in a single welfare model not only because of geographical proximities, but also due to common historical and cultural legacies (Gal, 2010). Moreover, Castles (1995) saw the rudimentary provisions of state welfare in those countries as a key component distinguishing them from the traditional welfare states.

Gal (2010), for example, argued that during the mid-1990s in Cyprus, the three main characteristics of the welfare regime were those of:

1. “Dualism, fragmentation and ineffectiveness of the social protection system which often led to marked gaps between segments of society and high levels of poverty within specific geographical or social sectors.
2. Universal existence of (or near universal) health provision by the state alongside a flourishing private health market.
3. Particularistic-clientelistic patterns of the welfare state” (p: 283).

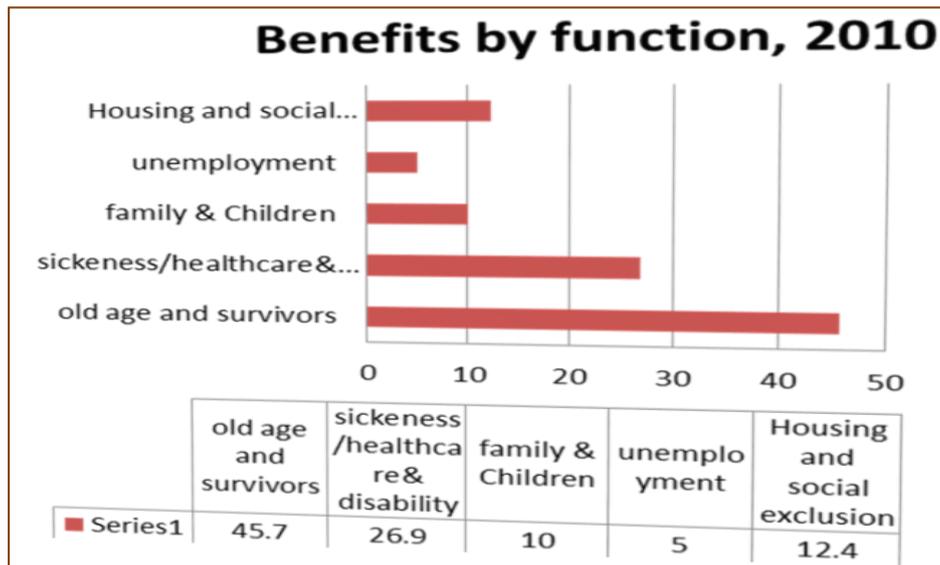
Interestingly, a recent body of research evidence (Pashardes, 2007, 2011, 2003, Shekeris et al., 2009) on the Cypriot welfare state suggest that weakness and centrality are its two salient characteristics, while strength and marginality can be found in social forces beyond the state such as the family. As Figure 4.4 indicates, the weakness of the state is evident from the low levels of social expenditure both in terms of benefits and services, when compared to other European countries (see further Andreotti et al., 2001). Even though the levels of social expenditure saw a steady increase over the last decade, the pattern of its internal contribution remains uneven and clearly in favour of pensions, giving few resources to active labour policies and housing (see Figure 4.5) (see further Andreotti et al., 2001).

Despite its weakness, the state has a crucial role in regulating the heterogeneous and fragmented social interests of the Cypriot society (Andreotti et al., 2001). According to Andreotti et al. (2001) a plausible explanation for the centrality and inefficacy of the Cypriot welfare state is attributed to the fact that “the modernisation of political institutions preceded the modernisation of economic structures” (p: 46).

Figure 4.4 Cypriot Expenditure on Social Expenditure

Source: Cystat, 2014

A key element of the political institutions in Cyprus is how politics overshadow the states functioning and intervention through high levels of particularism, clientelism, nepotism and corruption (Kopecký and Scherlis, 2008). Therefore, in a state aimed at increasing legitimation within a divided and socially fragmented society some social groups are more privileged than other groups. According to Andreotti et al. (2001) the integration of different social groups freezes state provisions and hinders the formation of political consensus. Recent evidence of this is the over production of legislation; penalisation of offences; intervention without effective public regulation; rhetorical dimension of politics; fragmented administrative structures and a bureaucracy based on clientelistic practices with a minimal sense of professionalism. It is not difficult for someone to recognise that the Cypriot welfare state lacks the legitimacy to impose a universal and redistributive system of protection, but the state allows the stronger social groups to follow a corporatist policy and keeps the weaker social groups in an unprivileged position instead.

Figure 4.5 Benefits by function in Cyprus in 2010

Source: Cystat, 2014

Moreover, democratic consolidation in Cyprus has been closely related to the political parties and, to a large extent, has shaped vital elements of the electoral law such as the party membership, party- elite stabilisation and party identification. In Cyprus, for the last fifty years, political parties have adopted and followed the logic of competition with the party of the Right (DISH) against the party of the Left (AKEL). In Cyprus, the relatively weak nexus between political parties and civil society is reinforced by the weak role of trade unions. In contrast to the Nordic and Scandinavian countries (e.g. Sweden, Norway, Finland and Denmark) of the northern Europe, Cypriot trade unions played a limited role in both design and implementation of welfare policies. In Cyprus, trade unions have failed to effectively voice and force substantial social policy changes since their involvement in addressing social welfare issues emerged during the 1990's.

One of the main features of the Cypriot society is that of strong family ties and support with a large number of social risks such as unemployment, disability, and illness assumed to be the responsibility of the family (Andreotti et al, 2001). The state intervenes only when family fails but only by providing meagre monetary benefits, and access to underdevelopment care services. In Cyprus, for example, childcare services for babies under the age of two cover only 2.2% of all babies (Kouloumou, 2004). The familial system of the Cypriot culture is

based on nuclear families, high solidarity from the extended family and the community, and a rigid division of labour with men working outside the family, the male breadwinner model while women are inside the household looking after members of the family (usually the children and elderly). However, this does not mean that women in Cyprus are not emancipated (Andreotti et al, 2001). While in Northern Europe, women emancipate from their families, finding jobs outside the family in paid and part-time employment, Cypriot women emancipate within the family in the same professional way (Georgiades and Potocky-Tripodi, 2000, Andreotti et al., 2001).

More recently, research has sought to investigate the ways in which welfare states, the family and the market interact, and the implications this has for households, gender relations and for the structuring of welfare states in Cyprus (see further Moreno, 2004, 2005, 2008). Indeed, despite on-going changes in female labour participation and the introduction of social programmes (related to the Pension System, National Health Insurance Scheme and Social Insurance), the family unit in Cyprus has a distinctive role to play, and takes a different normative form than in other welfare states (Moreno, 2008). Furthermore, Georgas et al. (1997) underscore the enduring sense of strong and extended family obligations within the Cypriot society, (see also Georgas et al., 2001). Georgas et al (1997) study found that in Cyprus, care work remains a family responsibility. More recently, a study by Pashardes and Polycarpou (2003) has underscored low levels of state support for one parent families, the divorced and the elderly.

As argued by Moreno and Palier (2005) the centrality of the family to the Cypriot welfare state can be related to the role that religion has played and continues to play in Cypriot society. In Cyprus, the “communalistic” ethic of the Orthodox Church has largely contributed to the empowerment of family ties, extensive mutual obligations and responsibilities, and also emphasises the importance of marriages (Durlauf et al., 2012, Gal, 2010). Marriage in Cyprus is institutionalised and supported by strong family bonds and solidarity with extended family members and the community (Durlauf et al., 2012). This contrasts strongly with the Central and Northern European welfare states. Correspondingly, the proportion of single parent households in Cyprus is relatively low, particularly when compared to Social-Democratic or Liberal welfare states (Gal, 2010), whilst the age children depart their parents’ household is comparatively higher in Cyprus than other Mediterranean welfare states (Toren, 2003).

The centrality of the family in Cyprus and the strong sense of solidarity within the nuclear and extended family has had significant implications for the ways in which social needs are dealt with, and hence upon the structuring and functioning of the welfare state in Cyprus in general (Gal, 2010). In particular, the strong family support networks and the acceptance of care responsibilities mainly by the female members of the family, has minimise the pressure on the Cypriot governments to deal with diverse needs (Gal, 2010). The centrality of family in the Cypriot welfare state enables it to rely on the family as an alternative to the state and market and thereby limits or deflects state spending on services, programmes and benefits designed to deal with specific needs. Thus, the care for the young, elderly and the sick in Cyprus is still considered to be a family ‘obligation’ (Andreotti et al., 2001).

Recent studies (Trimikliniotis and Fulas-Souroulla, 2006, Trimikliniotis, 2009) have also underscored the role of family in Cyprus, focusing on a particular form of elderly care, and stressing the rapid growth of family-funded care provision in Cyprus mainly by female immigrant caregivers. According to Trimikliniotis and Demetriou (2011a) these home-based care workers provide assistance to the elderly, generally financed by the families, instead of the previous care responsibilities falling to female family members (usually the daughters) (Trimikliniotis and Fulas-Souroulla, 2006).

Furthermore, recent research evidence by Karamessini (2008) has highlighted an interesting feature of the Cypriot economy: labour market rigidity and segmentation that distinguishes between insiders, who are protected within the formal economy; and outsiders, who form a relatively unprotected temporary or informal segment of the labour markets (Gal, 2010). This has resulted in the creation of a shadow economy, with implications both for the labour market and for the state revenues crucial for welfare state financing (Gal, 2010). One major shift that has also affected the Cypriot labour market has been the influx of undocumented labouring migrants.

According to Gal (2010), the democratic system of the welfare state of Cyprus does not differentiate fundamentally from any other colonial state. Cyprus has suffered many on-going ethnic and political strikes that have impacted on the democratic structure of the unitary state, which had a greater influence on the Cypriot political system, a system that appears to be more prone to crisis than those of its European counterparts (Gunther et al., 2006). In recent

years, many researchers have stressed that minimal welfare provisions and institutions appear to be highly vulnerable to partisan pressures in Cyprus (Ferrera, 1996, Sotiropoulos, 2004b, Gunther et al., 2006), which on many occasions, have left the state unable to regulate most spheres of social life and to control major social and economic institutions. Similarly, Gunther et al., (2006) has argued that Cypriot bureaucracy is characterised by an enduring party politicisation of the higher echelons of the civil service, patronage and clientelistic patterns of recruitment.

In summary, the late industrialisation of the Cypriot economy, labour market segmentation and a shadow economy with a weak central state and deeply problematic and ineffective public bureaucracies have undermined the funding, structure and function of the Cypriot welfare state. These characteristics have also restricted the resources available for funding a comprehensive social protection system and have created complications in the administration of established programmes. The late industrialisation inevitably impacted the formation of the working class and the strength of broad-based working class political and labour market movements, whilst the limited democratic legitimacy and stability has encouraged the manipulation of social welfare programmes in order to gain political support and neglecting to engage in long term social welfare planning. Furthermore, it could be argued that ethnic tensions (particularly before the Turkish Invasion) by default, created the preconditions for minimal social protection provisions that cut across ethnic and class lines.

4.12 Concluding remarks

All in all, crime seemed to be relative irrelative in explaining prison rates, nor did prison rates have a connection in the development of crime. In a small country like Cyprus, politics is established in clientelistic relationships between the citizen on the side and politicians and political parties on the other. Indisputably, this chapter has allowed us to identify a more perplexed relationship between crime and politics in economically stagnated periods. First, dominant political discourse has linked the financial crisis with common property and violent offences. Second, political discourses towards crime was conflated with the presence of migrants. The strategy designed by dominant political parties was aiming at the displacement of public frustration and discontent of the newly arrived economic austerity agenda, and the unequal distribution of its consequences. But as has been seen, this strategy is successful as

public's concerns about crime activity saw a dramatic increase since the advent of the financial crisis, as well as increased punitiveness against offenders, particularly those of immigrant origin. In the hands of politicians and the media, crime and penal policy in Cyprus has become a tool of general argumentation with the measures adopted to be influenced by motives other than evidence based criminal political analyses. Furthermore, the political culture in Cyprus continues to discourage economic security granted by the welfare state, which feeds on public fears and penal populism. The social and economic security granted by the Cypriot welfare state is characterised by rudimentary provisions that then lead to an anti-tolerant and exclusionary criminal policy. Thus, weak social security and equality feed public fears, punitive projections and reactive populist posturing. Today, Cypriot penal policy and practice is built on a moralistic, marginalised and exclusive platform especially towards foreigners. It has become clearer that, in Cyprus foreign nationals constitute a separate criminal justice system that is driven by penal populism and racist political campaigns, especially by nationalist and far right political parties, against immigrants, refugees and asylum seekers.

Chapter 5: Methodology

This chapter explores, analyses, and reflects on the methodological approaches and procedures used in the thesis including: research design, sampling and population, data collection and analysis. Critical realism is discussed in detail in terms of the framework and philosophy it provided this research; and how this research ‘fits’ within the paradigm offered by a Critical realist approach. Since this thesis explores the reasons behind the rise in the Cypriot prison population, an interview-based approach was utilised, with twenty seven ‘elite’ participants from the criminal justice system interviewed, their responses were then transcribed, translated and coded. All of human history is open to multiple, complex and often competing interpretation, including the rise of the prison, its nature, purpose, impact and challenges. Today, the Central Jail of Nicosia is facing a number of challenges to its legitimacy. This is evident in recent episodes of prison unrest, and the rise in self-harm, rapes and suicides. This chapter provides a breakdown of the many and complex stages involved in uncovering and understanding the views of those responsible for influencing, developing, and implementing criminal laws and policies in the Republic of Cyprus.

5.1 Research Questions:

1. Why is the prison population growing in the Central Jail of Nicosia?
2. In relation to the on-going growth of the prison population, what type of challenges is the Central Jail of Nicosia facing?

The main aim of this study is to provide an account of the structural causes behind the significant growth of the Cypriot correctional institution, the Central Jail of Nicosia. This study provides evidence which suggests that the rise of the prison population can be attributed to structural process through which individuals become prisoners. This section will outline how the researcher has theorised the rise in the prison population and the challenges that may bring in a critical realist framework.

5.2 The ‘critical’ strand of this study: Basic assumptions

Critical realist philosophy has much to offer criminology researchers and theorists who investigate or comment on the rise in the use of imprisonment and prison conditions. Critical realism takes a transcendental realist ontology, an eclectic realist/interpretivist epistemology and a generally emancipatory axiology (Easton, 2010). While critical realism is a relatively new methodological positioning it has been utilised in many disciplines including economics (Lawson, 2006), sociology (Sayer, 2000; Layder, 1990), criminology (Pawson & Tilley, 1997), religious studies (Robbins, 1999) and psychiatry (Hanley, 1995). There are many different approaches and views to realism, however this study utilises Sayer’s account because it provides a more detailed and comprehensive justification.

1. “The world exists independently of our knowledge of it.
2. Our knowledge of the world is fallible and theory-laden. Concepts of truth and falsity fail to provide a coherent view of the relationship between knowledge and its object. Nevertheless knowledge is not immune to empirical check and its effectiveness in informing and explaining successful material practice is not mere accident.
3. Knowledge develops neither wholly continuously, as the steady accumulation of facts within a stable conceptual framework, nor discontinuously, through simultaneous and universal changes in concepts.
4. There is necessity in the world; objects—whether natural or social— necessarily have particular powers or ways of acting and particular susceptibilities.
5. The world is differentiated and stratified, consisting not only of events, but objects, including structures, which have powers and liabilities capable of generating events. These structures may be present even where, as in the social world and much of the natural world, they do not generate regular patterns of events.
6. Social phenomena such as actions, texts and institutions are concept dependent. We not only have to explain their production and material effects but to understand, read or interpret what they mean. Although they have to be interpreted by starting from the researcher's own frames of meaning, by and large they exist regardless of researchers'

interpretation of them. A qualified version of 1 therefore applies to the social world. In view of 4–6, the methods of social science and natural science have both differences and similarities.

7. Science or the production of any kind of knowledge is a social practice. For better or worse (not just worse) the conditions and social relations of the production of knowledge influence its content. Knowledge is also largely - though not exclusively - linguistic, and the nature of language and the way we communicate are not incidental to what is known and communicated. Awareness of these relationships is vital in evaluating knowledge.

8. Social science must be critical of its object. In order to be able to explain and understand social phenomena we have to evaluate them critically” (Sayer, 1992, p.5).

Points 1, 4 and 5 highlight the key assumption of critical realists about ontology and similarly, this study utilises an ontology that assumes that reality exist ‘out there’ independently. Points 2, 3, 6 and 7 point out that reality is socially constructed but not entirely so. The ‘real’ world breaks through and eradicates the complicated and complex situations that we create, in order to understand and uncover the true causes of the rise in the prison population within the Cypriot prison establishment.

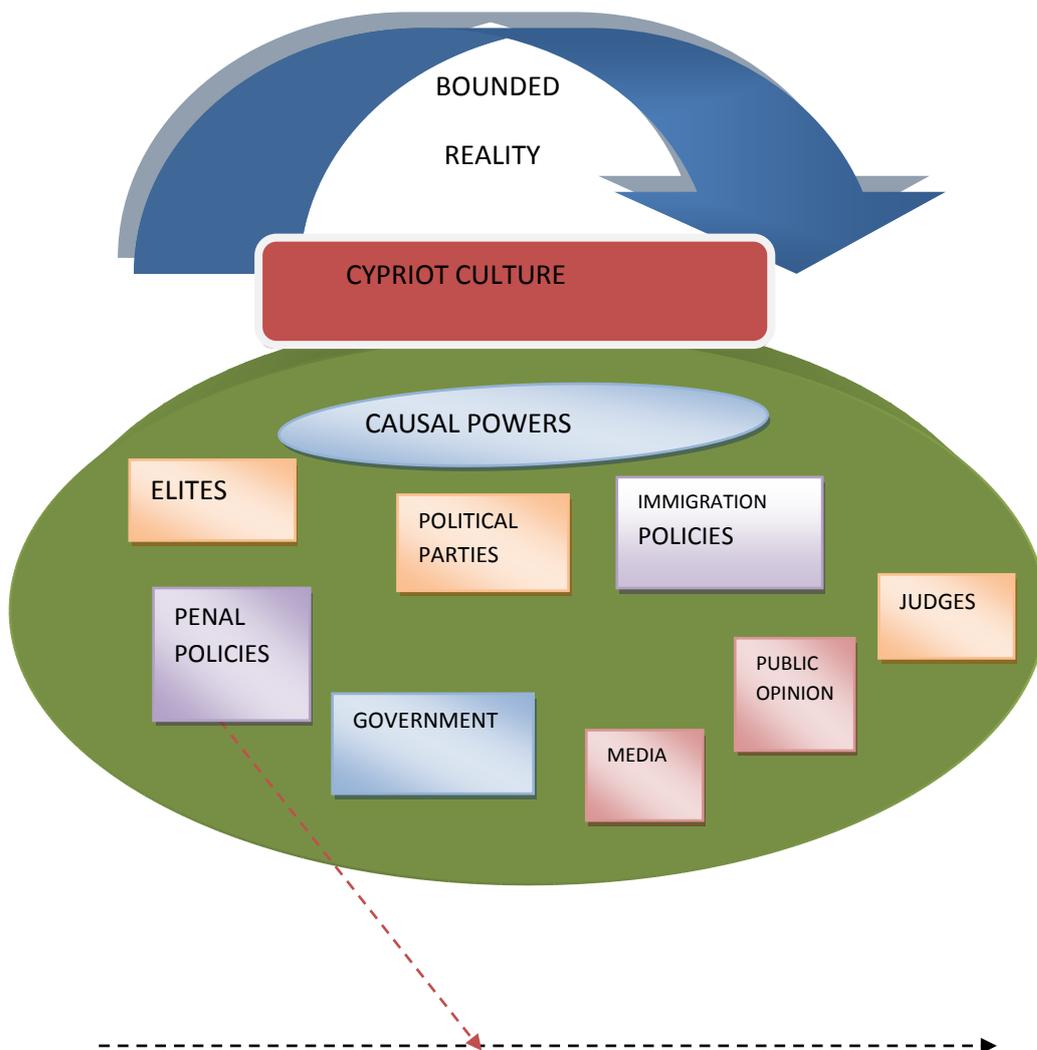
As stated by Easton (2010) objects and entities: “provide the basic theoretical building blocks” and includes ‘things’ like people, relationships, attitudes, policies, ideas and resources” (p: 120). They can be human, social or material, complex or simple, structured or unstructured (Easton, 2010). For critical realists, entities are opposed to variables that dominate most social research traditions. Variables are measures of things, but not the things themselves. For critical realists, entities have significant causal powers; however, causality has a disputed meaning, with Sayer (1992) arguing that:

“ To ask for the cause of something is to ask ‘what makes it happen’, what ‘produces’, ‘generates’, ‘creates’ or ‘leads to’ it” (p:104). As Figure 5.1 indicates, for this study the causal mechanisms of the rise in the prison population in Cyprus can be found in the role of media, public opinion, penal policies, immigration policies, the role of political parties and the elites and the government.

Also Sayer (1992) argues that causality relies on assumptions that together with other assumptions create a system of thinking about the world that people find acceptable.

Another vital element of critical realism concerns the existence of emergence. For example, the properties of entities at a higher level of aggregation emerge for the lower level but are not necessarily determined by them (see further Easton, 2010). For critical realists, for example, emergence involves some kind of connectedness. Frauley (2007) for example, argues that a potential rise in the prison population have emergent properties with the attention directed to the conditions from which the rise in the prison population emerges.

Figure 5.1 The critical stance of this study



5.2.1 Critical Realism and Social Reality: the Empirical, the Actual and the Real

It is the interest in the deep and partially unobservable dimensions which distinguishes critical realism from other traditions such as positivism and social constructionism. Critical realist penologists, for instance, are interested in the forms categorised as punishments, but they recognise these as outcomes of deep and, in many cases, unobservable conditions that require identification (Frauley, 2011). There are number of important similarities and differences between critical realism ontology and other ontologies associated with positivism and social constructionism. Like positivist ontology, critical realist ontology argues that the objects of inquiry exist independently of human knowledge of them but, unlike positivist ontology, also argues that knowledge and understanding has invasive nature to the production of events (Frauley, 2011). Like a social constructionist ontology, critical realist ontology regards the meanings used by subjects as central to the production of subjects' actions but, critical realism holds that this is only a part of the story and deep and unobservable structures exist that produce subjects' meanings. Therefore, deep and unobservable features of social reality such as inequality, power, and racism cannot be explained by searching for patterned regularities (positivism) or by relying on self- understanding of participants (social constructionism). Thus, unlike the strategy adopted for this study, these strategies (positivism and social constructionism) produce rich and interesting descriptions, but not in depth explanations of why imprisonment rates are increasing or what are the current challenges of the penal system due to the on- growing prison population.

For critical realists such as Bhaskar (1978), Archer et al., (2013) and Sayer (2000), social reality is stratified into three intertwined domains: the empirical, the actual and the real. The empirical refers to subjects'/ participants' understandings and perceptions of the phenomenon under investigation. According to Manicas (2006) this is the 'mechanism'- the populations deep, hidden and unobservable understanding/perceptions around social control – the 'thing' Realists attempt to uncover in order to explain the outcome. The actual refers to the observable events of a society including punishment, imprisonment and prisons. As stated by Manicas (2006) this is the 'real' part of Realism usually the 'thing' realist research is aiming to explain by uncovering the hidden mechanisms. Finally, the domain of the real refers to the realm of tendencies from which observable events emerge and also relates to the other two

an increase in the prison population emerges (Frauley, 2007). One influential way of thinking about social reality is by employing the stratification of social reality model of Layder. More specifically, Layder (1993) argues that social reality consists of four different interconnected domains: self, situated activity, setting and context, and those layers constitute the conditions for the prison population to grow. In the case of the Cypriot penal system, for example, the conditions of the rise in the prison population within the CJN might include domains of empirical and actual. The domain of real could be seen as the context – socio-political, economic, and cultural environment – the space from within which all else arises. Social explanation requires the consideration of all three domains. Consequently, for critical realism:

“Scientific work is instead to investigate and identify relationships and non-relationships, respectively, between what we experience, what actually happens, and the underlying mechanisms that produce the events in the world” (Danermark, 2002: p:21)

For this study, the growth in prison population is not simply the outcome of individuals’ wrongdoing. The critical realist strategy for this study is not directed by the individual wrongdoing but the deep ‘larger thing’, the conditions from which the structured interactions between social subjects (e.g. citizens and the government) within a ‘setting’ (e.g. the prison system) that is organised in a larger context (e.g. political economy).

An examination of the CJN – its physical structure, architecture, facilities, regime, untoward incidents, staff profiles and numbers, and prisoner profiles and numbers - highlights the nature of a society because this is where the evidence and consequences of decisions about order and control, punishment and segregation, are felt. Therefore, the nature of the Cypriot prison – who is sent to prison and how they are treated while there - depends on current thinking and attitudes towards ‘control’.

Critical realism offers the opportunity to this study to elicit knowledge that would not be attained if working from a positivist or social constructionism research strategy. The ontological focus of the research questions for this study is in line with the substantive research that critical realism offers. For this study, for example, the overarching question is to understand the structural causes behind the rapid increase of the Cypriot prison population; it

looks unlikely that such a question can be adequately answered by the positivist or social constructionist approach. The critical realist approach sets out to identify the unseen processes and structures that generate the observable outcome of the increase in the prison population. What is important for this study is to explore questions about the nature of the Cypriot CJS, and about the interconnection with Cypriot culture, and the attitude, understanding and perceptions of the population, that positivists and social constructionists are not led to pose. Therefore, the critical reasoning for this study accounts what the objects of investigation consist of and how the knowledge of those objects are attained.

The Italian Marxist thinker, Gramsci (1971), has stipulated the necessity to see beyond the understanding of punishment within criminology and to avoid the constraints externally imposed in taking punishment to be the thing that the discipline is organised around. Additionally, Gramsci (1971) notes that it is important for criminologists and social scientists to understand the nature of the critical realist metatheory:

“Is it preferable to ‘think’ without having critical awareness, in a disjointed and irregular way in other words to ‘participate’ in a concept of the world ‘imposed’ mechanically by external environment, that is by one of the many social groups in which everyone is automatically involved from the time he enters the conscious world... or is it preferable to work out one’s own conception of the world consciously and critically, and so out of this work of one’s own brain to choose one’s own sphere of activity, to participate actively in making the history of the world and not simply accept passively and without care the imprint of one’s own personality from outside? (1971, p: 38-39).”

From the above it is possible to see how a Critical Realist framework supports the exploration of the impact of Cypriot culture and social structure on the penal modes, functions, forms and effects of modern punishment in the Republic of Cyprus. Additionally, this study argues that the rise in the prison population is the outcome of deeper and unobservable conditions that require identification. The following section will explore the research method employed by this study along with the data collection method.

5.3 Social Research and reflexivity

Reflexivity should be a fundamental research objective for social researchers. Today the relationship between the researcher and the subject and between the researcher and the research requires attention and is seen as a central element of the research process.

Accordingly, reflexivity plays a central role in this research study. For Gilbert (2008) reflexivity seeks to:

“Have further value in helping us to reflect upon our position as sociologists and researchers and develop a more critical sensitivity towards the activity of social research” (p: 18)

Also, Gilgun (2010) argues that:

“Researchers are reflexive when they are aware of the multiple influences they have on research processes and on how research processes affect them” (p: 1).

Furthermore, Hughes and Sharrock (2007) posit:

“That the factual realities of social settings are permeated through and through by the ways in which participants in them know them for what they are and how they might change” (p: 199).

Consequently, it could be argued that sociological observations and notes are strictly subjective. A sociologist’s report is a personal response to a situation, as sociologists are social beings that cannot rise above the realities of social life (Hughes and Sharrock, 2007). Researchers cannot escape subjectivity so it must be embraced and accounted for as per Gramsci’s argument. Therefore, it is recognised that the relationship between the participants, the field work locale, and the fieldworker is not impersonal; it is instead interpersonal, related and convoluted (Hughes and Sharrock, 2007).

5.3.1 Insider/Outsider perspective

Reflexivity has been an important part of this research study. The relationships between researcher and subject as well as researcher and research are pertinent and require attention. Throughout the PhD process, the researcher remained self-critical and self-reflective. According to Holliday (2007) reflexivity requires researchers to recognize that they are:

“Entangled with their methods and the politics of the social world they study” (p: 138).

Therefore, in the stages I identified, addressed and benefitted from the complexities of my presence within the research setting (see further Holliday, 2007). Traditional reflexivity discussions in social research assume that observation is subjective; however, researchers

cannot escape subjectivity, therefore it must be embraced and accounted for. The relationship between the participants, the fieldwork locale and the researcher is not impersonal but interpersonal instead.

My position as a Cypriot and researcher has complicated my role in a number of instances. This dichotomous issue is known as insider/ outsider perspective (Dwyer and Buckle, 2009) related to reflexivity as a way of promoting and integrating subjectivity. Insider perspective refers to researchers who conduct research with populations of which they are also members, so that the researcher shares the same identity, language, and experiences as the study participants (Dwyer and Buckle, 2009). The insider role of the researcher for this study allowed for a rapid and complete acceptance by the research participants. The benefit to being a member of a group is the acceptance (Asselin, 2003). For this study, my Cypriot membership has offer me a high level of trust and openness from the study's participants that would likely not happen had it been absent. For this study, commonality was the starting point to gain access into groups (especially elite groups) that might be closed to 'outsiders' (Dwyer and Buckle, 2009).

However, being an insider is not without its potential problems. Kanuha (2000), for example, argues that:

“For each of the ways that being an insider researcher enhances the depth and breadth of understanding a population that may not be accessible to a non-native scientist, questions about objectivity, reflexivity, and authenticity of a research project are raised because perhaps one knows too much or is too close to the project and may be too similar to those being studied” (p: 445).

During the course this study, the researcher recognised her complex and very often overlapping identities. As an Associate Lecturer, the researcher is trained to carry out both teaching and research, and she is also a member of the Cypriot community/society who participates and contributes to the welfare of the community. As a citizen, she is a middle class wife, 33 years of age, with Cypriot-based upbringing and education. Finally, the researcher is a researcher exploring the reasons behind the increase in the prison population in Cyprus, and the challenges this brings. No previous research on this topic is known; therefore, this study is breaking a new ground.

5.4 Method of Research

This study explores the causes of the rise in the prison population in the CJN, the only correctional institution in the Republic of Cyprus as well as its nature and challenges of the prison estate. The qualitative method has been used extensively and successfully in the past to explore the causes behind the prison population growth in Greece (Cheliotis, 2012; 2011; 2013), however, this issue has not been studied before in this manner, and there are no social studies around the causes or challenges of the Cypriot prison establishment. Thus, the researcher, in order to obtain a great amount of in-depth information around these challenging penal issues, has chosen to implement a qualitative research strategy. The rationale behind the implementation of the qualitative paradigm is primarily due to its suitability to address this research question. As previously mentioned, the reasons behind the rise of the prison population in Cyprus is an unexplored phenomenon that requires a flexible approach to include all possible outcomes. For this study, a qualitative approach is more likely to be successful due to its holistic approach that considers the context of the culture-imprisonment relationship. In an earlier chapter, it has been argued that prison is a reflection of current cultural norms and values, which can evolve. These are reflected by a society's 'elite' – those embodied with the power (given or won) to effect change, have an impact, and implement policies which are acceptable because they are in line with common norms and values. Therefore, the qualitative approach of this study emphasises:

“...the importance of context, setting, and the participants' frame of reference”

(Marshall and Rossman, 1999:p: 58)

Marshall and Rossman (1999) note that the qualitative paradigm is recommended when there is little information on the topic that is under investigation, and argue that it is the qualitative depth rather than breadth that is advantageous in criminology. More specifically, Tewksbury states:

“Qualitative data, whether collected from one on one interviews, observations, focus groups or immersion in a setting, provides an understanding of very specific individuals and settings, which while applicable beyond those specific settings and individuals, is limited in how widely generalizable such findings may be. But, overcoming this limitation is the value of learning about something deeply and in a complete context (p. 54)”.

Thus, the aim of this thesis is to explore reasons behind the increase in the prison population and the challenges this brings, it is not testing a hypothesis but rather aims to gain a deep understanding of the context and key influences in regard to a Realist framework.

5.5 Data Collection

Interview was the main method for primary data collection utilised in this thesis. The interview data collection method was utilised in order to obtain first-hand information including the rise of the prison, its nature, purpose, impact and challenges. Interviews are valid and widely used methods of data collection in social research permitting ‘us to see that which is not ordinarily on view and examine that which is looked at but seldom seen’ (Rubin and Rubin, 2011, in Myers and Newman, 2007, p: 3). This research study employs interviews as a standalone-data collection method with participants from three central bodies of the Cypriot CJS: Legislative, Adjudication and Correction. Interviews are a recognised research data collection method for enabling participants to give detailed responses about perplexing issues. As stated by Seidman (2012), the implementation of interviews assists researchers to gain a straightforward understanding of the participants’ lived experiences and practices, and the meaning they make of those experiences. This is in line with the Realist framework and the discovery of the hidden and not clearly observable structures or mechanisms by which the prison population is increasing.

5.5.1 Semi-Structured interviews

For this study, twenty seven semi-structured interviews were conducted. The semi- structured nature of the interviews means that I identified certain issues to be explored but it also allowed participants to identify and discuss additional issues (see further Gubrium and Holstein, 2001, Holstein and Gubrium, 1997). Whilst structured interview can be useful, it is often a repetitive closed system with the same questions, wording and sequence, an aspect that restricts the freedom of data exploration. Conversely, semi-structured interviews offered flexibility to the researcher to clarify participants’ responses and to probe for further examples and details. However, despite the explorative nature of semi-structured interviews, the interviewer has the significant responsibility to guide the interview and keep participants on topic – hence minimising the drop rate - that can be a risk with unstructured in-depth interviews (Kvale and Brinkmann, 2009).

The questions utilised in this thesis were guided by the following elements:

1. Questions that comprise the main focus of this research;
2. Follow up questions that help to uncover important topics of interest and;
3. Probing questions.

A prior review of the relationship between potential factors contributing to the rise of the prison population was performed by the researcher and used to inform the interview structure. The resulting interview guide is presented in Appendix 1, with the intention of guiding the researcher in the extraction of as much relevant information as possible. It is important to note that these interviews were designed around emerging concepts and themes mainly because this research approaches a yet an unexplored topic. Relational elements were judged more valuable for this research. The relational approach suggested that the rise of the prison population is the outcome of other significant dynamics such as high crime rates, the levels of welfare expenditure and social protection, punitiveness, political and media discourses towards immigrants and, more recently, institutional trust and legitimacy. Since there is no available research for the factors that contribute to the prison expansion of the Cypriot prison establishment, identifying those explanatory factors is therefore necessary to assess the relationship between culture (shared norms and values) and imprisonment.

The twenty seven semi-structured interviews obtained for this study were in-depth interviews. With in-depth interviews individuals are seen as a source of unique and important knowledge and the study can benefit from exploratory and descriptive data (Hesse-Biber and Leavy, 2011). In this study, in-depth interviews are used to acquire 'deep' information and knowledge relating to the rise of the prison population, its nature, purpose, impact and challenges (Hesse-Biber and Leavy, 2010). Critical Realists, for example, emphasise that social action emerges in a pre-existing context of social relations and structures which have both constraining and facilitation implications for such action (Smith and Elger, 2012). In this sense, the social world has an external reality and exerts power over individuals' acts, but as Elder-Vass (2010) argues "human action may be affected by social causes without being fully determined by them" (p: 87-88). This means that Critical Realists utilise interviews and - in

the case of this research - semi-structured interviews to appreciate the interpretations of participants and to analyse the social contexts, constraints and resources within which those participants act (Smith and Elger, 2012).

The critical realist approach of this study investigates the relationships between the underlying causal mechanisms that contribute to the rise of the prison rates – including participants’ understanding and actions – the varying contexts in which those mechanisms operate and the resultant outcomes (Smith and Elger, 2012). Drawing on the mechanisms, context and outcomes paradigm, Pawson and Tilley (1997) recognise the active roles of the researcher and participants:

“People are always knowledgeable about the reasons for their conduct but in a way which can never carry total awareness of the entire set of structural conditions which prompt an action, nor the full set of consequences of that action ... In attempting to construct explanations for the patterning of social activity, the researcher is thus trying to develop an understanding which includes hypotheses about their subjects’ reasons within a wider model of their causes and consequences” (p: 162-163).

The in-depth semi-structured interview is a suitable data collection method because it:

1. Implements open-ended questions,
2. Elicits depth of information and,
3. Involves relatively few participants.

5.5.2 Text translation Method: A note of caution

Translation is central to this qualitative study. This study seeks to explore and understand the causes behind the significant growth of the only correctional institution in Cyprus and to explore the various challenges that the prison estate is currently facing. The researcher has utilised a wide range of books, journal articles, reports, governmental documents and policy documents in the Greek language as there is scarce literature on the functioning and operation of the Cypriot penal establishment. Accordingly, for the purpose of this research, a wide range of books, reports, policy documents and governmental documents have been non-literally, idiomatically, translated from Greek to English in three stages:

1. Analysis of the text: the researcher had to analyse the text comprehensively by following these steps: 1. Read carefully the source text 2. Underline difficult words or concepts 3. Close reading of the source text after understanding the difficult words or concepts (Nord, 1991).

2. Transfer the text to the target language: after the text source has been wholly and fully understood, the researcher had to transfer the text to English language following certain steps. 1. The researcher produced a simple draft of the translated text from Greek to English language. 2. The researcher had to pay extra attention to the grammar and spelling. 3. Another interesting feature of the translation process for this study was the protection and safeguarding of the wider socio-cultural context. 4. Make the text sound and look natural (Nord, 1991).

3. Revision of translation: after the text has been analysed and translated, the researcher had to ensure that the translation process is the correct one by: 1. Checking the spelling and grammar of the translated text 2. Ensure that all the main ideas, concepts and details can be found in the translated text. 3. Ensure that the final version of the translated text sounds natural (Nord, 1991).

After the process of translation, the researcher had to ensure that an appropriate referencing style was in place, and all the authors and sources were properly referenced. The researcher referred to them in the Reference List where the researcher had translated the name of the author into the English language.

5.5.3 Interviews Translation Method

All interviews obtained for research study were in the Greek language. The researcher decided to follow this specific strategy for two main reasons. Firstly, English was only spoken by a relatively small number of research participants and secondly, this research sees the use of language as a vital part of the data construction process. For example, research conduct in English will not accurately reflect the full meaning and interpretation of the social actors participating in it (Griffiee, 2012). Data is regarded as a product of the interaction between the researcher and the research population, and primary researchers are understood as developing an intimate bond, especially by communicating in the same language.

After data collection, the researcher had to transcribe the tape recorded interviews and then translate them from Greek to English through the non-literal text translation method, as described above. The researcher decided not to provide the interview transcriptions to an approved translation centre for translation, in an attempt to safeguard fundamental values of this study, such as participants' anonymity and confidentiality.

5.5.4 Translation as a 'cultural trip'

With participants and researcher speaking the same language, no language differences were present in data gathering and transcription. The first language differences occurred in the coding phase during data analysis. The latter was a fragile phase with multiple interpretations being under discussion in the Greek language because it was not always clear how to express the meanings as interpreted. Themes identified and selected during the coding phase, needed a good understanding of subtle differences in meaning in order to come to the best English wordings. A good example is that of the word 'rousfeti' (ρουσφέτι). While 'rousfeti' describes any act of granting a favour or service, the term political patronage was considered; however, the word was not fully suitable to express the intended meaning. Melossi (2000) argues that a straightforward 'translation', strictly speaking, is impossible, however an intercultural dialogue is possible and desirable (see further Parekh, 1996).

The translation of criminological practices is a challenging conceptual issue for foreign researchers. Similarly, translation had a significant role to play in this study, not only because of the practical issues but also because of the importance of this on interpretation of findings. Melossi (2001), for example, points out that any term or concept is 'embedded' within a cultural milieu that gives it its meaning (p: 144). Even the simple term 'envelope' is not 'φάκελος' or 'φακέλακι'. The point that Melossi (1998; 2001) is making is that a given cultural and linguistic environment has a crucial role to play in shaping the experience of a word or a concept. Let us try to explain this better. Envelopes are flat paper containers with a sellable flap used to enclose letters, mails, bills, documents and manuscripts, the envelopes with a number of documents relating to criminal and interrogation cases, the envelopes that contain important information during negotiations between Cyprus and the IMF and Troika or with meetings between the Cypriot President Anastasiadhs and the Turkish Cypriot leader Mustafa Akinci. Finally, 'envelopes' as a payment when Cypriots need to be treated by

doctors; excluded from penal processes; and excluded from the ‘pains of imprisonment or having problems with tax auditors.

Therefore, the term envelope suggests a set of practices that is different for each one of us. In spite of these individual variations, however, the culture we come from offers a ‘sameness’ condition for those who share it, hence, ‘translatability’ becomes an issue in our attempt to establish a relationship with another culture (Melossi, 2001). In the same vein, Simon (1996) argues that a ‘good’ translation cannot be found in synonym and syntax:

“The solutions to many of the translator’s dilemmas are not to be found in dictionaries, but rather in an understanding of the way language is tied to local realities, to literary forms and to changing identities. Translators must constantly make decisions about the cultural meanings which language carries, and evaluate the degree to which the two different worlds they inhabit are ‘the same’. These are not technical difficulties; they are not the domain of specialists in obscure or quaint vocabularies. . . . In fact the process of meaning transfer has less to do with finding the cultural inscription of a term than in reconstructing its value” (p: 137-8).

The understanding of processes and experiences of translation is of paramount significance, in the sense that, the ‘embedded’ findings are not simply translated from one ‘embeddedness’ to another (Melossi et al., 2011). The ‘cultural trip’ of the findings presented by this PhD thesis, is not a mere transplant or transfer of discourses from ‘there’ to ‘here’; but instead it problematizes with the ways in which findings have been transformed, to a lesser extent, in the process of moving across space and between contexts (Melossi et al., 2011). According to Sozzo (2011, in Melossi et al., 2011) discourses which travels from one space to another undergoes some sort of alteration, and the local actors who take on the work of translating any kind of discourse have to adapt to the local problems and vocabularies.

Therefore, for this study, the translation has been surrounded by rejections and adaptations in order to preserve certain cultural-historical elements. Due to this, it could be argued that the findings of this study produce its ‘metamorphosis’ acting as ‘traduttori, traditori’ (Sozzo, 2006; Melossi et al, 2011).

Schuetz (1944) provides an important conception of why translation is of paramount significance when meanings, terms and concepts are moving across space and between contexts:

“The discovery that things in his surroundings look quite different from what he expected them to be at home is frequently the first shock that stranger’s confidence in the validity of his habitual ‘thinking as usual’. Not only the picture which the stranger has brought along of the cultural pattern of the approached group but whole hitherto unquestioned scheme interpretation current within the new group becomes invalidated. It cannot be used as a scheme of orientation within the new social surroundings. For the members of the approached a group their cultural pattern fulfils the functions of such a scheme. But the approaching stranger can neither use it simply as it is nor establish a general formula of transformation between both cultural patterns permitting him, so to speak, to convert all the coordinates within one scheme of orientation in those valid within the other” (p: 503- 4).

Consequently, translation is in fact an imperfect and Utopian enterprise and usually risks producing ‘ugly’ and ‘unpleasant’ meanings from ‘there’ to ‘here’. For this study, translation has seen as a peculiar ‘cultural trip’ in which specific concepts and practices have been transformed to an extent in the process of moving space and context.

5.6 Research Sample

At an early stage of this research, sampling constituted a crucial decision. For this study, it is not possible to include all members of the Cypriot population in order to get reasonably accurate results (see Appendix 2). Neuman and Kreuger (2003) for example, states that in qualitative research, sampling does not necessarily aim to reproduce an accurate cross-section of the population, but instead selects a sample based on its relevance to the research topic. Therefore, this study selected participants’ depending on their:

- Relevance and,
- Privileged knowledge (see further Denscombe, 2014).

In other words, in order to ensure and maintain research validity, this study, has adopted a purposive sampling technique.

5.6.1 Purposive sampling

For this study, a hand- picked purposive sample is utilised. The point of purposive sample operates on the principle that a study could get the best of information by focusing on the selection of a relatively smaller number of people based on their known attributes and expertise (Denscombe, 2014). This approach is in contrast with other forms of research

sampling techniques used in qualitative research such as random sampling and systematic sampling. A purposive sample works best for this study and researcher deliberately selected specific people because they were seen as the best participants to produce the most valuable data (Maxfield and Babbie, 2014).

The critical realist methodology framework utilised for this study, requires an in-depth investigation of the causes behind the increase in the prison population and the challenges this brings; this can be achieved by implementing a purposive sampling technique. For this study, a purposive sample of twenty-seven participants from the three main bodies of the Cypriot CJS is utilised. The three main bodies of the Cypriot CJS are: 1. Legislative, 2. Adjudication, and 3. Corrections. Participants from the Legislative body include politicians, and Senior Counsels and Attorneys from the Law Office of the Republic of Cyprus. Participants from the Adjudication Body include Judges and Public Prosecutors, whilst Participants from the Correction body encompasses prison staff, prison officers, senior staff of the prison governance and selected officers from the Ombudsman. The data for this study were collected in five phases: March 2012 (two pilot interviews), March 2013, and August 2013, January 2014, and July 2014.

The interviews with Judges were identified and arranged via the list of judicial officers provided by the Cypriot Ministry of Justice and Public Order. Public Prosecutors were contacted and recruited personally through the list of public prosecutors provided by the Cypriot Ministry of Justice and Public Order. Also, politicians were contacted personally via personal connections and recruitment letters in both languages, English (Appendix 3) and Greek (Appendix 4). Prison staff were contacted and recruited personally, including obtaining written permission from the Acting Prison governor of the CJN (Appendix 5). Furthermore, prison health care staffs were contacted personally several times, as prison healthcare staff are seen as important participants of this study. However, despite various recruit attempts, no prison healthcare staff agree to participate.

5.6.2 Sample Size

Regarding the number of interviews, twenty seven are utilised for the analysis of this study, although, the number of transcripts used does not accurately reflect the actual fieldwork undertaken, as many more interviews were planned and then cancelled or completed but the

transcript was not represented in this thesis. Interviews were cancelled for many reasons, including when ten prison staff participants cancelled their interviews following official police investigations. Additionally, an interview was completed without the use of an audio voice recorder at the request of one participant. One interview was left incomplete as the participant was forced to terminate the interview due to unanticipated family issues. One particular politician offered to take part in this study but a transcript was never obtained as the interview was cancelled several times for various reasons, such as social and parliamentary obligations. To summarise, thirty nine interviews were planned, thirty one were booked, and twenty seven were conducted.

According to Patton (2002), the qualitative inquiry is concerned with the information richness of the selected participants and the analytical capability of the researcher and not the size of the sample, since:

1. Increasing the sample size beyond a certain point does not significantly contribute to the research validity because “there will come a point where very little evidence is obtained”.

2. The generalisation of the results that require statistical precision is not the primary requirement or goal in qualitative research.

3. The richness, in terms of information, in each individual case in qualitative research obligates the researcher to limit the sample size for him or her to be able to manage the data.

Therefore, the determination of sample size for this thesis was based on the saturation point. Saturation point occurs when all parameters of the causes/ reasons behind the increase in the prison population and the challenges this brings are finally exhausted. Along the same lines, this PhD thesis is concerned with the richness of the data and not the amount of the data, and it is the depth of investigation of various factors that potentially contribute to the increase of the Cypriot prison population that is seen as crucial. The researcher, by interviewing a relatively small group of people, had the opportunity to spend a considerable amount of time with relevant people discussing potential causes that may contribute to the rise of the prison population in the CJN. More specifically, more than forty hours were spent discussing

potential reasons of the causes behind the rise of the prison, its nature, purpose, impact and challenges with the participants.

5.7 Interviewing the Cypriot ‘elite’

Interviews with judges, politicians, and senior counsels and Attorneys from the Law office of the Republic of Cyprus, are elite interviews and have been advantageous for this research study. As stated by Cohen (1983) “if we wish to study society, polity, and culture, it is necessary to study those at the top, those whose positions are powerful and enviable” (p, 63). Therefore, interviewing those elite groups, the researcher aimed to uncover and understand the views and beliefs of those responsible for influencing, developing and implementing the criminal justice system in Cyprus, an important component of the critical realist strand utilised for this research study.

During the last two decades, there has been a growing body of literature on interviews of elite groups, as scholars have become increasingly interested in exploring and understanding the perspectives of leaders in politics, business and society as a whole (Harvey, 2011).

Scholars across the social sciences have adopted different approaches to coin the term ‘elite’. Zuckerman (1972), for example, has used the term ‘ultra elite’ to describe individuals who hold a significant amount of power and authority within a group that is already considered elite (Harvey, 2011), whilst McDowell (1998) coined the term ‘professional elites’ to describe a highly skilled and professionally competent and class-specific working class. In addition, Parry (1998) used the term ‘hybrid elites’ to highlight the informal, hybridised and fragmented critical knowledge by invisible networks of elite actors. Hence, it becomes clear that the term elite is significantly contested, and still there is much confusion and debate surrounding its definition, with many scholars shaping their definitions to match their respondents (Harvey, 2011).

This study, utilised twenty seven interviews in order to critically explore the indirect and unseen underlying mechanisms that contribute to the unprecedented levels of imprisonment rates in Cyprus and to critically identify the current challenges of the prison establishment due to the high numbers of prisoners. The definition of the term ‘elites’ utilised for this study involves:

- Individuals with close proximity to power; especially those who decide on or influence penal policy making processes;
- People with unique position within the Cypriot Criminal Justice System and;
- People who have participated or continue to participate in significant situations.

Furthermore, elite interviews are utilised in a discrete protocol and are tailored to give:

1. Individual insights;
2. First-hand accounts and
3. Rich depth.

The implementation of elite interviews allows the researcher to learn about the attitudes, values and interpretations of politicians and penal policy makers in Cyprus. The researcher acknowledges that elite interviews are employed to elicit subjective perceptions for the reasons behind the rapid growth and the challenges this brings in the Cypriot carceral estate.

5.7.1 Conducting 'elite' interviews

Once the elite subjects had been identified, the researcher had to consider the mode of approach. In keeping with scholarly convention, elite subjects were approached using an official letter request. Locating those people was not difficult, as most of them are currently holding key positions within the Cypriot Criminal Justice System or are active members in the Cypriot political sphere. Briefly, the invitation letter provided the respondents with information on the researcher and their work, the nature of the research project, the sponsorship for the work, the length of the interview, the handling of the data and addressed issues around confidentiality and anonymity.

After the acceptance of the researcher's invitation for participation, a second letter was sent to establish the date of the interview. Although politicians receive extensive media training, on several occasions the researcher was asked by the personal assistants of various elite members to provide a sample of the interview questions prior to the interview. In one

instance, a secretary of a politician asked to meet the researcher, to establish a better understanding of the nature as well as the aims of the study. The researcher agreed an *a priori* meeting where the researcher explained in thorough detail many aspects of the research study including the research questions, recording equipment, and issues around confidentiality and anonymity.

According to Lilleker (2003) preparation is an important component when interviewing 'high calibre' people. Before any of the elite interviews, the researcher ensured that she was well prepared. On several occasions, elite participants consciously challenged the knowledge of the researcher. In one instance, for example, I found myself being asked questions about recent changes in penal policies. Therefore, interviewing elite subjects demands thorough knowledge and understanding of the issues under investigation, and interviewers have to take care of their own reputation and credibility (Smith, 2006, Stephens, 2007).

5.7.2 Elites and open-ended questions

According to Harvey (2011) the best way to conduct interviews with elite members is by avoiding closed-ended questions. For this study, semi-structured interviews with open-ended questions were determined as the best strategy. There are three considerations that the researcher considered when applying open-ended questions to the Cypriot elite members.

The first consideration for implementing open-ended question and not closed-ended questions is the citation of prior research on the factors behind the rapid growth of the Cypriot penal establishment. Prior research gives the opportunity to the researcher to define the questions and to design the response options with clarity (Aberbach and Rockman, 2002). The implementation of closed-ended questions and the tight structuring of the interview guide would not provide a comprehensive exploration of the elite styles of thinking and perceptions. The second consideration for implementing open-ended questions was based on the maximisation of response validity. Open-ended questions offer the opportunity to elite respondents to organise their answers throughout the interview process. This increases the validity of responses and suits the exploratory nature of this in-depth study (Aberbach and Rockman, 2002). The third consideration consists of the receptivity of elite subjects. Members of the elite dislike closed and pre-fabricated questions, simply because they prefer to articulate their views in their own words.

5.7.3 Being on fieldwork in a period of momentous change

The fieldwork data collection period for this study coincided with the untoward incidents of January 2014 and is discussed earlier in Chapter 3. In brief, on January 9th 2014, the President of the Republic, following five prison suicides and a rape, ordered the Police Rapid Response Unit (PRRU) to raid the Central Jail of Nicosia. This political intervention resulted in the dismissal of nine prison guards, and the instant removal of the prison governor. The police were in control of all prison areas whilst they were conducted official investigations on the causes of the suicides and the rape. During the police investigation, prison staff were banned from participating in any kind of interviews. Two days after the prison raid, all prison staff cancelled their participation in this research.

This unprecedented situation left the researcher anxious and deeply concerned. The first concern related to the prohibition of all prison staff – from most junior to the most senior prison employee – from making statements or taking part in any kind of research whilst the department of police was conducting official investigations. The second concern was the unclear estimations of the police department around the timeframe for the termination of the prison investigations. Prison staff had to give evidence for five different cases and in private conversations between myself and staff it became clear that they were uncertain about the future and terrified of losing their jobs. Under these very difficult circumstances, I had to re-convince prison staff to take part in this study. Ten prison staff agreed to take part once the police investigation was completed.

The President's intervention was an important event in Cypriot prison history as, for first time, the highest-ranking government official openly accused prison guards and officers of corruption, bribery and abuse of power. Prison guards, staff and administrators found themselves in the spotlight, charged with a series of criminal offences. In private conversations with myself, it was clear that they were uncomfortable with the resultant social outcry. The decision of the President to send the police to the prison had a significant impact on the number of prison staff 'voices' represented in this research.

Initially, the researcher decided to stay in Cyprus and carry out interviews with other important stakeholders, but unfortunately the chaotic situation that followed and the busy schedules of the participants forced the researcher to revise her decision and to return to the

UK. In the UK, the researcher developed a new field work plan as access to the prison and prison staff had become highly restricted.

5.8 Thematic analysis

As explained at length, the most appropriate method for this type of research was deemed to be semi-structured interviews in order to elicit deep and expansive responses from a variety of participants. The following section will outline the analytical method adopted for this study and its limitations.

According to Braun and Clarke (2006) thematic analysis is “a method for identifying, analysing and reporting patterns (themes) within data” (p: 6). Thematic analysis is widely used in social sciences, and many scholars have applied it in many disciplines - politics, sociology, psychology, criminology, anthropology. However, Boyatzis (1998: p 6) argues that there is no exact definition of what constitutes thematic analysis or how we go about doing it (see further Attride-Stirling, 2001, Tuckett, 2005, Braun and Clarke, 2006). An important element of thematic analysis is its flexibility, which, according to Crabtree and Miller (1992) can be applied in various traditions of qualitative research, regardless of adopted ontology and epistemology (Boyatzis, 1998).

Another important element for choosing thematic analysis for this study is the ‘latent’ level of patterned response at which themes are identified. Latent themes have assisted the researcher to identify underlying ideas, assumptions, conceptualisations and ideologies (Braun and Clarke, 2006). Perhaps the most distinctive aspect of latent themes is the deep and ‘big picture’ it offers to the researcher to identify the ‘hidden’ features that gave a particular form of meaning; this is another important attribute within the doctrine of critical realism (Braun and Clarke, 2006).

5.8.1 Thematic Analysis of the Interview Data:

Interview data from participants of this study evolved around questions relating to their involvement and experiences within the Cypriot Criminal Justice System. The resulting interview data were reviewed using thematic analysis which is a process that searches for patterns and meaningful themes within the interview data (see Chapter 4). In conducting this analysis, Braun and Clarke's (2006) guide to a six-phase analysis was used. Throughout this

process, the data was coded, the fruit of which consists of identifiable themes related to the causes of the prison expansion in the Cypriot prison establishment and the challenges of the prison due to the unprecedented levels of prisoners

In coding the interview transcript, the *block and file* technique was used as recommended by Grbich (2012). In summary, this coding and analysis process is comprised of two stages: (1) each interviewee transcript is individually and manually coded, line by line, an example of which is to be found in Appendix 6; (2) similar quotes are gathered from interviewee manuscripts, grouped into segments, and organised in a table for further analysis (as illustrated in Appendix 7). After identifying potential patterns, I search for themes and groups on the basis of relational similarities and differences that could produce a bigger picture, this being a thematic map, which is in itself a visual representation of the relationship between themes. Here, the thematic map consists of themes and sub-themes related to the overarching theme of the role of the police (Braun and Clarke, 2006). In the initial stages of this chapter's thematic process, four themes were identified (as illustrated in Figure 1). In reviewing these four themes by refining and defining them, they were developed further.

5.8.2 A Number of crucial decisions

It is essential for researchers applying this method to make their underlying assumption explicit (Holloway and Todres, 2003). The first crucial decision around the implementation of thematic analysis was to address what counts as a theme, and what size does a theme have to be (see further Braun and Clarke, 2006). As this is a purely qualitative analysis there is no clear cut answer to the question of what proportion of the dataset needs to re-appear in order to be considered a theme. Not all themes were present in fifty per cent of a participant's dataset. For this study, a theme was given a considerable space in some interviewee transcripts, and limited or none in some others or it may have limited appearance across the dataset. Therefore, the role of the researcher was crucial in thematic identification. For this study, the 'keyness' of a theme is not dependant on a quantifiable measure but whether it captures an interesting and important feature of the reasons behind the rise in the prison population within the CJN. For example, six 'key' themes were identified in relation to the structural factors behind the rise in the prison population. These themes were not necessarily the most prevalent themes across the data set - they appeared in between 4 and 24 of the 27 interviews – but together they captured important elements, including for example the

correlation between imprisonment rates and the level of public expenditure. Therefore, in this case, thematic analysis was driven by this particular analytic question (see also Braun and Clarke, 2006). The prevalence of themes was counted and measured in a number of different ways, for instance, the prevalence of the correlation between imprisonment rates and the level of public expenditure was measured in terms of the number of different interviews who articulate the theme across the entire data set or each individual occurrence of the theme across the entire data set (see also Braun and Clarke, 2006). As stated by Braun and Clarke (2006) part of the flexibility of thematic analysis lies in to the ability of the researcher to determine themes in a large number of ways.

5.8.3 Inductive thematic analysis versus detailed account

Another important decision was around the claims that this research was to make in relation to the data set. For this study, thematic analysis provides a detailed and nuanced account of one theme or group of themes within the data set, and not a rich thematic description of the entire data set. Therefore, themes and patterns within data are driven by the researcher's theoretical analytic interest. This form of thematic analysis offers a considerably narrower description of the data (inductive thematic analysis), and a more detailed analysis of some aspect of the data (theoretical/deductive thematic analysis), (Braun and Clarke, 2006). For example, when the researcher was interested in discussions about penal punitiveness as a possible explanation for the recent penal expansion that we witness today in Cyprus, attention was paid to previous themes that previous research has discerned such as Cheliotis (2013) influential research identifying penal punitiveness towards ethnic minority groups in Greece.

5.8.4 Semantic of latent themes

Another decision was involved the level at which themes were identified: at a semantic level or at a latent/interpretative level (Boyatzis, 1998). According to Patton (1990) this analytic process involves a progression from description (semantic) to interpretation (latent). For this study, thematic analysis was achieved at the latent level. According to Braun and Clarke (2006) thematic analysis in the latent level:

“goes beyond the semantic content of the data, and starts to identify or examine the underlying ideas, assumptions, and conceptualisations- and ideologies- that are theorised as shaping or informing the semantic content of the data” (p:84).

For this study the themes identified seek to ascertain the features that gave a particular opinion and meaning. Thus analysis at this 'level' tends to uncover hidden assumptions, structures or meanings that are theorised as underpinning what is actually articulated in the data. In the following section the researcher provides an outline of the six phases of thematic analysis implemented for this study as described by Braun and Clarke (2006) including: 1) familiarisation with the data; 2) generating initial codes; 3) looking for themes; 4) reviewing themes; 5) defining and naming themes; and 6) producing the report.

5.8.4.1 Familiarisation with the data

After all data were collected, the researchers' principal aim was to immerse herself with the data, by repeatedly listening to the interview tapes and searching for meanings and patterns (Braun and Clarke, 2006). According to Braun and Clarke (2006) the main aim of the first phase is:

“To get familiar with the depth and breadth of the [data] content” (p 16).

After this stage, all interviews were transcribed verbatim into Greek, and then translated into English. Translating the interviews was an important process that required careful handling. Although, it is impossible to produce an identical English transcript (Cronin, 2006), the researcher translated all transcripts in a manner where original meanings were preserved. Although the translation process was ultimately completed by the researcher, additional consultation was sought from people working for the Translation Department of the Press and Information Office (PIO) in Cyprus, without exposing participants' identity. Once the English transcripts were completed, the researcher was then ready for the next step: the thematic analysis.

5.8.4.2 Generating initial codes

With the data familiarisation process complete, the researcher began to produce initial codes from the dataset. According to Boyatzis (1998) thematic analysis is:

“The most basic segment, or element, of the raw data or information that can be assessed in a meaningful way regarding the phenomenon” (p: 63).

In the same vein, Patton (2002) describes this process as a way to look at what exists in the dataset and to give it a name or a label. During this phase, the researcher organised the data

into meaningful groups and searched for repeated patterns (themes), and coded as many potential patterns (themes) as possible (see Figure 5.2). The researcher worked manually and searched for interesting issues and topics. When coding the interview transcripts, the “*block and file*” technique was used (see further Grbich, 2012). The block and file coding process was completed in two stages: interviewee transcripts were individually and manually coded, line by line and the categorisation of similar quotes was organised into segments and arranged in a table for further analysis. Once the patterns were identified, the researcher started to search for themes. This was achieved by re-reading the coded segments and contrasting them to each other in order to generate similarities as well as differences that potentially offer a bigger picture of the rise in the prison population and the challenges that the Cypriot prison establishment is facing. Braun and Clarke (2006) call this a thematic map, which is a visual representation of the relationship between themes.

Figure 5.2 Data extract, with codes applied

Data extract	Coded for
<p>Of course they are committing more crime... they are threatening our society. Those people are carrying their silly customs and religion with them, they only think that they know to do is to ask for work permits and housing benefits. Well, Cyprus today is in huge debts and we don't necessarily have to support Muslims and Buddhists [the participant is laughing sarcastically]...Today our aim should be the solution of the national problem and not how to get rid of them, in this sense they are not only threatening our society but our sovereignty too.</p>	<ol style="list-style-type: none"> 1. Racism and xenophobia 2. Criminogenic effect of immigrants. 3. Opportunists. 4. The participant is placing great emphasis on the national problem and national sovereignty and well-being.

5.8.4.3 Looking for Themes

After the initial coding of the data set, this phase involved sorting the different codes into potential themes, by collating the relevant coded data segments into identified themes and sub- themes (Braun and Clarke, 2006). At this stage it was helpful the visualisation of the data to sort the different codes into themes (see Figure 5.3). Also the focus of the researcher was shifted to the relationship between codes and themes and between different levels of existing themes. At this point, the researcher identified five themes (Crime, immigration, welfarism, tougher penalties, and racism and xenophobia) however, a set of codes left without ‘fitting’ somewhere, though, the researcher, following the Braun and Clarke’s (2006) recommendation has created a theme called ‘miscellaneous’ (see further Figure 5.3). For this study, themes consist of ideas and descriptions within the dataset that can be used to explain causal events for participants’ stories (see further Saldana, 2015). In addition, themes were the outcome of repeating ideas, indigenous terms, metaphors and analogies, shifts in topics and similarities and differences of participants’ linguistic expression. At this point, it is crucial to avoid discarding themes even if they are insignificant (at least for time being) as they may be important themes in the analysis process.

For this study, a theme captures patterned responses or meaning within the dataset. One of the most important requirements is to be consistent throughout the process of determining themes. According to Bazeley (2009) themes only attain full significance when they are linked to an explanatory model, for example, describe, compare, model is a three step formula. For this study, describing was an important starting point. At this point, it was necessary to provide details and information about the origin of the data, including demographic features of participants and their interconnections. These give necessary background and provides the foundations for a comparative analysis. For this study, the researcher described and recorded the characteristic of each theme and its boundaries. Questions and queries revolved around: How did participants talk about certain issues such as the connection between crime rates and imprisonment rates; the ‘criminogenic’ effect of immigrants and refugees and how many talked about it? The second step of the model seeks to compare differences in the characteristics of themes across contrasting demographic groups. At this point, questions were stressing whether themes occurred more or less frequently for different groups and the different expressions presented by other groups. The

last step of the model was seeking to relate a theme to others already written about. This step was of paramount significance because the researcher was concerned with the underlying conditions, interactions and strategies that themes emerge. These three steps have been repeated for every theme in this study. The description, comparison and relation of each theme was achieved with an enquiring mind and an eye for evidence.

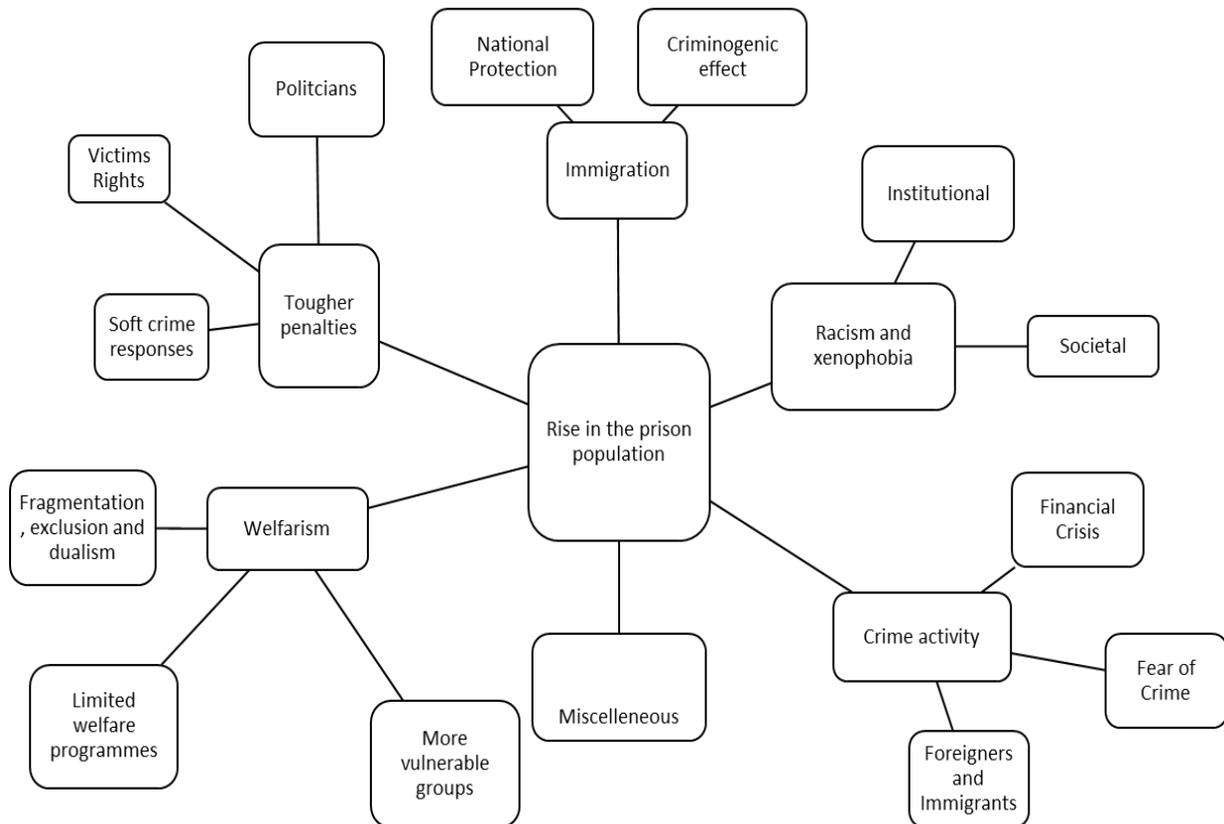
5.8.4.4 Reviewing Themes

This stage involved the refinement of the themes. During this phase, it became evident that some candidate themes had not enough data to support them and on occasion data were too diverse, while some themes collapsed or were merge into each other. In this step, the researcher returns to the original text to review and refine the themes. This was achieved in two levels. The first level requires the thorough examination of all collated extracts for each theme, and establish whether they appear to form a clear pattern (see further Braun and Clarke, 2006). Level two involves the review and refine of the entire data set. At this level, for example, the researcher was trying to establish the validity of each theme in relation to the data set, but also to confirm that the thematic map was accurately reflecting the meaning of the whole date set. To some extent, what counts as accurate representation for this study depends on the researchers' theoretical and analytic approach.

5.8.4.5 Defining and naming Themes

Phase 5 begins with the creation of the final thematic map. During the defining and naming themes phase, the focus was to define and refine the themes ready for analysis. Here the terms 'define' and 'refine' refer to capturing the essence of what each theme is about (Braun and Clarke, 2006). During this phase, collated data extracts of each theme have been organised in a coherent and consistent manner with accompanying narratives. For each individual theme the researcher has wrote and conducted a detailed analysis.

Figure 5.3: Initial Thematic Map, showing the five main themes



At this point it was important to identify the ‘story’ of each theme and to fit into the overall ‘story’ in relation to the research questions of the study. So themes were seen in relation to others and part of the refinement included the creation of sub-themes. As Figure 5.3 indicates, sub-themes were useful and meaningful data from particularly large and complex themes. For instance participants’ talk about the causes of the rise in the prison population, five overarching themes were identified: Racism and xenophobia, crime activity, immigration, welfarism and tougher penalties. Within racism and xenophobia two subthemes were identified, ‘societal’ and ‘institutional’. Within crime activity, three themes were stressed, ‘financial crisis’, ‘foreigners and immigrants’, and ‘fear of crime’. For immigration, the subthemes were ‘criminogenic effect’ and ‘national protection’ and for welfarism the

subthemes were more ‘vulnerable groups’, ‘limited welfare programmes’, and ‘fragmentation, exclusion and dualism’. Lastly, for tougher penalties three subthemes were recognised: ‘soft crime responses’, ‘politicians’, and ‘victim rights’. Once themes have been identified by using the describe, relate, compare formula and named, the researcher had to build the foundation for the analysis of the found themes and subthemes. Thus, analysis of the data was centred on integrating ideas, with arguments supporting those emerging from the interim analysis. For this study, the final opportunity for analysis was achieved by carefully selecting vivid and compelling participant extracts relating back to the research questions and theoretical literature.

5.8.4.6 Producing the Report

Phase six begins once the final thematic map is completed (see Appendix 8). This last phase requires a good organisation of the data and involves the final analysis and write-up of the report (Braun and Clarke, 2006). The report that results from this thematic analysis can be found in Results Chapters 6 and 7.

5.9 Ethics

The main goal of this section is to exemplify the various ethical dilemmas throughout the conduct of this research study. The moral integrity of the researcher is seen as a crucial element of ensuring that for this study the research process and findings are trustworthy and valid. The ethical implications of studying the factors behind the rise of the prison population in the Cypriot penal system, includes the participation of the Cypriot ‘elite’ - judges, politicians, and counsels of the Republic- intensifies the importance of ethical deliberations. The study of the ‘elites’ requires a nuanced and sophisticated approach to ethical considerations. More importantly, non-maleficence is vital. For example, common ethical pitfalls such as deception, revelation of participants identities, and dubious bargaining are unacceptable (Silverman, 2006). According to Ryen (2004) ethical implications within social science research is a deeply complex and contentious process, because ethics varies across cultures and research environments.

The following section will outline the ethical considerations that this study adopted throughout the research process: contacting participants, during the interview and during data analysis.

5.9.1 Confidentiality

According to Christians (2010) confidentiality refers to the primary safeguard of unwanted exposure. In order to ensure confidentiality and to protect participants from unwanted exposure, this study has omitted names and any other kind of information that may result in the revelation of an individual's identity. In the case of the Cypriot 'elite', the researcher does not signify the political party that politicians belong to but not revealing their representative constituency. In the case of judges and public prosecutors the researcher does not indicate the District Court in which they are currently appointed. For the purpose of identifying the quotes from the interviews, each participant was described according to his/her occupation: prison staff, prison administrator, judge, public prosecutor, politician, senior counsel of the Republic, Counsel of the Republic, Commissioner for Administration, Head of the Anti-Discriminatory Body, officer of the Commissioner for Administration Office. Furthermore, the transcripts and signed consent forms (Appendix 9) of the participants containing their identity were locked and secured in safe places throughout the research process and accessed only by the researcher.

5.9.2 Anonymity

For this study, anonymity was granted to those participants who requested it. The researcher respected participants' choice to keep their anonymity, but also participants who wanted to be known and identified. For example, the Commissioner for Administrator (Ombudsman) and the Head of the Anti-discriminatory body (Ombudsman Office) requested to disclose their identities. Also, in relation to anonymity, the researcher has ensured that participants are not identifiable via this thesis or any subsequent publications based on this research. Furthermore, the researcher has reassured participants that the given data will be used for the purpose for which they gave their permission; data will only be retained until the end of the research period, and then destroyed.

Moreover, all processing of personal data was in compliance with Northumbria's Safe Storage Data Policy as well as the Data Protection Act (1998). As the primary source of the qualitative data of this PhD consisted of semi-structured interviews I had to ensure that accurate records were maintained and securely stored for the duration of the research. More specifically, the interview tapes were stored securely in a lockable filing cabinet, along with the given consent forms, databases, interim results, interview translations and transcriptions.

5.9.3 Transparency

The researcher provided a complete description of the study to all potential participants. According to the British Sociological Association, it is necessary to:

“explain as fully as possible, and in terms meaningful to participants, what the research is about, who is undertaking it and financing it, why it is being undertaken, and how it is to be disseminated and not as a once-and – for- all prior event, but as a process, subject to re- negotiation over time” (in Gomm, 2008).

Once participants accepted and agreed to participate, a signed consent form was obtained (Appendix 9). According to Dickson-Swift et al. (2007), informed consent can be assessed with the following criteria:

1. Disclosure = full explanation of the study and forewarn participants of sensitive topics to be discussed.
2. Understanding = a clear understanding of the research and to what they are consenting to.
3. Voluntariness = participants enter the study voluntarily, and without any form of coercion
4. Competence = competence for consent has to be discussed with a third party.

Therefore, for this study all participants took part voluntarily. Additionally, all participants were told that they could stop the interview at any time; however, this situation did not arise.

5.10 Conclusion

This chapter has presented the design steps and involved explanation and discussion of important aspects such as data collection method and analysis. This work has followed meticulous preparation, and well defined tasks of sorting and organising data. The intention in this chapter was to clearly articulate the choice of methods and the appropriateness of these methods in answering the research questions. The application of a Critical Realist approach, for example, has added to development of Critical Realist methodology as it proposes an emergentist and relational rather than conflationary or epiphenomenal descriptions of both

structure and agency. For this study the strategy of critical realism was directed by the deep 'larger thing', the conditions from which an increase in the prison population emerges. The next chapter of this thesis presents the results and analysis of the causes behind the expansion of the prison population within the CJN.

6. Results Chapter: The causes of the rise in the prison population

This is the first chapter in the analysis section of this thesis and provides a critical examination of the causes behind the rise of the population in the Cypriot prison establishment. In the following chapter, I examine the hidden structures and mechanisms that caused the rise in the prison population by applying the techniques of thematic analysis in order to achieve a comprehensive understanding of the real but often unseen structures and mechanisms behind the rise in the prison population in Cyprus. In the following pages, the interview data are discussed then summarised using the analytical model. At the end of this chapter, the reader should have an intimate understanding of the structural forces behind the rise in the Cypriot prison population.

6.1 Thematic Analysis of the Interview Data:

This chapter presents the results of the thematic analysis including participants' conceptions of the growth in the prison population in the Central Jail of Nicosia. Interview data provided by prison staff, prison administrators, judges, public prosecutors, politicians, senior Counsels of the Republic, the Commissioner for Administration, the Head of the Anti-Discriminatory Body and Officers of the Commissioner for Administration Office is explored. Participants were asked questions relating to their involvement and experiences within the Cypriot Criminal Justice System. These questions are presented in Appendix 1. The resulting interview data were reviewed using thematic analysis which is a process that searches for patterns and meaningful within the interview data. In conducting this analysis, Braun and Clarke's (2006) guide to a six-phase analysis was used. Throughout this process the data was coded, which yields identifiable themes related to the causes of the expansion in the Cypriot prison establishment. Each of these is linked to expansive supporting excerpts /quotes.

In coding the interview transcript the *block and file* technique was used, as recommended by Grbich (2012). In summary, this coding and analysis process is comprised of two stages: (1) each interviewee transcript is individually and manually coded line by line (see Appendix 6), (2) similar quotes are gathered from interviewee manuscripts, grouped into segments and organised in a table for further analysis (see Appendix 7). After identifying potential patterns, the researcher searched for themes and groups on the basis of relational similarities and differences that could produce a bigger picture, a thematic map, which is a visual

representation of the relationship between themes. Here, the thematic map consists of themes and sub-themes related to the overarching theme of the causes in the rise of the prison population (Braun and Clarke, 2006).

6.2 Crime

While crime rates were levelling off over the last decade, participant narratives appear unaware of this pertinent trend. The quantitative and qualitative dimensions of crime activity in Cyprus have been viewed as the most persistent problems with a direct impact on the prison population. In the following passages participants develop their opinion and views on crime levels, crime trends and the connection between criminal activity and immigrants in Cyprus today.

6.2.1 Perceptions of crime

Studies on crime levels in other jurisdictions throughout the world have shown that public opinion is often exaggerated. In the UK for example, Hough and Roberts (1998) found that public opinion overestimates the rates of crime (see also Flatley et al., 2010, Ashcroft, 2011). Furthermore, Roberts and Stalans (1997) have argued that in the USA, public opinion related to violent crimes is often exaggerated. In the same vein, results of an Australian study have shown a notable misconception that crime rates were rising where in fact they were declining. Regarding Cypriot crime rates, although crime remained relatively stable between the years 2005-8 and significantly dropped in 2009, the prison population saw a marked growth. Despite clear evidence in the form of official crime statistics suggesting that crime was actually falling, a significant proportion of the public and the overwhelming majority of politicians selected for this study believe that crime rates are actually soaring. What has emerged in the case of Cyprus, is the perception of crime as a serious political issue by the majority of political parties - particularly those of the left-wing AKEL, social democratic EDEK, centre-right DIKO, and right-wing DISY. According to Simon (2000, 2007), political order has rallied around the 'problem' of crime in a way that legitimises government activity (see further Mauer, 2001; Mauer and King, 2007;). Similarly, in this study, the participating politicians' views on the crime rate were exaggerated, with politician interviewees seemingly alarmed and worried about the perceived 'excessive' levels of crime - particularly of property and violent offences.

Politician 20: Well, it is true that crime in Cyprus is everywhere and crime rates are very high. The prison population is rising because criminal activity in society is terrifyingly excessive. Burglaries and vehicle thefts, for example, are part of our daily lives. Additionally, serious crimes such as rapes and assaults have reached unprecedented levels.

A similar view can be seen in a statement by another participant:

Politician 15: What worries me the most is firstly the excessive amount of criminal activity in our country and secondly the violent nature of those crimes. Crime has taken [on] new dimensions and since 2000; we have witnessed an upward trend in crimes such as domestic burglaries, thefts and robberies.

In the same vein, a participant stated:

Politician 21: Oh god, the situation is really bad, anywhere you go there is a story of a theft, burglary etc... Turn on your TV tonight and you will see what I mean; every night there is something new and I do not mean minor offences but cruel and violent ones.

Yet another participant states:

Politician 19: Of course, crime is rising and right now, the situation is out of control, especially with serious offences like assaults, robberies, thefts and homicides.

Despite the proffered opinions of the interviewees toward serious and property offending, penal statistics published by the Ministry of Justice and Public Order in Cyprus in 2013, clearly indicate that violent and property offences have significantly reduced, hence confirming the ‘crime-incarceration’ disconnect hypothesis.

6.2.2 Who is committing crime?

A significant number of interviewees appeared to associate the presence of immigrants with the increased levels of crime. Although the study of Indermaur and Roberts (2005) revealed no causal relationship between high crime rates and immigrants, a third of their participants reported that the presence of immigrants increase crime levels. Similarly, participants of this study suggested a connection between increased levels of immigrants and high crime rates in two ways: the first implies that immigrants are criminals because they entered the country illegally which resulted in increased levels of crime. For example, politicians responding to the question of whether immigrants contribute to crime rates in Cyprus asserted:

Politician 19: Definitely, they contribute. Fifteen years ago, when Romanians and Bulgarians first came illegally to Cyprus, criminality was at its peak. Today, fifteen years later, the situation remains the same with them but we have new ‘waves’ of immigrants from Syria, Egypt and Palestine.

Politician 15: Hell yes they contribute, especially those of Arab origin, they are involved in all sort of criminal activities.

The second view describes a connection between crime, immigrants and the “Cyprus problem”. For example, Politician 20 commented:

Very recently they [immigrants] seem to commit a variety of crimes, which worries me. This situation is clearly distracting us from focusing on important matters like to find a solution to our [national] ‘problem’.

In the same vein, Politician 15 argues:

Well, they [immigrants] do not come here with good intentions... criminal activity has increased because of them, we have to keep in the back of our minds that our country is still occupied and divided, therefore immigration policies should have a restrictive nature.

Media and political discourses posit a causal relationship between immigration and crime(see further Simon, 2007; Wacquant, 2010, 2015); however, empirical research on the causal relationship between crime activity and immigrants has been limited due to weak instruments for determining causality. According to Bell et al., (2010), the problem with causality revolves around the endogenous location of migrants which means that immigrants disproportionately live in geographically deprived areas where crime activity is relatively higher, or because they tend to reside in areas where a large proportion of the population consist of the same ethnic background. Recent empirical evidence suggests that in the US, the connection between immigration and crime is negative (Reid et al., 2005; Ousey and Kubrin, 2009); the results for Europe are mixed regarding property crimes but no correlation was recorded for violent crimes. In Cyprus, recent empirical research findings suggest that politicians usually express a strong relation between immigrants and crime in connection with the ‘Cyprus problem’ to pursue exclusionary immigration policies (Trimikliniotis, 2014).

According to Bianchi et al (2012) however, what is important for recipient countries are the determinants of the widespread perception that correlates crime and immigrants. As

Wacquant (2010) argues, this issue is of paramount significance given that those perceptions have far-reaching consequences for immigration policy. See for example, the following statements:

Politician 17: I dare you to watch the news tonight. Nineteen out of twenty crime stories will involve immigrants. I watch the news and read all newspapers every single day, and most of the perpetrators are immigrants. That is why we had to revisit our immigration policy and took some action by changing a few sections preventing them from entering, living or working in Cyprus.

Politician 20: Hopefully the new immigration policy will stop them from coming here. We do anything to keep them away but the uncontrollable state of the Northern part of Cyprus enables them to come in and do their ‘stuff’.

Participants’ attitudes towards the causes in the rise of crime rates help us to understand certain major penal developments in Cyprus today, such as the growth of prison population. Participants’ narratives underscore a clear-cut division between social and individual causes of crime. More than ninety-five percent of the politician participants utilised for this study supported a strong relationship between crime and illegal immigration. Although a fuller discussion follows this matter in a later section of this chapter, it is vital to explore the participants’ perceptions, attitudes and discourses around illegal immigration. Politicians’ narratives suggested that immigrants are the main source of crime and when those numbers decrease, Cyprus will revive its former crime-free “good old days”. This was very often presented such as:

Politician 18: We lost our sleep with them [immigrants]. Ten years ago, you were able to sleep at night with the doors and windows open, but today we are afraid to leave our car parked outside for more than two hours. They [immigrants] do many sorts of things, to name a few of the most common crimes: robberies, thefts, burglaries etc.

Another important issue related to illegal immigration is that of unemployment and its connection to higher crime rates. The vast majority of interviewees suggested that individuals with a low socio-economic status are more likely to commit crimes, especially in financially stagnated periods, as the following excerpt demonstrates:

Judge 8: What to say, this cursed [financial] crisis has changed our lives. Cyprus before the advent of the financial crisis was a country composed of a large middle class. Also, before the advent of the financial crisis, there were jobs for everyone - locals, immigrants and foreigners. Cyprus had celebrated many financially glorious years, however nowadays things have dramatically changed and we have to adapt in this new environment. In 2012, the bailout was agreed with the conditions that people

sacrifice 10 per cent of their deposits... They didn't lose only their money but their jobs too. Twenty percent of the population is unemployed, from what I know this is the second highest unemployed rate in Europe right now. Even after the [Turkish] invasion massive unemployment was not an issue. But today, wherever you go people are talking about the crisis and their debts because they are unemployed... A vast majority of immigrants are unemployed too, and the only way to survive is by stealing from you. Unemployment affected them in the same way that affected us too.

The fieldwork for this study coincided with the advent of the financial crisis and the protests against austerity measures. Most of the participants narrated a distinction between unemployment and crime for both 'them' and 'us'. Indeed, recent research evidence suggests that there is a causal relationship between crime and unemployment in many jurisdictions worldwide (see further Levitt, 2001; Phillips and Land, 2012; Saridakis and Spengler, 2012). Nonetheless, it is important to explain why participants view socio-economic factors as the main sources of crime. Durkheim's strain and Merton's anomie theories argue that strain is the outcome of poverty and a less opportunistic social environment, whilst anomie is a condition that provides little moral guidance to individuals and an absence of legitimate aspirations.

6.2.3 Punitiveness, 'orderliness' and 'toughness'

Hough and Roberts (2012) in their attempt to understand public opinion, crime and the function of criminal justice system, found the role of politicians of paramount significance. Roberts (1992) suggests that public opinion is a vital and decisive tool adopted by politicians. More specifically, Roberts (1992) found that the public in the UK have limited knowledge of real crime rates or the nature of the criminal justice system including recidivism rates and average sentences. Similarly in Cyprus today, public opinion expresses the views that sentencing is often too lenient, punishment should be harsher and criminals should remain incarcerated for longer periods (Harrendorf et al., 2010). The notion that crime is rising - despite the rates of property and violent crimes declining - dominates the public opinion (see further Pratt, 2007). Taking this into consideration, elected politicians and members of the Cypriot parliament are responsible for the rise in the prison population, as shown in the following statements:

Politician 15: We value our people's voices. We always have to keep in mind that we are elected by the people so our service must comply with peoples' voices, fears and anxieties.

Politician 16: ...well we are not appointed but elected members of the parliament, and our election to the seats of the parliament it means a lot to us. It means that we have orders and commands from our people to solve their problems. Nowadays, the problems are too many and clearly much more than previous years. Therefore, we must keep our eyes and ears open to give solutions to the peoples' 'headaches'. For the past four years, I try to involve [myself] more with the public by visiting community centres and discuss[ing] their problems.

Cohen (1996) argues that today crime is a major political tool and dominates the contemporary political rhetoric of industrialised western democracies. Similarly, participant narratives for this study indicate that in Cyprus, 'law and order' has been highly politicized, with politicians increasingly beginning to use 'orderliness' and 'toughness' as a major political response. This was typically presented as:

Interviewer: Can you see any other way of dealing with crime apart from imprisonment?

Politician 21 (left of centre): No, criminal activity in Cyprus has taken threatening dimensions and any other way of dealing with crime is not going to be effective. We have to provide effective responses and in my opinion imprisonment is the best way of dealing with crime because you have a greater chance to bring back order.

Politician 16: You need to be tough sometimes, because you want to send some messages outside there. Obviously monetary fines do not seem to deter offenders any more. I think taking a more serious and disciplinary stance will deter people from committing a crime. In my opinion with prison sentences we can achieve that.

According to Lyons and Scheingold (2000) crime control policies are politically constituted and policy choices are driven by and respond to prevailing values. The political climate in Cyprus has changed dramatically over the past fifteen years and this has caused significant changes in crime policies. A substantial body of evidence on the politics of crime indicates what Edelman first suggested: 'words that succeed and policies that fail' (Lyons and Scheingold, 2000), a situation where politicians often believe that getting 'tough' on offenders carries significant political benefits (Hough and Roberts, 2012). A burgeoning body of research suggests that the instant effect of this is penal populism (Roberts et al., 2003; Pratt, 2007, Matthews, 2005).

As stated by Matthews (2005), one of the main points of consensus is the belief that we are witnessing a surge in penal punitiveness. In fact in Cyprus, recent crime control is dominated by punitive mentalities that are promoting harsher punishment for offenders, the mass

production of criminal sanctions and laws, the extensive use of imprisonment and more recently the introduction of strict immigration control policies. There is a clear division of the determinants driving the surge in punitiveness between those who see the angry and anxious public as responsible and those who believe that the harsher punitive policy is an essential process used by ambitious and manipulative politicians playing on public confidence, fears and opinion in order to pursue a tough-on-crime rhetoric to attract more voters (see Matthews, 2005). Anthony Bottoms (1995) first saw ‘populist punitiveness’ as a key component of British sentencing and penal policy. Garland (2001) has also incorporated the notions of populism and punitiveness in his discussion of the causes behind the changing nature of crime control by suggesting that penal politics are no longer in the hands of technocrats or practitioners, but decided by the ill-served public. Furthermore, Garland (2001) argues that contemporary sentencing and penal policies have taken a punitive turn that promotes:

“harsher sentencing and increased use of imprisonment, ‘three strikes’ and mandatory minimum sentencing laws; ‘truth in sentencing’ and parole release restrictions; ‘no frills’ prison laws and ‘austere prisons; retribution in juvenile court and the imprisonment of children; the revival of chain gangs and corporal punishment; boot camps and supermax prisons; the multiplication of capital offences and executions; community notification laws and paedophile registers; zero tolerance policies and Anti-Social Behaviour Orders; There is now a long list of measures that appear to signify a punitive turn in contemporary penalty” (p: 142).

Similarly, a noticeable increase in punitiveness was recognised in Cyprus by certain participants. Some participants notably perceived the notion of punitiveness thus:

Judge 7: ...and of course an unnecessary punitiveness has contributed significantly to the soaring level of people trapped in the prison today. The sentences that we have to impose are clearly more punitive and in my opinion are unnecessary. Immigrants for example, that overstay their visas; I don’t understand why we have to impose a prison sentence when we can deport those people and put them on stop list in case they want to come back.... Party leaders usually are making populist statements aiming in my opinion at cheap sensationalism.

Senior Counsel of the Republic: In recent years I noticed that there is a focus in criminalisation. For the past three years the government has been proposing stricter crime responses. I remember two years ago, politicians sought amendments to the Immigration Bill; however we oppose the amendments because such a thing was against ground rules of EU law.

Garland (2001) and Pratt (2000) argue that the introduction of ‘ostentatious and emotive’ forms of punishment is the outcome of a new axis of penal power – neo-liberal penalty, where “state bureaucracies attempt to follow the public sentiments” (in Koros, 2011). In addition, Wacquant (2001c) sees the punitive turn of the US criminal justice system as an outcome of neo-liberal policies. Prison expansion has no relation to crime rates and prisons are institutions that contain and control individuals from the lower classes instead (Wacquant, 2000, Wacquant, 2001a, Bourdieu and Wacquant, 2000, Wacquant, 2009a). Interestingly, in this study when participants discussed the notion of punitiveness, the connection between imprisonment and underclass was apparent:

Senior Counsel of the Republic: The type of people we see today in the prison is the same all over the world. We see unemployed people, people with serious and chronic addictions, and individuals with minimal savoir-faire, basically people of lower class.

Prison Administrator: Eighty-five percent of the ‘clients’ of our institution are poor people with limited social support. However, recently we see middle class people too.

Commissioner for Administration (Ombudsman): We [the Ombudsman Office] are in regular contact with prisoners. Throughout our meetings with prisoners we have found that most of the prisoners are illiterate and most often seek assistance to place a complaint or to fill forms. Demographical statistics of the prisoners show that today the prison detains unprivileged people, individuals with addictions and immigrants.

6.2.4 Fear of crime and public opinion

Like Pratt (2000), Simon (2000) argues that new penalty is based upon severe and harsh forms of punishment. Like (Wacquant 2000; 2001b; 2005; 2006; 2009a). Simon (2007) argues that contemporary penal policies and sanctions “reflect a punitive public opinion, deeply affected by a culture of fear of crime and the resurgence of the demonization of the ‘criminal other’” (p: 21). In the same vein, a participant added:

Officer of Commissioner for Administration Office: ...ethnic minority groups for example, are more often the victims of increased punitiveness from the entire criminal justice system, I mean police, courtroom, policies and prison... penal policy is taking into account the experiences of victims and ignores ostentatiously the circumstances of offenders.

Willow and Simon (1999, in Koros 2011) highlight that within a penal climate that is significantly characterised by moral panics; governments are involved in a new form of cruelty where the ‘criminal’ becomes a legitimate target of public hostility. Similar remarks

could be made regarding the perceptions on crime and criminals in Cyprus - especially with the advent of the financial crisis - it seems that the government have shown great willingness to engage the public in criminal justice debates. The last three governments in Cyprus for example, have shown a marked commitment to citizens from their elected areas by listening to their victimisation experiences. However, as the participants of this research argue, this model of criminal justice policy is made rather populist, vengeful and emotive (see further Koros, 2011):

Commissioner for Administration (Ombudsman): The myth that crime rates are dangerously rising serves some interests. Politicians and media are trying to convince the public that criminal activity in Cyprus is soaring by playing [with] fictitious statistics to justify and promote imprisonment as the most appropriate response. Of course, such a claim is not true; in my opinion [it] is a tool for politicians and their political parties. Politicians are deploying the concept of crime by using quite often emotive and racist language. For example last week I was browsing through a newspaper and my eye caught a ridiculous headline: ‘Immigrants, drug usage and crime is thriving’. Such wording is mainly used to justify the unprecedented levels of prisoners but also to target specific marginal groups such as immigrants and drug users.

Similarly, the Head of the Anti-Discriminatory Body commented:

Well, in my opinion there is no correlation between the levels of crime and the rise in the prison population. Members of the public construct opinion about criminal activity by politicians. People take their words for granted. Crime is not a problem but an instrument of ‘knowledge’. A big number of politicians in Cyprus see crime as a major problem - for electioneering purposes of course.

Furthermore, Durkheim laid focus on the emotional dimensions of punishment (Garland, 1990), and their relation to the reaffirmation of the ‘conscience collective’ by addressing the ‘honest people’ (Melossi, 2008). Indeed in Cyprus, the current policy strategies of demonization reflect the Durkheimian analyses of punishments’ goals as psychologically and not penologically driven (Johnstone, 2000, Zimring and Johnson, 2006) and the policy is also guided by images, archetypes and anxieties. Hence these results point to what Zimring (2001) calls the ‘symbolic denunciation’ of criminals, where ‘morally defiled’ individuals are imprisoned and kept separated from the ‘honest ones’. This notion frequently echoed in statements like:

Judge 8: Unfortunately today, enacted laws and adopted policies regarding the reduction of crime are based on specific images and archetypes that mutate over time. There is an increased concern with crime by the public asking for continuous protection from criminals. The problem of crime is everywhere from schools to hospitals and every week a new crime event captivates the attention of the law-abiding public.

It is naïve to complain about politicians being responsive to public opinion as this is a significant component of representative democracy (Roberts, 2002). In fact, politicians are mandated to serve the interests of the constituency they represent and often penal populist politicians are pursuing crime policies to win votes rather than to reduce crime or to promote justice. In several instances this was summed up in fairly direct terms as shown in the comments of the following participants:

Politician 19 (political right): In my opinion, the increased crime activity plays a key role... the situation will aggravate if we [politicians] don't intervene by adopting tougher crime policies. I think recent penal policies are too soft.... Judges and police officers seem to be soft. We have to make sure that our messages... We are elected members of the Parliament and our prime responsibility is the protection of the public, who trusted us by voting for us, and punishing those who violate the law.

In the same vein, Politician 15 commented:

“We are listening to what our voters have to say, and then collectively we are trying to find solutions... they honoured us with their votes”.

According to Roberts et al (2003) there is a widespread perception that the public view crime prevention as a soft approach towards crime, and demand tougher alternatives. Hough and Roberts (2012) argue that being soft on crime is often a vote-loser whilst a tougher stance is electorally decisive.

6.2.5 From penal populism to penal nationalism

At the same time, there is an element that is different in the Cypriot culture of crime and punishment. This element emerged from the populist politics during the 1990s and entails features of penal nationalism, pulling moderate populists towards desperate penal stances. See for example, the following extract:

Politician 15: ...crime exists like any other issue that demands restoration...you cannot restore a serious matter by being soft and tolerant, let's take our national

problem for example, do you believe that we should show any tolerance to the Turkish positions?

These powerful penal nationalism sentiments are very common in Cyprus. In some countries like Cyprus, penal discourse is getting stronger and more elaborate at critical moments. Additionally, penal nationalism has become a vital instrument to pull moderate penal populists from 'soft' crime control discourses (see further Roberts, 2003). The pull towards penal nationalism has significant differences from common penal populism in form and content. In terms of its form, although there is no method to accurately measure punitiveness in discourses around crime, Haney (2016) argues that nationalist sentiments appear to be more pervasive by small 'Law and Order' political parties, but they are also voiced by political figure in mainstream political parties. In Cyprus for example, ELAM is a particularly small political party which has remained faithful to penal nationalist ideas and ideals. In addition, DYSH (the largest party in Cyprus today with twenty parliamentary seats) is the main voice of nationalist punitiveness. Penal national sentiments are articulated and then embedded in their political campaigns and slogans. During the presidential elections in 2013, two thirds of the campaigns were promising to protect the public from internal and external threats – such as the bailout, the gas and a new Anan plan. In terms of its content, penal nationalist discourses evolve around the 'nation' and the 'people'. For them crime control is not associated with security as is happening in other European countries such as France and Germany, it is rather a matter of national protection (see further Haney, 2016). Therefore being tough on crime means securing national protection, and the punishment of offenders is essential to national welfare. Punitiveness is then described as a vital characteristic of national survival and often Cypriot politician participants linked the war on crime to the Turkish invasion. Indeed, it was this nationalist discourse that caused international outcry last year when responding to the Syrian migrant crisis, the Interior Minister posited that Cyprus is small country and that it is more preferable to 'us' to accommodate Syrian migrants of Christian faith. Religion is a vital tool used by penal nationalists for national well-being. Additionally, the migrant crisis has also revealed that for penal nationalists being 'soft' means that national sovereignty and autonomy is under threat. The following excerpt elucidates how toughness will safeguard independence and sovereignty:

Politician 15: Today, tackling serious problems, in my opinion, requires tough and uncompromising positions. Cyprus is a divided country and before we [politicians] take any decisions on crime and immigrants we have to promote and safeguard our independence and sovereignty.

6.3 Immigration to Cyprus

In September 2014, sixty percent of the prison population in Cyprus consisted of non-nationals. Today, the excessive numbers of incarcerated non-citizens has been normalised, with pervasive media and political rhetoric and images. The majority of the foreign nationals are illegal citizens and serve a prison sentences for committing an immigration offence. Baldwin-Edwards (2001) argues that migration is an important component of penal policy and has become a regular feature of southern European countries. Over the last two decades, immigration into Cyprus has continuously increased, with immigrants arriving from collapsing neighbouring countries such as Syria, Egypt, Libya, Palestine, and Lebanon (Baldwin-Edwards, 2005, Baldwin-Edwards, 2002). A consistent pattern has been highly restricted access to the formal labour market despite a series of failed attempts to amend this problem (Baldwin- Edwards, 2001). The resultant burgeoning informal sector in the 1990s resulted in the attraction of more illegal workers and immigrants. It was during the 1990s when the Cypriot government decided to uplift restricted migration policies due to a shortage of indigenous labour to unpopular sectors. As a result, the policy aimed to create a regime of short-term contracts for migrants restricted to specific sectors of the economy (Trimikliniotis, 1999, Trimikliniotis, 2005). Today, Cyprus has been transformed into a society which acts as a ‘host’ to immigrants from different countries who occupy a range employment positions, from labourers, to professionals and entrepreneurs (Trimikliniotis, 1999).

One of the most specific characteristics of the immigration situation in Cyprus today – though visible in many parts of Southern Europe – is that of the ‘criminogenic’ effect of the presence of migrants. However, national and international crime statistics have shown that Cypriots’ contribution to crime is much more than that of foreigners, especially taking into consideration the demographic profile of the two groups. As noted previously, in Cyprus the legal status of immigrants is fluid and multi-faceted (see further Trimikliniotis, 2005; 2006; 2008; 2011, Trimikliniotis and Demetriou, 2005).

6.3.1 Immigrants as a threat: the political and media effect

Today the global order has transformed the notion of society by the increased trans-border flows and cannot be seen as a separate and discrete entity (Aas, 2007). As Giddens (1990) points out, local transformations are the outcome of globalisation and the meaning of entities such as home, community and nation are transformed by the global order and hybrid identities are created. It has been argued that the nation has multiple tasks (Castells, 1996; Bauman, 2000) for example, the ‘sovereign state strategy’ (Garland, 2001) provides protection and security from threatening and unwanted mobilities. The following excerpts make clear the discriminatory perceptions of the interviewees towards unwanted immigrants and asylum seekers:

Interviewer: So do you feel that immigrants pose a threat to the Cypriot society?

Politician 15: Of course they are... they are threatening our society. Those people are carrying their silly customs and religion with them, they only thing that they know to do is to ask for work permits and housing benefits. Well, Cyprus today is in huge debt and we don't necessarily have to support Muslims and Buddhists [participant laughs sarcastically]... Today our aim should be the solution of the national problem and not how to get rid of them, in this sense they are not only threatening our society but our sovereignty too.

Politician 21: Without them we will be without stress. I do not feel safe when I am around them.

According to Aas (2007; 2011; 2013), a central element of contemporary mobilities is that of insecurity. The connection between mobilities and insecurity was first captured by the School of Chicago as disorienting and destructive of local social control forms (see further Valier, 2003). Today, immigrants and asylum seekers are classical examples of Simmel's concept of strangers, marking the distance and division between ‘them’ and ‘us’ within societies and ‘serving to crystallise the symbolic and cultural limits of community’ (Aas, 2007, p: 287). Nowadays, the ‘deviant immigrant’ has a central place in media and political discourse in most Western democratic countries and immigrants and asylum seekers are often portrayed as criminals (Bosworth, 2008). This view was noted in interviews, such as:

Politician 16 (political right): I understand that the political conditions in these countries are appalling, but this is not our problem..... Today, in Cyprus we have to sort out our own problems, the financial crisis for example has caused extremely unpleasant financial and social problems to our people and I do not believe that we

have to show any empathy to what is going around the Middle East or Eastern Europe.

The punishment of immigrant crime is a focal issue in Cyprus, and serves not only to strengthen social solidarity in a Durkheimian sense, but also as a purifying filter aiming to protect the local and national identity from threatening elements (see further Aas, 2007). As the following excerpt indicates, discourses on law and order are thus correlated with demands for restoration of the nation and with clear and distinctive assumptions about national identity and moral boundaries (Bosworth, 2008).

Politician 15 (political right): Unfortunately today their presence is dominant and suffocating... You go to the coffee shop - the waiters are from Romania, you go to the supermarket - the cashiers are from Georgia, you call a plumber and a Syrian appears... you feel a foreigner in your own country.

Politician 21: The truth is that we are a minority in our own country.

However, the need for a more culturally tolerant approach has also been narrated by participants, arguing that immigrants and refugees are vulnerable social groups that need protection rather than Cypriot nationals needing protection from them:

Commissioner for Administration: Immigrants are poor people seeking a better life; in this sense I will agree that it is wrong to constitute the entry of these vulnerable groups a criminal offence. This situation can be treated differently. In 1974, for example, thousands of Cypriots have migrated to England, Australia and America in search of a better life and stayed illegally in these countries for long periods. As far as I know, those people they been treated with respect and governments in these countries took immediate humanitarian measures. It is not a solution to criminalise an offence.... An offence is not a crime... and committing an offence doesn't make you a criminal.

Another similar view can be seen in a statement by the Head of the Anti-Discriminatory Body:

Immigrants and refugees are not here because they want to cause trouble, but because they want to have a better life. Unfortunately today media and political discourses have created this drama around refugees and immigrants which has resulted in fear and the need for more protection from them.

6.3.2 ‘Crimmigrants’ and the meaning of the borders:

The criminalisation of immigrants has been well documented in many jurisdictions throughout the world (Bauman, 2000; Melossi, 2003; Valier, 2003; Hughes, 2006; Aas, 2007; 2011; 2013). The discourse about criminal immigrants suggests that in many western countries the presence of immigrants has a polluting element which accompanies transformations, mainly socio-political. Wacquant (1999) for example, in his attempt to analyse contemporary penal developments in Europe, suggested that foreigners and asylum seekers are the new ‘blacks’ of Europe, emphasising the explosive numbers of non-nationals in European prisons. In Cyprus, foreign national and asylum seekers are defined as matters of security and justice as the following excerpt shows:

“I don’t think that they come here with good intentions. Look at the levels of criminality in Cyprus today... We have to increase police patrols and security. The Green Line is a huge obstacle because we do not have the full protection of our borders and we cannot keep them out”.

The protection of borders is an intrinsic and stratified global condition (Bosworth, 2008). In Cyprus, the *de facto* division of the state has created an ultra-strict, intense and heavily militarised border. Recent literature on global mobilities and penal order (Bosworth 2013; Aas, 2011; 2013) suggests that national borders establish the limits of a state by selecting those who are allowed to enter and those who remain outside. This line of thinking is demonstrated in the following excerpts:

Politician 15: ... well I am not suggesting that all non-citizens should be banned from entering our country. What I mean is that we need to secure our borders from those immigrants who are coming here to cause troubles. Tourists are very much welcome, our economy is based on them.

Public Prosecutor 13: Indeed some non-natives are more welcome than others but that does not mean that those who are desirable are coming with the best intentions and those who are undesirable are here to cause trouble. This occurs everywhere; however, in Cyprus the Green Line intensifies the selection process.

The protection of border has a practical and symbolic meaning and is mostly orchestrated by what Simon calls ‘governance through crime’. Similarly Garland’s (1990) ‘criminology of the dangerous other’ argues that ‘monstrous others’ challenge the limits of the traditional views of justice (Aas, 2007). In 2015, the infamous statement made by the Minister of

Interior Xasikos - while a big proportion of refugees were fleeing Syria, and questioning the EU refuge quota plan to relocate thousands of migrants - that he would ‘prefer’ refugees to be Orthodox Christians. He also added that “it is not an issue of being inhuman or not helping if we are called upon, but to be honest - yes, that is what we would prefer” (Kathimerini, 2015). This view clearly expresses not only his reluctance to accommodate immigrants but also the view of the religious other. In this study, this was echoed in narratives such as:

Politician 21 (left of centre): They [referring to immigrants and asylum seekers] are not coming here with good intentions. Today we are going through the worst financial crisis that we ever had , however, this does not prevent them from coming here....they are having two and three jobs while our people are unemployed, also they are marrying our sons and daughters to get the stay visa and more recently the conversion of Cypriots into Islam.

As stated by Bosworth (2008) contemporary mobilities represent an enormous challenge for the state apparatuses trying to control them. Also Bauman (2002) states, their speed and movement make them difficult to spatialise. Mavratsas (1999) notes the symbolism of the Green Line, is not only a barrier between the two sections (Greek-Cypriots and Turkish-Cypriots) *per se*, but also a constant reminder for physical border protection from external threats and ‘dangerous’ cultures and religions (see further Bosworth and Kaufman, 2011). In addition, recent media and political discourse often regards Muslim identity due to the on-going crisis in Syria as primitive and uncivilised, in contrast to the safe ‘zones of prosperity’ of the West (see Aas, 2007). Before the September 11 attacks, it was argued - perhaps optimistically - that globalisation would usher in a borderless world. However, according to Bosworth (2008) the reality today is different as national governments invest heavily in border controls. Border controls have become stricter than ever and the countries requiring visa to enter the EU (the so-called black list countries) are now standing at 130 in 2016 from only 70 in 1985. Moreover, the militarisation of borders represents an essential aspect of the globalising condition (Bauman, 1998). In Cyprus for example, the freedom of movement is available only to privileged individuals, while others are taking clandestine and dangerous routes. Therefore, in Cyprus clandestine migration has risen significantly in recent years. While the fall of the Berlin wall was a momentous event and defined a ‘free’ world, in the case of Cyprus - the last divided country in Europe – new, advanced and expensive immigration strategies are in place (see further Aas, 2005). These sentiments were expressed by the Commissioner for Administration as follows:

“Ninety-five percent of the immigrants and refugees are undocumented which is a serious number when exploring the connections between immigrants and criminality. In Cyprus for many years, immigrants as well as refugees are treated with suspicion, exclusion as well as expulsion...over the years, various governments invested in practices and policies to keep unwanted migrants outside Cyprus, but we don't see policies and initiative for integration and protection for those people”.

6.3.3 Financial crisis, racism and xenophobia

Melossi (2003) provides a rigorous account of how the problem of the relationship between documented status and deviant behaviour has been evolved in Italy. Melossi (2003) argues that the documented status concerns many countries of the EU, because of the complex nature of entry procedures. In Cyprus, for example, unskilled labour was for many years in demand, however the advent of the financial crisis has slowed down the ‘flood’ of migrants and indubitably the on-going financial crisis in Cyprus has heavily affected migrants’ unemployment.

According to Papadimitriou (2001) “since the onset of the global economic crisis, temporary worker flow, business migration, and ‘unregulated’ flows such as illegal immigration and free movement within certain parts of the EU have experienced the largest decreases” (p: 1). In the case of Cyprus, overall migration has slowed sharply as a result of the economic downturn, the attitude of hostility and exaggeration towards migrants presence has been persistent, mostly by political actors. The following excerpt clearly indicates acute discriminatory views:

Politician 15 (political right): we do not need any more dirty immigrants, we have more than enough. Since I remember myself we have been controlled by other nations [the participant is referring to the Turkish invasion and the period during British colonialism]... but today we are swamped by immigrants...

Whilst the political culture in Cyprus is stressing the ‘chords’ and ‘floods’ of immigrants, a significant number of interviewees spoke of a great movement outside Cyprus:

Officer of the Commissioners for Administration Office: The economic crisis has not affected to a greater extent only the Cypriot citizens but immigrants too. The perception that immigrants have swamped us and they are the cause of evil in these financially difficult times is sustained by certain political actors and the media. Recent statistics have shown that since 2013 a large number of immigrants return to their countries of origin or immigrate to another country.

Judge 12: Despite the fact that we see a massive increase of legal cases, the presence of immigrants and foreigners is significantly reduced.

Public prosecutor 13: ...there is a noticeable movement outside Cyprus not only by immigrants but by Cypriots as well.

A new body of literature goes beyond party politics and populism and “stresses the structure of sovereignty and the dynamic process of group membership to penal outcomes” (Barker, 2012). Immigrants, asylum seekers and other ethnic minorities have been caught in conflicts over multiculturalism and neo-nationalism that are often expressed through the penalisation and criminalisation of the ‘other’ (Melossi, 2013a, 2013b). The criminalisation of immigrants in Cyprus, through confinement and expulsion, enables the Cypriot state to reaffirm its sovereignty and control borders (Bosworth and Kaufman, 2011). Similarly, Weber (1965) argues that penal sanctioning is the most powerful expression of national sovereignty. As the Cypriot government struggles over economic and political interdependence, criminal justice agencies use expressive forms of punishment such as imprisonment to restore public trust and confidence, according to Bosworth (2008) border control became a central feature of this penal strategy.

6.4 The significance of the Welfare State

The ‘Welfare State’ and other related forms of social provision to address human needs were seen by politicians as the principal aim of government after the Turkish invasion in 1974. The zenith of that system of beliefs can be summarised in the concerted effort of the Cypriot government, political parties and trade unions to prevent the “Palestinisation” of the expelled Greek-Cypriot refugees who were expelled from the northern part just after the Turkish invasion (Trimikliniotis, 2005). The generous welfare practices of the late 1970s and 80s were soon dashed and accordingly in Cyprus over the last twenty years, penal reformers and politicians have failed to acknowledge welfare as a means of reducing crime and punishment alike, even during periods when welfare investment and provision was at its peak. Therefore, today in Cyprus, welfare ideals and aims are not seen as key variables in criminal justice policy and practice. The connection between welfare and penal severity recurred frequently during the interview process. With the welfare worldview, interviewees narrated how the withdrawal of welfare provision correlates to social marginality which then impacts on the

prison population. For example, Judge 12 narrates how meagre welfare programmes can force marginal groups or individuals into criminality:

“Of course we cannot bypass the correlation between penal expansion and welfare contraction. Welfare spending and welfare programmes are there to help those people in need, but when those programmes are limited and have significantly reduced from earlier years then yes, this has a direct impact on the prison population. The financial crisis back in 2012 has created more vulnerable social groups and significantly reduced social expenditure spending”.

Downes and Hansen (2006) offer the most systematic study of the interaction between welfare and imprisonment. Specifically, Beckett and Western (2001) argue that penal and social policy are inextricably linked (Downes and Hansen, 2006, p:44) with the former arguing that welfare regimes “vary according to their commitment to including or excluding marginal groups”. Inclusive regimes aim to identify and understand the social causes of marginality, with great emphasis on integration of those marginal groups by providing generous welfare programmes and provisions. Therefore, those regimes are built upon tolerant attitudes and views towards crime activity and are more likely to have lower imprisonment rates. By contrast, exclusionary regimes place responsibility for social problems in those people who are socially marginalised and poor. These regimes provide limited welfare services, and follow a harsher response towards crime and are more likely to endorse incarceration. As the following excerpt demonstrates:

Judge 8: Welfare programmes are of paramount significance when we seek to understand the levels of crime and incarceration. The purpose of social protection is to ensure that specific social groups have sufficient support regardless of the government in power at any time. But in Cyprus it has been proven that some governments were more generous in terms of the money invested in social protection.

The notion that social and penal policy are crucial components of government response towards social marginalisation has rich sociological pedigree (Garland, 2001, Garland and Sparks, 2000, Morgan et al., 2012, Innes, 2003). Kirchheimer and Rusche (1939) for example, first correlated penal institutions to social policy and institutions. Furthermore, Garland (1985) has developed this argument explicitly by arguing that the amendments of the British social and penal policy during the 19th and 20th century were part of a larger shift in the regulation of social marginality. Garland’s (1985) philosophy is known as ‘penal-welfarism’ or ‘penological modernism’, and sees deviant behaviour partially caused and not

freely chosen (Garland, 2001). In the same vein, Wacquant (2010) argues that the greatest political transformation of the post- civil rights American era is characterised by a stingy social state and the make of the gargantuan penal state that have assisted the reproduction of the country's stratification, cities, and civic culture (p: 74). Together, those thrusts have succeeded to redraw the perimeter and mission of public authorities to manage, deprive, and stigmatise population that stuck to the bottom of the class, ethnic and urban hierarchy (Wacquant, 2010, p: 74). Similarly, in Cyprus contemporary political discourse has moved away from the nature and causes of the problems associated with social marginality. Contemporary political discourse defines problems such as poverty as security issues and not as a social issue. This reduces the priority to integrate the socially marginal, and places more emphasis on the dangerous and underserving nature of the poor (see further Garland, 2001).

Over the last decade for example, politicians in Cyprus have made a concerted effort to promote more exclusionary responses to marginal groups and individuals. The subsequent quote details further the exclusionary and security-minded rhetoric towards marginal groups and individuals in Cyprus today:

Politician 16 (political right): Handing out money to poor people, alcoholics, unemployed and immigrants is not a wise thing to do and in a way is a total waste. Those people rely on the assistance system and become idle. We shouldn't be investing in lazy people pretending that they can't work for x reasons or because they come from Syria and they need a place to stay and money to live on until the political situation back in their country becomes safer... this is not the kind of message that we want to send to people who are willing to follow the same path.

Recent political discourse about welfare in Cyprus exists within a populist agenda. Populist politicians, for example, demonstrate not only xenophobic attitudes but a great scepticism of including and integrating marginal groups and individuals such as immigrants, the poor and unemployed (see further Wacquant, 2004 Pratt, 2007; Sparks, 2001; Matthews, 2005). In 2013, for example, the political campaign was held on a welfare agenda that promised to curb 'welfare scroungers' who were allegedly waiting for the opportunity to 'come in' and exploit the opportunities that were available (see further Trimikliniotis and Demetriou, 2005).

Penal and social policy in Cyprus has become harsher and more exclusionary after borrowing the concept of 'policy regimes'. In the comparative literature on welfare systems, Cyprus has

been considered part of the conservative corporative model (Esping-Andersen, 1990, Andreotti et al., 2001) but very recently scholars have questioned Esping-Andersen's inclusion of Italy, Greece, Spain and Cyprus in the corporatist welfare policy regime type, suggesting that a fourth Southern European or Mediterranean welfare regime exists with characteristics that distinguish those countries from other welfare regimes (Gal, 2010, Bonoli, 1997, Ferrera, 1996, Rhodes, 1996). Gal (2010) argues that Italy, Greece, Spain and Cyprus belong to a single welfare model not only because of their geographic proximity but also due to common historical and cultural legacies, two significant elements when exploring welfare regimes and policies (Wacquant, 2014, Nelken, 2009, Karstedt, 2001). In those countries and most particularly Cyprus, expenditure levels remained lower than those in the social-democratic and corporatist welfare states.

The welfare and social protection systems in Cyprus have been described as weak and problematic by participants. Participants recognise how meagre welfare provisions contribute to the increase of social problems and concurrently lead to the increase of the prison population. The following excerpt supports the claim that public assistance is not only weak but poses as a perennial problem for governments:

Public Prosecutor 14: In my opinion, the financial crisis significantly affected the assistance to vulnerable individuals and groups, but social protection in Cyprus was always problematic and not sufficient in dealing with social problems and marginality in particular.

Mouzelis (1994) explored ethnographically the nature of social policies in Southern-European countries and noted that in Cyprus, welfare state services and benefits to assist individual and family needs have often been characterised by clientelistic relations, nepotism, corruption and populist logic of political domination (see further Mouzelis, 1986, Ferrera, 2005). In particular, politics in Cyprus at present has been tainted by patron-client relations that entail the provision of substantial resources in return for political support. Eisenstadt and Roniger (1984) contextualised clientelistic relations in Cyprus in a historical perspective and produced a more nuanced definition of the phenomenon: the Turkish origin word *rousfeti* (see further Kaymak and Faustmann, 2010, Ker-Lindsay and Faustmann, 2008). The term *rousfeti* describes any act of granting a favour or service. In a political context it is used to

describe a favour by a minister or a member of the Cypriot parliament to party followers, local elites, friends or acquaintances.

The following excerpt validates the perception of the excessive use of *rousfeti*, corruption and political patronage within the social services in Cyprus:

Commissioner for Administration: I do believe that social problems play a crucial role, but the financial crisis in 2012 has worsened the situation because the financial crisis is also a crisis of human rights. So we have a setback precisely because of the economic crisis that was inevitable. For example, people have the fundamental right to have a job; another example is the cuts to social benefits and placing people in extremely difficult situations to an extent compromising their dignity at the minute. Also, our office many times came across allegations that citizens were receiving benefits for years that they were not entitled to because they knew the right people.

Interviewer: So you are suggesting that some political actors interfere?

Commissioner for Administration: It is well known how the employees in the public services in Cyprus are working, especially in the services of social benefits. The employees in those departments have become mouthpieces of political parties. They do as they are told. Our office has dealt with hundreds of complaints last year as people with real disabilities have been excluded by the system because some politicians wanted to ‘satisfy’ their people... complaints about *rousfeti*, favouritism, corruption and patronage and non-transparent procedures regarding welfare provisions today are not placed anonymously.

Faustmann (2010) explicitly explains the importance of personal connections in Cypriot society by suggesting that:

“In small societies, personal connections inevitably become vital for the interaction of the individual with the state and the promotion of personal goals. The members of the elite know each other but also most ordinary citizens have personal contacts to leading politicians or at least know somebody who has the contacts needed. As a result, public and private interaction is shaped by a highly developed system of mutual favours, through which one can achieve almost anything, if one only has the right connections” (p:270).

Subsequently, promotion, recruitment, assistance and transfers of the public and semi-governmental sectors are often influenced by political interference and remain a critical tool to understand the nature of the Cypriot welfare state. Furthermore, Sotiropoulos (2004a) argues that in Cyprus and Greece the involvement of certain family oligarchies and

traditional local elites of specific communities intend to influence the decisions of administrative bodies, especially those bodies that determine the eligibility to any kind of social benefits, which is a particular form of clientelism, often linked to the Greek and Cypriot welfare states (see further Sotiropoulos, 2004b).

In line with this, Rhodes (2014) argues:

“While social heterogeneity and the existence of extensive informal or parallel economies militate against universalism and the establishment of forms of solidarity based on more than particularistic group structures, the institutional factors (...) - that is, the absence of a strong state technocracy, the prominence of political parties as aggregators of social interests, alongside the weakness of civil society, and the persistence of clientelism - have also undermined the effectiveness of policy and helped fuel undisciplined spending” (p, 8).

Existing literature on the connection between welfare and penal severity suggest that generous welfare states have a moderate mode of punishment (Cavadino and Dignan, 2006; Lacey 2008; Lappi-Sappala, 2007, 2008). How societies structure their economies and political systems produces distinctive forms of social integration that vary significantly across capitalist democracies (Barker, 2012). Cavadino and Dignan’s typology of political economy for example, links inclusionary and exclusionary penal regimes with high and low imprisonment respectively. In individualistic and neo-liberal societies such as the USA, UK, Australia and New Zealand, we witness a harsh, punitive response towards crime with higher prison populations because crime (like unemployment, immigration and addiction problems) is perceived to be an individual failure encompassing personal responsibility. In contrast, inclusive and egalitarian societies such as the Nordic and Scandinavian countries are acquiring more protections against social marginality (essential conditions responsible for crime) and have in place a milder penal mode with significantly lower imprisonment rates (Lappi-Sappala, 2011).

On an empirical level, the political economy approach offers a limited appreciation of analysis on ethnic diversity and how significant migratory changes in Europe informed the process of social integration and penal order. Lacey’s (2008) findings show how highly coordinated market economies (mainly Scandinavian and to a certain extent German) tend to protect insiders from social marginality but appear reluctant to include outsiders in the labour market. Similarly, Karstedt (2003) in her ‘Cultures of inequality’ thesis, argues how the

transition to democracy in Eastern European countries (Bulgaria, Romania, Poland, Hungary, and Czechoslovakia) created specific structures and (sub) cultures of inequality. According to Karstedt (2003), the transition to democracy, market and civil society came with an extraordinary rise in crime. The work of Karstedt (2003) focuses on the characteristics of cultures of inequality that were inherited from the past, but which became worse in recent years and is now related to corruption, economic elite crime and violence.

Similar discoveries were found in this study, suggesting that the penal regime in Cyprus appear to be milder and more lenient to ‘insiders’ and more punitive towards ‘outsiders’.

Politician 16: The social protection of our citizens is one of our priorities. However, the recent financial crisis in some way has tied our hands, as the management of recent welfare programmes is chiefly controlled by Troika. In my opinion, the financial crisis has created more indigenous vulnerable groups, which is something that we are dealing with.

In a similar vein, a participant stated:

Politician 15: In these difficult financial times, in my opinion, we have to see who is in need ‘inside our house’ before we help other people. A big percentage of our population is unemployed while a significant number of our citizens developed mental health issues from being unemployed and having huge debts.

Recent research by Van Der Waal et al (2013) shows how political parties have developed particular welfare states based on chauvinistic and populist elements, which entails discourse of conflicts about immigration and disconnection in Europe. Similarly in Cyprus, discussions and debates of who is entitled to welfare assistance -while the country is undergoing its worst financial crisis- have become a focal feature of Cypriot politics as the above excerpts indicate. The welfare agenda holds a significant role for political parties and in difficult economic times has been used by politicians endlessly (see further De Koster, 2013). Additionally, entitlements to welfare services are restricted depending on claimants’ origin. Right-wing political parties for example, fiercely argued that welfare entitlements should be available only to the native population, especially in economically stagnated periods. What we see in the case of Cyprus is an ethnically exclusionist dimension to the welfare state, which is a socioeconomic issue *par excellence* (see further De Koster, 2013).

Similar sentiments can be found among the Cypriot public as the native population consider immigrants less deserving of welfare services than entitled natives e.g. elderly, unemployed etc. According to Van Der Waal et al., (2010) the resistance to distributing welfare services

towards immigrants has become known as ‘welfare chauvinism’. This underlying sentiment was articulated by a large proportion of interviewee narratives:

Politician 20: I don’t understand why we should include immigrants and refugees in welfare services. Welfare provisions such as benefits should be given where there is more need, and Cypriots appear to be needier than ever.

Another interviewee commented:

Politician 17: We used to be very generous with immigrants but unfortunately today we cannot afford this... I think benefits should be restricted to our own citizens only, it is fairer.

Surprisingly, the idea that welfare services should be restricted to our ‘own’ was first introduced by Andersen and Bjorklund (1990), in their attempt to understand the political dimension of welfare chauvinism. According to Van der Waal et al., (2010) welfare chauvinist politicians do not oppose economic redistribution entirely, but they want the redistribution to be enjoyed by the native population. This is of course highly amenable to a significant proportion of the electorate. These public sentiments have arguably been generated and sustained by rightist populist parties in many jurisdictions throughout the world.

6.5 Concluding Remarks

Probably the strongest conclusion to emerge from this chapter is that penal policies and practices in Cyprus today are inexorably related to social policies and practices and to deep cultural characteristics. Penal policies in Cyprus became harsh and exclusionary, an important contributor to the increase in the prison population. Today, crime control policies are driven by a misinformed public and crime rates and responses are often exaggerated by politicians for electioneering purposes. Discriminatory media and political discourse have also linked the presence of immigrants to criminality and unemployment, especially in economically stagnated periods. As a result, crime and its causes have been highly politicised and today the Cypriot culture of crime has shifted away from penal populism towards penal nationalism where concepts such as ‘nation’ and ‘the people’ are of paramount significance. Therefore, being ‘tough on crime’ in Cyprus means securing national protection, and the punishment of offenders is essential to national welfare. Additionally, this chapter reveals how the presence of immigrants entails criminogenic effects and is highly associated with national threat and insecurity. Criminalising immigrants through confinement and expulsion

enables the Cypriot state to reaffirm its sovereignty and control its borders. Another important finding of this chapter is the significance of the welfare state and its ability to assist vulnerable individuals and groups outside the prison walls. Yet again, the Cypriot welfare state appears reluctant to assist those in need, and instead creates a deep division between 'us' and 'them', based on a welfare chauvinistic agenda. Consequently, the rise in the prison population in Cyprus has occurred based on distinctive social and political component.

7. Results Chapter: The challenges of the prison establishment

After considering perspectives on the rise in the prison population, this chapter turns our attention to the second research question of this thesis which stresses the impact of the unprecedented level of prisoners on the Cypriot prison system. This chapter is the second comprising the analysis section of this research which includes the current challenges of the Central Jail of Nicosia. This chapter thematically analyses participants' narratives and experiences and includes aspects embodied within the emergent experiences from the total institution including important information regarding the incarcerated, the internal hierarchy of the institution, the institutional culture, the relationship between captives and captors and the consequences of political rhetoric towards prisoners and criminals in general. Recent sociological knowledge on the prison suggests that there has been a significant shift in the discourse of prisons and prisoners. While it was once primarily focused on the growth of imprisonment rates, instead today there is an emerging concern of the prison regime as a primary problem (Simon, 2000, Robertson, 1997; Haney, 1997). The work of Robertson (1997) and Haney (1997) for example, is concerned with the notion of pure custody or 'warehousing' of prisons where prisoners 'survive rather live' and prisons do not instruct or correct but merely contain instead. Furthermore, Simon (2000) argues that prisoners in warehousing systems are defined as unchangeable and dangerous and when they are 'recycled' back to the society are treated and seen as contaminants and toxic. This chapter extends the discussion of the 'warehouse' styled prison system by looking at the sociological knowledge of the prison as a whole.

7.1 Thematic Analysis Results

The CJN occupies a central position within the Criminal Justice System in the Republic of Cyprus. This centrality of imprisonment as the main tool for the deterrence and incapacitation of deviants has increased significantly in Cyprus, as the substantial growth in the prison population shows. This section of the thesis provides a critical exploration of the current challenges and problems that the prison system in Cyprus is undergoing. The chapter thematically analyses the participants' perspective of the current prison challenges.

Questions revolving around who is sent to the prison, for how long, under what conditions, and when they should be released became persistent topics in the media - as recently as two

years ago - following the events of January 2014. Today in Cyprus, the politicization of crime and imprisonment has a direct impact not only on the number of people who enter the establishment, but also on the conditions in which prisoners and prison staff live and work respectively (see further Dilulio, 1987; Useem and Kimball, 1989; Sykes, 1958; Sparks, 2007). Undoubtedly this new era of the politics of imprisonment influences the number of people who enter the prison, including demographical elements such as age, sex, ethnic and religious background etc., and in matters of security and control, issues have often been handled and resolved quietly behind prison walls (see further Simon, 2007). Furthermore, in Cyprus the public construct their views and perceptions of the prison enterprise; what prisoners eat (Godderis, 2006), how many baths, visits and phone calls they are allowed to receive, what educational programmes are available to them (Page, 2004) and medical access (Sim, 2002) are just a few of the hundreds of issues that preoccupy penal reformers and prison administrators but are rarely witnessed by the public. However as we will see, when these issues enter the public discourse, they are debated with great intensity.

This chapter is the first empirical attempt to uncover the factors that epitomise the state of the c-word (crisis). The high level of the prison population is primarily responsible for overcrowding and understaffing in the CJN, both of which exacerbate the deteriorating physical condition of the prison. The combination of poor conditions and inadequate numbers of staff has a significant impact on staff morale, which further worsens conditions. This chapter also indicates an overall legitimacy crisis within the prison system evident in recent high incidence of suicides and self-harm amongst prisoners, large numbers of prisoners with mental health problems, the over representation of immigrants and refugees and instances of corruption and injustice.

7.2 Penological resources:

At the present time, it is not controversial to claim that the penal system in Cyprus is in a state of crisis. This penal crisis did not emerge unexpectedly nor is it something new; for many years, media reports have acquainted the public with a sky-rocketing prison population, poor infrastructure, escapes and violence. Evidence for the existence of a 'crisis' can be found in international watchdog organisations and most importantly the Committee for the Prevention of Torture of the Council of Europe (CPT) as well as the news media. Recent

times have seen a decrease in scandals and embarrassment yet still include the imprisonment of the Prison Governor for assisting a lifer to escape, the corrupt behaviour of prison guards, drunken prisoners and rapes. As it may be expected, there is a problem of limited resources in the Cypriot prison system such as space and a general shortage of prison officers/guards. Bottoms (1980) first identified a crisis of penological resources that affects the entire penal system and most importantly the provision of non-custodial sentences and post-custodial supervision (in Bottoms and Preston, 1980). An ever-present issue of the material aspect of the crisis can be found in buildings, educational programmes, infrastructure and staff as has been documented by participants for this study.

7.2.1 Overcrowding

For the last several years, there is an alarmed attention to the unprecedented growth of the correctional population in Cyprus (CPT, 2008; CPT, 2013). Overcrowding conditions have been identified as one of the most recognised penological resources that the CJN is currently suffering from. In 2014, the prison establishment in Cyprus was at 150 percent of the Certified Normal Accommodation figure. Similarly, participants' narratives and experiences confirm overcrowding as a persisting challenge:

Interviewer: What is the most persistent challenge in the prison today?

Prison Staff 1: A persistent challenge of the prison estate - not only today but for the last five to eight years - is that of overcrowding. The Central Jail of Nicosia is dangerously overcrowded, but the authority [the participant is referring to the Ministry of Justice and Public Order] does not take our suggestions and views very seriously. I see the prison population growing day by day, and we have already converted most of the prison facilities into dormitories to accommodate all those prisoners. Prisoners are constantly complaining of sharing the same cell with three and four other prisoners, but we can't do anything about it... It is very difficult for us [prison staff] as well to work in congested environments.

Prison Staff 4: Without a doubt, overcrowding is number one. Since 2004 we warned the prison governance as well as the Ministry of Justice and Public Order that there is more available space within the jail.

Prison Staff 2: Overcrowding is the number one challenge... it has always been.

Judge 8: One of them is congestion. We know that prisoners in many cases are squeezed in cells under very difficult conditions.

Technically in Cyprus, overcrowding conditions can be attributed to the justice system sending more people to the prison and for longer periods, which then exceeds the official prison capacity. The official capacity of the CJN is 550, with an estimated prison population of 1300 in September 2015 (Ombudsman Report, 2015b). Albrecht (2012) notes that it is easier to produce overcrowded prisons than to develop and implement effective strategies to reduce prison populations. However in Cyprus, the debates on overcrowding are located at an intersection where important elements of police and crime research topics coexist (see further Albrecht, 2012). These topics involve the role of prison sentences, the standards embraced regarding prisoners' accommodation, healthcare and rehabilitation programmes, the development of crime (especially crime that is punishable by a prison sentence), the prison budget and prison construction and expansion. Crucially, overcrowding is associated with all these topics.

The definition and identification of overcrowding is not straightforward and depends on irreconcilable normative and factual elements (Albrecht, 2012). Normative elements to the definition of overcrowding are offered by international and regional human rights observation mechanisms which prohibit cruel, inhuman and degrading treatment and punishment and guarantee human dignity. Besides the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the International Covenant on Civil and Political Rights (1966) contains provisions that prohibit cruel, inhuman or degrading treatment and punishment (art. 7) and provides a monitor mechanism of prison conditions through visits and reports of a special rapporteur.

In the case of Cyprus, the evaluation of the CJN with regard to overcrowding does not rely on a single indicator but considers a range of multi-dimensional assessments of certain prison conditions such as the prison regime, rehabilitation programmes, healthcare, prison staff and prisoners' safety, sanitary facilities, visiting programmes and facilities for work and education and outdoor exercise. The CJN adheres to the decisions of the European Court of Human Rights on the space available for each prisoner as summarised by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Nonetheless on many occasions, it has been reported that prisoners have been living in spaces measuring less than two by two metres squared. The CPT states that two to three metres squared per prisoner is not a satisfactory living space and has repeatedly

recommended adopting a standard of four metres squared per prisoner. This matter was highlighted by the CPT Report (2014) which has called upon the government to adopt and implement a coherent strategy designed to combat prison overcrowding.

Participants' narratives not only present overcrowding as a persistent challenge but also a serious one. Of particular note, when participants discussed overcrowded conditions, the dormitory accommodation that houses 'underclass' prisoners was mentioned. Participant narratives suggest that stark and chronic overcrowding conditions have resulted in the conversion of recreational spaces into warehouses of prisoners. The following excerpt demonstrates this aspect:

Prison staff 5: Hmm, not effective at all. Since 2010 the prison is continuously expanding and new buildings exist now... also the governance has turned several communal areas used by prisoners for relaxation and entertainment purposes into dormitories of thirty to forty people, mainly immigrants... In addition, a recent 'effective' [participant makes a sarcastic gesture] method of dealing with overcrowding conditions is the detention of prisoners in police stations across the country.

In relation to dormitory facilities, Simon and Sparks (2012) highlight that in prison facilities which are chronically over-capacitated, dormitories are an unquestioned necessity. The CJN is a paradigmatic example in this regard. In 2014, the state's penal system housed 3 male prisoners for every permanent bed and occupancy at 150 percent of the official design capacity. However, the following excerpt from a prison staff interviewee indicates that overcrowding is not spread evenly and some wings are more overcrowded than others.

Prison staff 3: Well, the main challenge within the Central Jail of Nicosia is that of overcrowding. For many years now, the number of prisoners has seriously risen. Today overcrowded conditions have created many problems but are more persistent in male wings, where three or four - more recently - men have to share the same cell... More recently, the prison governance has turned the theatre from a facility that was previously used for the entertainment of prisoners into a human dormitory where 20 to 40 prisoners are currently under very challenging circumstances.

From the interview transcript narratives, it appears that the prison establishment is not effective in dealing with overcrowding conditions. In relation to the reallocation of detainees across establishments, this is also echoed in the interview transcripts as:

Prison staff 6: The conditions within the Central Jail of Nicosia are insanely crowded. We have tried everything, from sending most illegal immigrants to Menogia² to reallocating prisoners to police stations. Today space is our biggest challenge... they are trying to address this situation by expanding existing infrastructure or adding new extensions, however the existing conditions are still suffocating and is impossible to accommodate the immense number of prisoners sent to us.

Marshall and Rossman (1999) highlight that overcrowding amongst carceral estates is not spread evenly throughout the system. Cheliotis (2012) notes that overcrowded conditions in Greece are persistent in male prisons in big cities such as Korydalos prison in Athens (see further Tewksbury, 2009, Cheliotis, 2013, Holliday, 2007). Similarly in Cyprus, chronic and severe overcrowding conditions, according to the narratives of prison staff participants, occur in the wings housing male convicts. More specifically:

Commissioner for Administration: Well, overcrowding is a serious and chronic condition within the Central Jail of Nicosia but is not evident across all wings of the prison establishment. Alongside international watchdog organisations, our office published a lot of reports recognising that overcrowding conditions are more prominent in the wings with men. The wing with women prisoners is currently standing at normal levels.

Likewise, the Head of the Anti- Discriminatory Body stated:

Head of the Anti-Discriminatory Body Ombudsman Office: Generally speaking, our prison system is unsustainably overcrowded... overcrowding conditions are in an explosive situation in the closed prison especially in the wing with male prisoners. I would say that, so far, the situation in the wings of women and juveniles is still safe and under control.

Prison overcrowding came as a result of a slow, steady and long term increase in the number of prisoners. In contrast to the male wings, the wings with female and juvenile prisoners do not show signs of overcrowding. This facet was also depicted by the International Centre for Prison Studies in 2014, describing the conditions within the Cypriot prison system as cruel, inhuman and degrading, which is concentrated in the pre-trial part of the system.

² Menogia Detention Centre is a detention centre for illegal immigrants arrested for illegal entry and/or work in the Republic of Cyprus. Menogia Detention Centre has been in operation since 2013 and in March 2014 was at full capacity.

Notably, where prison staff participants discuss the notion of overcrowding, narratives indicate how overcrowding extends to all parts of the prison. The Cypriot Ombudsman (the main alternative inspectorate body) has repeatedly warned the Ministry of Justice and Public Order as well as the prison governance that overpopulation has put pressure on utilities such as available water and the capacity of the sewage system. Overcrowded conditions within the Cypriot prison system also affect the ability of the kitchen facilities to produce enough meals as well as other facilities such as toilets, showers and washing facilities:

Commissioner for Administration Ombudsman: In many of my visits I witnessed prisoners living in less than one square metre per prisoner... prisoners were queuing for long times to take a shower while most prisoners were complaining that there is not enough food.... the conditions are life threatening.

In relation to overcrowding and its effects and consequences, the narratives of judges and public prosecutors are equally important to the critical examination nature of this study. The subsystems of the Cypriot criminal justice system are independent from one other, however the operation of those subsystems such as the district courts are crucial:

Judge 8: Hmmm I think yes, our role contributes a lot to the high number of prisoners today...it is true that we send more people to prison today, but this our job. Our role is to introduce and implement policies and sanctions that each government decides to impose. During the past five years I conformed to policies and sanctions that I didn't agree with. Overcrowding conditions pose a real and serious challenge - not only to the prison establishment - but to the whole Cypriot Criminal Justice System. The courts for example, are too overcrowded today. I haven't seen the courtrooms so crowded in my professional life.

Counsel of the Republic: Yes we do contribute but not significantly, today for instance, overcrowded conditions can be found at police stations and courtrooms. The whole criminal justice system is overcrowded.

Seemingly, overcrowded conditions not only persist in the prison estate but are evident across the subsystems of the Cypriot criminal justice system as well. Today, the three main parts/agencies of the Cypriot CJS (correction, courts, and police) are permeated with the notion of fragmentation. According to the Handbook on Strategies to Reduce Overcrowding in Prisons (UNODC, 2013), those agencies are interdependent and interrelated. For example, the more criminals the police arrest; the greater the workload of the judges and the more congested the prison environment. In Cyprus, police, courts and the prison are separate

government institutions with different goals, procedures, histories and operating processes. Despite being separate, they have to interact with one another. Additionally, the Handbook on Strategies to Reduce Overcrowding in Prisons (UNODC, 2013) states that the role of courts is pivotal within the criminal justice system because many formal actions pertaining to suspects, defendants and convicts involve the courts. Only the judiciary can hold a suspect in the prison awaiting trial, find a defendant guilty and sentence a guilty person to prison. The decisions that courts make have significant consequences for other components of the criminal justice system. Judges decide what happens to a person arrested by the police, likewise, prison staff are affected by judges' decisions and burdened by the size of the prison population.

7.2.2 Bad detention conditions

Another important element of the crisis of penological resources as narrated by research participants is that of bad detention conditions. Interviewees characterised prison conditions as squalid and deplorable - in many cases degrading - with serious shortages. In fact, bad conditions were the second most discussed prison challenge. Participants' narratives and perspectives around bad conditions have produced four sub-sections/ themes.

7.2.2.1 Hygiene and ventilation

Partly as a consequence of overcrowding, the conditions of imprisonment within the Cypriot correctional establishment are critically described as squalid and deplorable. National and International Reports (Ombudsman 2012; 2013a; 2013b; 2014; 2015a; 2015b and CPT 2000, 2004, 2008, 2013) have repeatedly called upon the prison governance and the Ministry of Justice and Public Order to take serious action on fundamental violations associated with material conditions and to guarantee that a system is in place to ensure all prisoners who need to access the sanitary facilities during periods of lock up are able to do so in a timely manner. Correspondingly, the Ombudsman Reports recommend a serious strategy to deal with insufficient floor space, limited sanitation, lack of ventilation and hot water, poor hygiene and unsuitable room temperature.

Pertinent to bad conditions, sanitary facilities and ventilation appeared in most interviewee transcripts:

Prison staff 1: Existing sanitary conditions are indecent... Prisoners do not have twenty-four hour access to the toilet... also, prisoners are not allowed to take a shower on daily basis, even when the temperature reaches 43 degrees (Celsius) and [are] having to share the same cell with three others in the absence of ventilation... moreover the sanitary conditions in the toilet facilities are appalling, the smell of urine is prevailing with prisoners usually queuing for hours to take a shower.

CPT pays particular attention to good hygiene levels and practices and suggests that prisoners from minority religions/faiths should have regular access to a toilet, especially before praying. On numerous occasions, the European Court of Human Rights has imposed penalties on the Cypriot State for inhumane and degrading treatment of detainees especially those of Muslim faith. The excerpt below perhaps elucidates this appeal:

Prison staff 5: Sanitary conditions in the toilets are disgusting... and the unprecedented levels of prisoners using the toilet and shower facilities every day contribute to the decomposition of those facilities. Also Muslim prisoners are worsening the situation ... they refuse to use the toilet in the way that is familiar in developed countries.

For the past five years, prisoners and ex-prisoners, media reports and national pressure bodies have accused the prison governance of unjustified water and power cuts, with prisoners held without electricity or running water for days. The interview excerpt below demonstrates how this situation has been exaggerated by the prison governance through unjustified practices:

Commissioner for Administration: The current prison conditions are indecent and unacceptable. Unfortunately, prisoners are treated as soldiers and when they do not cooperate or listen to the chief, the power and water supply is cut off. Those acts are against the European Prison law as well as Human Rights. Power and water cuts in a prison which faces serious hygiene problems - especially under extremely difficult weather conditions - are barbaric and cruel. That is why our prisoners are constantly on hunger strikes.

Interviewer: What worries you the most?

Commissioner for Administration: The absence of political interest... unfortunately politicians took my role seriously [only] when it was too late [the interviewee is referring to the events of January in 2014].

Pratt (2007) underscores the importance of political forces and institutions in shaping the practice and social meaning of punishment. Penal practices are the outcomes of political decision making and the salience of 'politicisation' of penal policies belies their prominence

in electoral campaigns. Political structures and institutions (parties, electoral systems, organisation of political representation, political mentalities and interests, climates of political opinion) are all vital factors that call for consideration. Unlike crime in Cyprus, the prison and its society is not a highly ‘politicised’ topic, therefore prisoners’ living conditions have not captured yet political interest as is evident in the latest political campaigns. The police raid at the CJN in January 2014 has visibly called attention to the problems besetting the prison estate in Cyprus.

7.2.2.2 Health provisions, understaffing and staff morale

Medical provision in Cyprus has long been minimal. In 2014, the Cypriot prison establishment recorded a disconcertingly low number of healthcare staff to accommodate the unprecedented levels of prisoners within the prison system (CPT Report, 2013). Specifically, two general pathologists, a periodical dentist, seven nurses, one psychiatrist, two part-time clinical psychologists, one occupational therapist, and two mental health nurses; with the most serious cases being referred to the general hospital in Nicosia. Those numbers differ significantly from the situation in other Southern Mediterranean countries such as Spain and Italy, where prison healthcare staff amount to 541 and 967, respectively (Space I, 2010). Furthermore, Cheliotis (2012) points out these staffing levels have always been problematic and too meagre in Greek prisons also, despite the oversupply of medical specialists in Greece and Cyprus. Further to this, Sayer (2000) highlights that Cyprus and Greece have an oversupply of physicians and specialists that is markedly higher than European standards (see further Danermark, 2002).

The levels of healthcare staff in the Cypriot correctional establishment are in fact so low that prison officers and guards are, in effect, running the healthcare centre by distributing medication to long term patient-prisoners. Prison staff participants articulated that as follows:

Prison staff 7: Well, sometimes we have to be their friends, psychologists, doctors and confessors. There are several times especially when I am on a night shift where I have to make my medical ‘round’ and distribute medication to prisoners who suffer from high blood pressure, diabetes etc. or any other type of chronic illness.

Visits by outside healthcare specialists such as dentists and dermatologists are periodical and too brief to meet the needs of prisoners. It is worth noting that new prisoners are not required

to undergo physical examination by a medical doctor, personal medical records are not kept systematically and medical confidentiality is not respected (CPT, 2008). With respect to mental health services, in Cyprus there is only one psychiatrist but he did not have a 24 hour presence in the prison. The Country Report on Human Rights for 2013 has shown that mental health issues are hardly recognised and dealt within the mental health unit of the correctional institution. Delayed appointments and mental health are depicted (albeit unacceptably) as a common feature of prison life:

Officer of Commissioner for Administration Office: Prisoners are waiting for long periods to see specialist doctors. Sometimes prisoners have to wait for two or three months to be seen by a dentist. Also prisoners with mental health issues are diagnosed after months or years.

According to Liebling (2011) the understanding of prison life and the quality of ‘moral performance’ - as dubbed by Cambridge University Prisons Research Centre - is of paramount significance. Several developments have affected prison life and quality, with prison understaffing posing a crucial element. Participant narratives did not indicate only shortages of medical staff but also shortages of prison guards in general:

Commissioner for Administration: The ellipsis of resources within the prison walls does not refer to the educational programs or the infrastructure building only, but also concerns the number of prison staff; I am referring [not only] to the prison staff that work in offices but prison staff and those who interact on a daily basis with prisoners. Unfortunately, the number of prison guards is very low and I think we have the lowest prison staff/ prisoner ratio in the EU.

By the same token, the CPT Report (2014) has noted that the Cypriot prison establishment was 30 percent down on the approved staffing positions. According to Liebling (2007, 2011, 2014), prison staff are not seen as ‘glamorous’ peace makers such as police officers, which significantly contributes to the lack of interest in prison work. Additionally, the CPT Report (2013) depicted low morale of prison staff due to insufficient staffing levels, which is identified in the following evidence:

Prison Staff 2: Every day I come in here [prison] to do my job and then go home; how many times can someone complain? Nobody was listening for years but now with the police in the prison things will change I believe.

Prison Staff 4: Sometimes prisoners believe that we have a good job, but I don't feel lucky or happy with what I am doing. The job itself is boring and so are the people I am working with. On top, nobody appreciates our hard work and efforts.

It is not only the governments parsimony in hiring more prison guards but also poor management and lack of incentives that contributes to low morale amongst prison guards in Cyprus. The CPT Report (2013) clearly highlights limited promotion and training opportunities offered to prison guards, which has intensified with the on-going economic crisis. Similarly, Ombudsman Inquiries (2004, 2008, and 2013) advised the prison governance to encourage prison guards to take on more responsibilities and not to restrict their role to the security and order of the prison. In respect to lack of essential training, the Ombudsman argues:

“The tragic event of last January could have been avoided if prison wardens were more informed and trained around serious situations such as suicides and self-harm. When the first suicide took place, the CCTV cameras have shown that three of the prison wardens were staring at the body hanging from the roof for five minutes not knowing what to do. Through their testimonies it became clear that those people were never trained to deal with these kind of situations.”

7.2.2.3 Self-harm and Suicide

Recent discussions on prison suicides evolve around the environmental and structural causes of self-inflicted deaths within total institutions (Liebling, 2002; 2005). On an international scale, prison suicides in Cyprus were relatively low, although suicides saw unprecedented levels in 2014 (CPT, 2013). In 2004, in Cyprus there were five self-inflicted deaths recorded in the CJN. Four of these deaths occurred among foreign national, young males.

According to Liebling (1995, 1999) the individual prediction approach provides little explanation of the understanding and prevention of suicides in total institutions, giving the opportunity to social scientists to understand self-inflicted deaths in prisons in terms of the institutional conditions under which prisoners are detained. Similarly, this notion was touched on by the Commissioner for Administration:

“... anyway self-harm and suicides within prisons can be associated with individual factors such as depression and alcoholism but what about the environment? We all know how damaging the prison environment is today... and I am going to start with overcrowded conditions, the lack of categorisation, and the ridiculously high number of foreign national prisoners. I do believe that individual factors could be eliminated

or developed further within the prison environment, therefore we have to implement a prison environment that is adequate and generous in space, infrastructure, material conditions, and offers immediate access to health care and adequate health provisions in general.”

According to the Guiding Principles for the Prevention of Suicides in Prison and other Detention Facilities (Ombudsman 2015a), overcrowding conditions, weak health provisions and the absence of mental health screening of newly arrives prisoners have contributed significantly to the epidemic proportions of prison suicides within the Central Jail of Nicosia in 2014. A participant stated:

Prison Staff 5: The absence of examinations when prisoners are admitted in the prison is a key component which in my opinion could prevent suicides in the prison ... prisoners are deprived of their freedom and this is a difficult situation because they have to adapt to a new environment... but this loss could have less impact if the conditions and the overall environment of the prison is promoting access to rehabilitation and educational programmes etc.

In contrast to the deprivation perspective, Sutherland et al. (1992) argue that the importation model attributes the characteristics of prisoners which largely determine behaviour in prison. According to Sutherland et al:

“A clear understanding of inmate conduct cannot be obtained simply by viewing ‘prison culture’ or ‘inmate culture’ as an isolated system springing solely from the conditions of imprisonment” (1992, p: 531).

In an attempt to explain prison suicide, the importation model suggests that prisoners’ demographic, social and psychological characteristics rather than prison conditions best explain suicide in practice. For importation theorists such as Irwin and Cressey (1962), prison poses an opportunity rather than a cause. Supporting this notion, recent research studies suggest that suicides’ in the general population risk factors encompass depression, anxiety, substance abuse, post-traumatic stress disorder, schizophrenia and mental retardation as well as demographic correlates such as sex, age and race being prevalent amongst suicide cases in correctional institutions.

Cause of prisoner deaths is a matter long beset with vagueness and uncertainty and in the case of the CJN does not include deaths during hospitalisation or temporary release (Gilbert,

2008). Consequently, these inadequate recording practices make it impossible to precisely determine the cause or actual number of prisoner suicides and self-harm attempts.

Commissioner for Administration: My views about deaths and suicides in the correctional institution have been known for years. Prisoners commit suicide in the prison more often and the numbers that appear in statistics are not only inaccurate but misleading too. On many occasions the prison governance - from fear I assume - classify prison deaths and suicides under the category 'found dead'... also cases where prisoners suffer from heart attack or a stroke while they do time in prison and later die, are not recorded properly or at all.

Within the Cypriot prison system, most suicides involve male prisoners. In 2011, official prison statistics have indicated that the total number of prisoners consisted of 1255 male and 149 female prisoners. Based on the assumption that female prisoners are under represented among prison suicides, suicide in prison is often perceived as a problem that affects male prisoners (Liebling, 1999, Pratt, 2015).

The controversial nature of the circumstances of self-inflicted deaths within the prison raises questions regarding accountability, the safety of prisoners and the use of imprisonment. The epidemic proportions of suicides of January 2014 received negative publicity particularly in light of the short period of time in which the suicides occurred. The inquests that followed were critical, especially after the revelation that four of the deaths were of non-native prisoners: "...immigration origin, ethno cultural background and religious beliefs are factors that increased the risks of suicide among prisoners" (Ombudsman 2015a). Discussing this notion the Commissioner for Administration stated:

"In many interviews with foreign national prisoners, it was evident that their detention conditions and experience was pretty harmful. The Syrian man [the last death before police intervention] for example, was in prison for an immigration offence and was in the prison for three months. Two weeks before he commits suicide, he sends us a letter saying that he has to talk to Syria because another prisoner told him that his mum died during the war - but the prison staff were constantly ignoring his demand and advised him to stop lying instead. The same person also was refused permission many occasions to pray during Ramadan because of his 'attitude'. Why do I say all this? Because some people and groups are more vulnerable than others and the prison personnel has the duty to protect those in need."

Prisoners in this category, often experience strong feelings of marginalisation or abandonment due to the absence of family support which places them in a vulnerable position

and often makes them victims of discriminatory, racist and degrading treatment or behaviour. These factors may significantly affect the mental health of prisoners and consequently increase the risk of suicide in this category of detainees.

Regarding the relationship between age and suicide in the Cypriot penal establishment, recent research is inconclusive as to whether the risk of suicides is higher in younger or older ages (Dwyer and Buckle, 2009). In spite of this, the current report (2015) published by the Ombudsman Office in Cyprus providing the guiding principles for the prevention of suicides in prisons and detention facilities points out:

“The general profile of prisoners who commit suicide is young men (20-25), singletons [who] have violated the law for first time and have been imprisoned for a low gravity offence under the influence of drugs and commit suicide in early stages of their detention”.

Another important element depicted in the Guiding Principles for the Prevention of Suicides in prison and other Detention Facilities (Ombudsman, 2015a) is that of categorisation amongst prisoners. The population of prisoners in the Cypriot prison estate is heterogeneous in regard to age, offences, psychopathology, health problems, socio economic background, religious and cultural origins, job skills, and more. Through this diverse prison population groups can be discerned with common problems such as: prisoners with alcohol problems; use and abuse of toxic substances; prisoners with chronic psychiatric problems; sex offenders; prisoners convicted for debts; foreigners detained for offences related to illegal entry, stay or work in Cyprus; Juveniles and women prisoners.

The notion of a ‘toxic mix’ seems to have the most vocal critics, insisting that the prison governance, the Ministry of Justice and Public Order and the Cypriot government have to re-examine the detention of convicted and unconvicted prisoners or prisoners with addictions and mental health issues. This chemical reaction metaphor of toxic mixes of prisoners (Sparks and Bottoms, 1995, Marshall and Rossman, 1999) is in contrast with rehabilitation and reintegration ideals. The toxic mix is depicted by prison staff as an (albeit unacceptable) facet of the prison:

Prison staff 3: Well, this is not a new situation for us... and if prison is a rehabilitation centre then a vast majority of the prison population have no benefit from being here.

People with depression, schizophrenia and chronic addictions such as drugs and alcohol shouldn't be here in the first place. We cannot treat prisoners with severe health problems with penal terms. Also the coexistence of healthy prisoners with people who are in medical need is hopeless and questionable.

Head of the Anti-Discriminatory Body: It is unacceptable for a prison to allegedly adopt and implement the European prison standards, to [then] keep convicted murderers with a 20 year old young man who has been convicted for a minor offence and he has to serve a three month sentence.

7.3 The 'January Events': the ultimate symptom of legitimacy crisis

Disorganisation and suicides are complex events that 'raise profound questions over human action, social structure and political reasoning' (Carrabine, 2005, p: 896). Any convincing reasoning has to be in line with the structural circumstances of confinement e.g. material conditions, power relations and state organisation. Although those events are often described by recognising human agency, such a hypothesis ignores the social processes and structures underlying them. Participants' narratives on the causes of the 'January events', provide a clear understanding of legitimacy as a crucial component for institutional stability and order. In fact, the 'January events' were a set of disorganised events in the institutions' history and as Sparks et al., (1996) highlights 'they pose a special problem of the occasional complete or near - complete breakdown of order (p: 2). The subsequent quote details further the structural circumstances of the events:

Officer of the Commissioner for Administration Office: The unpleasant prison developments last January can be better understood if we put them in a context. For example, for many years, prisoners were complaining of abuse, squalid prison conditions and deprivation of basic human rights like the provision of food as well as adequate electricity and water supplies. During interviews with prisoners we came across serious accusations, not only against conditions themselves, but also against the prison governance. Those accusations were associated with beatings, humiliation, degrading behaviour - especially towards foreign and ethnic minority groups... and when we were looking for answers and explanations to those allegations, there was a general climate of covering-up that is very hard to describe with words. One week before the last suicide we were systematically refused entry to the prison... I can recall three times where we were stopped from entering the prison based on silly accusations that we spread rumours to the media etc.

The 'January events' were not only a significant finding of this research study but also a significant episode of the institutions' history. The legal case is still on-going, ultimately shaking public opinion and trust in the Cypriot correctional system. The intensive media

coverage of the topic has added more stress to participants' before, during and after their interviews. While some prison staff participants politely refused to comment on the events, some others appeared more open to discuss it. Because of the centrality of the 'January events', it is vital to briefly re-examine the chronicle of the events at this juncture.

On December 2013, a 21 year old Romanian prisoner arrived at the General Hospital of Nicosia from the Central Jail of Nicosia a few hours after he was gang-raped by a group of prisoners. Immediately, the incident attracted media attention. The following morning, the President of the Republic Nicos Anastasiades accompanied by the Minister of Justice and Public Order and the Minister of Health on their way out of the General Hospital Of Nicosia where the prisoner was held, issued the following statement:

“After this new atrocity that has been committed in the prison, it was impossible to stay indifferent. I am here to give courage to the young person who is suffering, but also to send a message that we will not tolerate these kinds of acts; there is no more tolerance for what is happening in the prison and for those involved”.

Two days after the President's statement a 22 year old prisoner was found dead, hanged from a bed sheet. The President immediately ordered the Police Rapid Response Unit to raid the Prison Department. These events were televised extensively and a national outcry followed. Soon afterward, the Minister announced eighteen immediate measures including:

- The immediate return of the Acting Prison Director to his police duties.
- The immediate suspension of a prison officer (performing administrative duties) and seven guards (performing custodial duties).
- The establishment of a panel to investigate any criminal responsibilities for the two recent suicides and abuse of detainees.
- The disciplinary investigations of the above cases would be carried out by officers from the legal office, and expected to be completed within 30 days, for purposes of transparency and objectivity.

- It was decided to implement the continuous presence of the Police Rapid Response Unit within the prison walls, to be responsible for the daily control of cells, common areas and facilities used by the prison staff and the redesign of the closed circuit system in the prison.
- Stricter controls for prison staff entering and leaving the prison.
- As stated by the Minister of Justice in order to prevent and combat corruption, all prison staff - including their relatives - required to declare their assets.
- Measures included the movement of prison administrators and inspectors in wings, for better control and communication with prisoners.
- It was also decided to create a prison psychiatric ward, which would transfer people who need psychiatric support and care and implement an immediate psychological evaluation (screening) and tighter control for self-injurious prisoners and prisoners who have shown signs of psychological depression.
- The instant categorisation of prisoners.

The interviews for this study coincided with the events of January 2014 and consequently the interviews with prison staff and prison administrators were rescheduled while the police investigations were ongoing. In many passages, participants' responses are parsimonious while throughout the duration of interviews showing visible signs of fear and discomfort. The following excerpt is typical. To the question of 'To what extent do you think that prison conditions were responsible for the events' Prison Staff 3 replied:

"The prevailing prison conditions at the time were not the best. We had to deal with a variety of issues, people on hunger strikes, people who were trying to kill themselves nearly every day, rapes and a lot of abuse. I can understand that those people were reacting to the regime but we are not responsible for the regime, we follow orders.....I agree that the situation aggravated after August [2013] and we finally lost the control of the prison".

Security and control are vital components of prison life. Roy King (1985) has suggested that maintaining security and control is a prime element of legitimate environments such as prisons. In his pessimistic viewpoint, King (1985) argues that:

“It is best to acknowledge at the outset that there is no solution to the control problem in prisons, nor can there be. The control problem - of how to maintain 'good order and discipline' - is inherent and endemic. For as long as we have prisons - and an institution that has become so entrenched in our thinking shows no sign whatever of becoming disestablished - then we will continue to hold prisoners against their will. At bottom that is what it is about” (King, 1985: 187, in Sparks and Bottoms, 1995, p: 51).

Similarly, Sparks and Bottoms (1995) argue that a central feature of delegitimized prisons is that of weak control, security and a dysfunctional relationship between captives and captors. Following the January events, the Ombudsman Inquest (2015a), did not use the word ‘legitimacy’ but drew on the notion of injustice amongst prisoners, a vital component of the legitimacy thesis (see further Scraton et al, 1991; Sparks et al., 1996; Bottoms, 1999; Bottoms and Tankebe, 2012; Jackson et al., 2010; Tyler, 2003). Most social scientists can agree that order is not the opposite effect of disorder but entails a more positive dimension as it implies a degree of regularity and trust amongst those involved (see further Jackson et al., 2010). Liebling (2004) defines order within prisons ‘as the degree to which the prison environment is structured, stable, predictable and acceptable’ (p: 291). In this sense, social order is of paramount significance as it minimises potential problems or difficulties and paradoxically such order is more necessary in prisons than in other social institutions (see further Sparks et al., 1996). However, the smooth running of a prison depends heavily on the acquiescence and cooperation of the prisoners (Jackson et al., 2010). A potential absence of this cooperation can lead to disastrous arrangements as contemporary penological history has shown us. As regards the CJN, the staff-to-prisoner ratio is significantly low, which means that prisoners at any time can reverse and take over the penitentiary ‘system’.

Prisons are not merely warehouses for incarceration, but a reformatory agent with a huge responsibility towards both offenders and the public. Crimes for which most of the prisoners are held responsible are deemed against the general values of society and it is therefore important to reconnect prisoners with mainstream societal values and norms before their

release (see further Beetham, 1991). This was summed up by the following interview excerpts:

Prison Staff 1: Locking up people is an easy solution, in my opinion the most difficult part is to re-introduce those people [prisoners] to what is socially acceptable and permitted.

Prison Staff 2: The public very often believe that by keeping criminals behind bars the society is then safer. However, this is a huge lie as criminals return to society [as] worse criminals.

In the face of all these contradictions, scholars' findings on prison life (Liebling, 2004; Bottoms and Sparks, 1996; Sparks et al., 1996; Tyler, 2006) have turned our attention to the notion of legitimacy. Applied to a correctional setting, legitimacy as described by Tyler is defined when decisions and rules enacted by prison officials or other authority figures are in some way 'right' or 'appropriate' to be followed (Bottoms and Tankebe, 2012, p: 124). According to the procedural justice perspective, this approval stems from the level of fairness by which prisoners perceive they are treated. Sparks and Bottoms (1996) call this the 'representational dimension' of experiences and treatment, where prisoners believe that the behaviour of prison officials is representative of the system as a whole. Therefore, prisoners who perceive the prison regime to be legitimate believe that rules and regulations are vital components of the prison regime and should be followed (Jackson et al., 2010). Applied to the Cypriot correctional setting, rules and regulations as part of a delegitimized regime were expressed by the Commissioner for Administration:

"Before the events there was an intense climate of frustration and discomfort from prisoners and our office raised questions over fair treatment. In many cases, prisoners - especially non-natives - were victims of unnecessary rules and regulations such as compulsory every day shaving and much more".

Prisons are governed by external mandatory rules - in the case of the CJN, the Ministry of Justice and Public Order and the parliament - with the 'origin', content and personnel involved in its application of rules and regulations to be distant, as many rules are often seen as unnecessary (Jackson et al., 2010). The notion that a rule should be followed because it comes from a legitimate authority has often been seen as a detriment to a good relationship between 'captives' and 'captors'.

As Jackson et al., (2010) highlight, prisons are environments of draconian surveillance and exerting force with prisoners being forced to do what they are told. Order in this sense is

problematic and will not be maintained as excessive use of force against prisoners who do not perceive the regime as legitimate will result in more violations and resistance. Therefore, how the establishment exercises its authority is of paramount significance, especially since the parties involved (prisoners and prison personnel) have no say in defining the rules.

7.3.1 Deprivation and coercion in a prison of poverty

An extensive set of literature suggests that there is a strong relationship between precipitating events such as riots, suicides and violent protest and a deep set of grievances within prisons (Sparks et al., 1996; Sparks and Bottoms, 1996; Tyler, 2006, 2010; Jackson et al., 2010). Fox (1971, 1973) in his powder keg theory, suggests that inhuman and degrading prison conditions are in fact a time bomb waiting to explode and can be sparked by a trivial incident. Many accounts imply that unjustified and accumulated levels of deprivation and coercion can generate frustration amongst prisoners and ‘the resulting explosion of cathartic violence against conditions’ (Carrabine, 2005, p: 899). The most recognisable position on deprivation is offered by Scraton et al., (1991) discussing the protests in Peterhead prison. Scraton et al., (1991) provide an account where alienation, boredom, the capricious enforcement of rules and the psychological desolation through lack of outside contact were seen as legitimate complaints about the ‘system’:

“the alienation and boredom, the rigorous enforcement of petty rules, the psychological desolation through lack of outside contact and the fear and reality of violence’ experienced by long-term prisoners” (Scraton et al., 1991: 132).

Similarly, the below excerpts depict the cultural, environmental and material context of the CJN and the arbitrary use of power within it.

Commissioner for Administration: The conduct of most prison staff, including members of the prison governance and prison guards, was not proper - neither legal nor humanitarian. To name only a few of their tactics; beating for unimportant reasons, locked up for long periods and *kapetanata*³.

Prison Administrator 6: A prison is not church, it is a place where violence exists with the use of force to be an everyday calling. Prisoners are living in a certain place and under specific rules that they don’t really like and very often refuse to comply with

³ *Kapetanata* (in Greek *καπετανάτα*): pejorative characterization of a group of people, working as a clique imposing their views and personal interests.

those rules... our role is to make sure that order and control is always well maintained.

Marx and Engels' (2002; orig. pub. 1848: 258) position helps us to understand how prisoners cope with grievances, deprivation and coercion in institutionally powerful environments. The quote below is similar in its message:

Prison Staff 1 ...prisoners are not following orders by consent but by fear. They fear that they will lose their right to see their relatives or families [which] forces them to accept anything... don't forget that our prison is a place of coercion and violence, prisoners have to live in an extreme enforcement environment, have minimal contact with their families and in the case of our prison, food and water supply has been proven to be problematic.

7.3.2 Authority disintegration and the problem of legitimacy

Carrabine (2005) argues that delegitimized prisons combine key elements of authority disintegration, control and operation of prisons. Participant narratives on the operational state of the CJN suggest a variety of struggles and challenges such as poor communication, scandals, incoherent rules, an unstable chain of command and fractured relationships between prison staff and administrators. In effect, it is the disorganisation of the prison system rather than the organisation of the prisoners that triggered the events in January 2014. For example, Useem and Kimball's (1989) analysis on the riots in nine American prisons, emphatically argue that:

“Inmates are not propelled to riot merely because they are deprived of the amenities available outside of prison—for punishment is the purpose of prison—but because the prison violates the standards subscribed to concurrently or previously by the state or by significant groups outside of the prison. Well managed prisons, with adequate staffing and physical resources perpetuate a feeling among inmates that the system conforms to reasonable standards of imprisonment. When stability and uniformity are not present, inmates look to other standards to judge their conditions...[W]here administrators and guards are powerful, unified and competent, the conditions of imprisonment themselves seem more legitimate; the captors are seen as authoritative rather than merely powerful” (Useem and Kimball 1989: 219).

Useem and Kimball's analysis is in line with British work on the significance of legitimacy in producing order within prisons and identifying the conditions in which 'captives' consent to the regime (see Sparks, 1994; Sparks and Bottoms, 1995; Sparks et al., 1996). A central feature of the legitimacy thesis on both sides of the Atlantic (both the USA and UK) is that of

injustice as a major symptom of delegitimized prisons. One participant responding to whether today the Cypriot prison environment is broken asserted:

Prison Staff 4: Without any shadow of doubt. Prisoners do not have twenty-four hour access to toilets, adequate food and those who are willing to riot find themselves in isolation for days. Does all this sound like a well organised and ordered prison?

Useem and Kimball (1989) argue that in well-managed prisons with adequate resources, prisoners perceive the prison surroundings as acceptable. In a similar vein, Jackson et al., (2010) suggests that prisoners who perceive the prison regime to be legitimate, believe that the prison should have rules and those rules should be followed. However, the notion of legitimacy in a prison environment has been debated.

In a widely known paper, Sparks (1994) posed the question if ‘prisons can be legitimate?’ Sparks’ (1994) analysis convincingly argues that despite the coercive nature of the state to punish, the internal dynamics of prison life rely on prison order and legitimacy. Prisons have to fulfil a wide range of functions that in many cases compete with each other. Liebling (2011) commented on the dynamic of legitimacy in respect to power holders such as the prison staff and argues that obedience of rules is an ongoing process negotiated by the behaviour of both the captives and captors. Despite the coercive root of prison life, prisoners have to comply with established rules and prison offices have to ensure that rules are enforced in a fair and consistent manner. Scholars such as Sparks et al., (1996) and Carrabine (2005) emphatically argue that established rules and forms of compliance reflect on current conditions of prison life such as safety, humanity and standards of living but also indicate current thinking on moral beliefs about treating confined individuals with dignity and respect.

Carrabine (2005) challenged the central premise of legitimacy arguing that what appears to be a cohesive prison environment cannot be necessarily viewed as an indication of compliance and higher legitimacy but rather a ‘dull compulsion of rituals’ where resignation and acceptance of powerlessness within the penitentiary produces obedience amongst prisoners. Thus, it is not clear whether rule obedience is strictly an acquisition of the regime or whether it can be explained by internal dynamic factors such as trust, feeling safe and secure and having good relationships with prison staff (see further Brunton-Smith and McCarthy, 2015).

Crewe's (2011a) analysis on 'soft power' utilized by prison staff in order to provide a more meaningful form of engagement with prisoners can enhance legitimacy, however the role of the prison officer is of paramount significance if they do not perform these roles in a consistent way (Brunton- Smith and McCarthy, 2015). Nonetheless, the role of prison officers can be altered due to the 'institutional' culture, as participants have articulated:

Prison Staff 1: ...I was constantly reminded of my duties, I remember once; one of the administrators told me that building relationships with prisoners is not something that he will advise new prison guards of doing because we are not getting paid for that. Another day I was told that prisoners are not my friends and I shouldn't trust them, because the negative image of us is merely caused by them and their silly complaints.

Prison staff 4: We [have] been told to 'filter' anything prisoners are saying or suggesting. When I first started, like anyone else I wanted to help and be close to them [prisoners], because I know how important it is to develop a good and 'healthy' relationship with prisoners. However, I soon realised that the association with prisoners was based on a strict and distrustful basis... for example prisoners from time-to-time were approaching for a little chat and I found most of my colleagues and superiors unwilling to engage in any form of conversation.

Similarly Crewe (2011b) found the interaction of public British prison staff with prisoners based on a culture of cynicism and suspicion. What is clear from existing work on prison legitimacy from the perspective of prisoners is that it depends on a variety of factors such as the organisational culture, prison conditions and actions of prison staff. Additionally, participant narratives of this study, suggest that there are some prison group that have experienced prison as less legitimate:

Head of the Anti-Discriminatory Body: The state of the prison from the top to bottom was appalling. Our office came across insidious behaviours and attitudes mainly from the administration office. Last year we were refused entry to the prison after prisoners complained about the obligatory shave and haircut. The rules and regulations are not followed by all prisoners, for example, Cypriot prisoners enjoy more privileges and comforts and are often acting as the owners of the prison... very often prison staff and guards sneak in letters and traditional food to Cypriot prisoners, and if my job taught me a lesson it is that these practices have catastrophic consequences for both prisoners and prison staff.

Cheliotis and Liebling (2006) found that prisoners from ethnic minority groups in the UK are often more likely to hold negative perceptions of prison legitimacy because of higher victimisation incidents, especially amongst black prisoners. In the case of the Cypriot prison establishment it could be argued that non-native prisoners are analogous to black prisoners in

the UK. For example, the excerpt below states non-native prisoners in Cyprus are very often the victims of the unfair exercise of power:

Prison Staff 3: Despite the fact that foreign national prisoners cooperate with us more, we often see them suffering and struggling more with the detention conditions. For example, you barely see any Cypriot cleaning the toilets; also privileges and furloughs are strictly available to Cypriots only.

Foreign national prisoners experience a variety of unfair practices ranging from allocation of prison tasks to failure to grant privileges and furloughs. However, the disproportionate representation of foreign national prisoners added more strain on prisoner staff relations:

Prison Administrator 7: While the rules are clear and have to be always in place, not all prisoners are aware of them. We have to take into consideration the serious communication barriers that we witness and the difficulties that ensue. We detain people from many corners of the world and as you can imagine, the people are carrying with them their own culture and customs. More often we feel a bit frustrated when we have to repeat what the rules are.

7.3.2.1 Legitimacy and the problem of visibility

Fitzgerald and Sims (1982) saw the problem of visibility functioning as a suppressive agent for securely establishing prison legitimisation. Garland (1990) argues that modern institutions of punishment are less accessible and much more secretive and socially invisible than the punishment of former times. The operation and function of the CJN demonstrates this by remaining an enigma to the general public. The public has limited knowledge of what really exists behind the high walls and barbed wire fences and are ill-informed of the prison rules and regulations, how prisoners live and how the system operates in general. The below excerpts recognize prison secrecy with many prison incidents going unnoticed. The following participants stated:

Officer of the Commissioner for Administration Office: In confinement areas the lack of contact and minimal visibility for the general public gives ground for unpleasant situations to happen. To be more specific, it was the lack of visibility - and therefore real knowledge - that created the preconditions for the rapes, suicides and self-harm that occurred within our Central Jail.

Senior Counsel of the Republic: Access to the Central Jail of Nicosia is restricted and therefore it is very difficult for the public to see and understand the proper levels of pain, despair and perhaps violence that prisoners have to put up with every day.

While secrecy behind prison walls has been slowly breached in many jurisdictions, in others the internal operation is still shrouded in a veil of secrecy in which prisoners' correspondence

is censored (see further Cheliotis, 2012). The exposure of prisons with severe and chronic challenges can decrease the legitimacy of the institution. Fitzgerald and Sims (1982) argue that ‘knowledge’ about the prison system threatens to weaken its power if it loses control of information about itself (Cavadino and Dignan, 2007). However in the case of the CJN, many ‘incidents’ of prison disorder have been motivated by the desire to make prisoners’ pains and grievances visible.

7.3.2.2 Corruption and Injustice

Another central feature of the legitimacy thesis, as presented by participant narratives for this study, is that of corruption and injustice. Liebling’s work (2011) identified the idea that the moral quality of prison life depends heavily on the attitudes and conduct of prison officers. Prison work is about the use of power and authority deployed through human relationships with its subjects, namely prisoners and prison staff (Liebling, 2011). Relationships that are based on power and moral climates produce emotions that are observable and follow patterns. What is distinctive about the work of the prison officer is the enduring harmonisation of their work towards welfare, discipline, care and/or power (Liebling, 2011). Prison officers have to negotiate their authority on a daily basis with a dubious and complex crowd through interaction, where the application of rules ‘by the book’ is non-viable (Liebling, 2011). This is an inherently tricky and unstable issue.

When discussing the current problems of the prison establishment, corruption and injustice were addressed as perennial problems. Historically, prison corruption has been a persistent and pervasive feature of corrections, periodically erupting in the form of scandals that are usually brought to our attention by the press. No prison is immune from this challenge and in the case of the CJN in recent years, major prison scandals involving prison staff have emerged. For many years prisoners and their families have repeatedly accused prison personnel of accepting bribes, organizing pardons, arranging transfers to open prison, and smuggling objects that significantly improve prisoners’ lives behind bars. In relation to corruption, participants narrated a wide range of instances ranging from romantic liaisons to the smuggling of illegal substances:

Prison staff 1: Yes, corruption exists in here [prison] but we are not all corrupt. We don’t have to generalise... After all those years working in the prison, I have developed a friendly relationship with few of the prisoners, who too often share with

me many of their secrets. They often tell me how much they paid my colleagues for having a mobile phone, a bottle of whisky, drugs, even to mediate for a transfer to the open prison. Prisoners always ask for all sorts of things... there is nothing wrong with asking, prisoners are usually often hopeless and desperate and they will try everything.

Prison staff 4: Corruption amongst prison staff is a serious problem in here [prison].... Well I know cases where prisoners were allowed to talk with their relatives and lawyers two or three times per day by paying of course, or other cases more extreme, where my colleagues were 'caught' in sexual relationships with prisoners. You cannot control your feelings, especially in this environment.

Cavadino and Dignan (2007) highlight how the sense of injustice within prisons is inflamed by grievances concerning the prison regime, the behaviour of prison staff and the prison disciplinary system in general. Further to this, Sparks et al. (1996) claim that fair procedures and consistent outcomes are central elements of legitimate prison establishments, by arguing that there are:

“...a number of facets of legitimacy relevant to the maintenance of order and the incidence of disorder in prisons. Amongst these, one would certainly have to include the centrality of fair procedures and... consistent outcomes. A third component concerns the quality of behaviour of officials - regarded in some quite strong sense as *representing* the system. Fourthly it is possible that the basic regime of the institution - its accommodation, services, and activities - may itself be regarded as illegitimate in failing to meet commonly expected standards [cf. Woolf 1991]. Therefore one can envisage circumstances under which institutions meet some of these criteria but not others. A procedurally 'correct' and bureaucratically efficient regime might simply fail on grounds of impersonality and lack of humaneness [Jacobs, 1977], perhaps helping to explain why prison disorders can occur in brand new, uncrowded, well resourced facilities” (Sparks *et al.* 1996: 89, emphasis in original).

In the case of the CJN, a great obstacle in achieving justice and legitimacy is the disproportionate negative outcomes of procedural injustice experienced by non-national prisoners (see further Jackson et al, 2010). The Council of Europe for example, on many occasions has emphasised how the Cypriot prison system suffers from a major racial imbalance (CPT, 2004; 2008; 2013). According to Cheliotis and Liebling (2006), a prison social system cannot be understood without reference to institutional controls and the racial dynamics of how prisoners are treated by staff. Today, foreign national prisoners make up seventy percent of the prison population, thus race inequality can be identified from the overrepresentation of non-nationals and in specific outcomes experienced by this group of prisoners (Jackson et al., 2010).

Prison Administrator 7: Foreign nationals are a group of prisoners that is prone to suffer unjust practices. Unlike Cypriots, foreign national prisoners are not aware of their rights and this often leads to controversies and fights. To a degree, Cypriot prisoners bother us less with complains and moaning around unfair treatment.

It seems likely that unequal effects are experienced by prisoners from ethnic minority groups, which in turn have an impact on prison legitimacy. Jackson et al., (2010), emphasise the notion of injustice amongst prisoners from ethnic minority groups who suffer a systematic failure of procedure, namely a lack of fair treatment, not understanding the rules and how they are to be applied consistently and fairly and lack of neutrality in decision making and treatment. Disproportionate use of force, loss of privileges, and a greater use of segregation are important elements in explaining disrespect, a denial of voice and most importantly the failure to exercise control and authority in a fair and unbiased manner. The excerpt below perhaps elucidates further the unequal outcomes experienced by individuals from ethnic minority groups within the Cypriot prison system:

Commissioner for Administration: Just like every core element of our criminal justice system, the Central Jail of Nicosia undergoes its own weaknesses and limitations. Prison staff attributes for example, are a vital element when dealing with a diverse racial and ethnic prison population, especially when the majority of the prison population consists of individuals of different cultures. Today, foreign national prisoners suffer from high levels of verbal and physical abuse, fear, mistrust, emotional deprivations and injustice”.

This view clearly anticipates the importance of legitimacy in creating fair and unbiased procedures for all prisoners, and as Sparks and Bottoms (1995) put it:

“...every instance of brutality in prisons, every casual racist joke and demeaning remark, every ignored petition, every unwarranted bureaucratic delay, every inedible meal, every arbitrary decision to segregate or transfer without giving clear and unfounded reasons, every petty miscarriage of justice, every futile and inactive period of time – is delegitimizing” (Sparks and Bottoms, 1995, p: 60).

7.5 Concluding remarks

The present chapter has revealed the current challenges of the Cypriot prison system within a radical pluralistic framework. The prison is suffering from a serious material crisis of resources including space, equipment, food and levels of prison guards. However, material resources are only one facet of the crisis as deeper rooted problems exist, stressing the ideological dimension of the system. The lack of legitimacy for example, emphasises how authority breakdown, corruption, injustice and violence are not merely the direct outcomes of

a significant growth in the prison population, a reduced prison budget or of adequate prison buildings - although these factors contribute significantly - it is the result of what people believe; a moral reaction of people within and outside of the prison system. The crisis of legitimacy as indicated and analysed in this chapter is of paramount importance because of the need of the prison establishment to legitimate itself with different groups of people such as the prison staff and most importantly the penal subjects. Prisoners in Cyprus are indeed suffering from substantial injustice, corruption, coercion and deprivation and the crisis is unlikely to be resolved unless those symptoms are mitigated.

Chapter 8: Conclusion

8.1 Introduction

This study has provided a wealth of information of the causal factors for the rise in the prison population and the problems this brings in the prison system. The causes of the rise in prison population are extensive and significant factors have had an impact. These factors vary significantly across cultures and are relatively attached to party politics and a more punitive crime policy. This study showed how the financial downturn in Cyprus was turned by politicians into a criminogenic tool against immigrants and asylum seekers, which is reflected in recent developments of migration policy. The analysis carried out was primarily based on qualitative semi-structured interviews and has worked on many levels of analysis to connect the rise and challenges of the prison population with the structures, processes and ideologies that underpin them. As Loader (1998) argues:

“Criminological inquiry cannot be pursued adequately without posing some fundamental questions about order, power, authority, legitimacy and social justice” (p: 201).

The critical realist framework employed for this study assisted to uncover evidence which supports the suggestion that the dramatic rise in the use of imprisonment in Cyprus has significant social, political and economic components. In Cyprus, the rise in the prison population cannot be explained by differences in crime rates. Instead, the prison expansion is associated with punitive political structures and public sentiments and stresses the significance of the welfare state. This study finds evidence to suggest that the examination of the Cypriot prison establishment (including its physical structure, facilities, regime, untoward incidents and staff profiles) shines a spotlight on the nature of its society because this where the evidence of decisions about order and control, punishment and segregation, are felt the most.

Regarding the problems that the Cypriot prison establishment is facing, a myriad of issues have been identified and analysed. This study has provided evidence suggesting that the CJN is seeing a series of challenges to its legitimacy, which are evident in recent episodes of prison unrest and the rise in self-harm and suicide. The most significant episode regarding legitimacy depicted for this study is the ‘January events’, a jumble of ‘crises’ including penological and material resources like buildings, staff, programmes, equipment and money.

Another important crisis is that of visibility and concerns the secrecy that shrouded the prison establishment for many years. The genesis of the ‘January events’ as shown in Chapter 7, was the result of a crisis in legitimacy due to deep grievances. The absolute level of deprivation and indignities visited on the oppressed led to a cathartic episode rebelling against prison conditions - particularly around issues like injustice and corruption.

This chapter aims to summarise the main findings of the study and discuss their implications. While exploring the causal factors behind the rise in the prison population in Cyprus, it has been found that the increased fear of crime was driven by a rather populist criminal justice policy. The issue of crime is a decisive tool adopted by politicians in order to pass tough penal policies for political benefit. Today crime control policy is dominated by punitive mentalities, particularly towards immigrants and refugees.

Additionally this study suggests that since hyper-penalisation has a negative impact on the prison population, it is important to implement a decriminalisation strategy especially towards immigration policies.

8.2 Research Findings: a return to the study’s questions

The following section will revisit the questions posed for the study:

1. Why is the prison population rapidly growing in the Central Jail of Nicosia?
2. In relation to the on-going growth of the prison population, what type of challenges is the Central Jail of Nicosia currently facing?

8.2.1 Factors that impact the prison population

This study finds evidence suggesting that penal populism in Cyprus has enabled politicians to pursue new political agendas on crime and punishment that appear to be driven by their crude and punitive appeal and not by evidence of their efficacy (see further Pratt, 2007). In Cyprus, political representatives and leaders have developed a style of politics that characterises penal policy-making by simplistic solutions to complex problems such as crime and imprisonment. The net result of this new style of politics in Cyprus has given the opportunity to populist politicians to develop strong ties with extra-establishment forces, all of whom claim to speak on behalf of the public. Populist politicians reach out to these groups for support and to

constitute a good indicator for policy development, leading policies into a divisive and schismatic penal apparatus (Pratt, 2007, 2008, 2011).

Instead of leading penal changes, government bureaucracies appear to have less influence over them and hand over their former space to extra-establishment forces and the public mood, willing to pursue the public's ideas rather than pursuing their own. Of course, politicians play a crucial role. It is not the public's punitive stances and views towards crime and prisoners but politicians' encouragement towards punitive laws and sentences (Pratt 2008, 2011). The findings for this study suggest that punitive laws and sentences are improving politicians' re-election chances, who arrogantly claim to know 'what is best' for 'our people'. These politicians have repeatedly failed to create effective and inclusive penal policies and constantly sensationalise the presence of foreigners and immigrants.

Additionally, this study suggests that public opinion in Cyprus has become the main driver of recent penal policymaking decisions and initiatives. For example, populist punitiveness has been focused around three goals: to reduce crime by creating more penalties; to reaffirm moral consensus against certain offences and lastly to achieve electoral gains by responding to public discourse demanding harsher punishment/penalties. Political representatives in Cyprus appear to be very responsive to public opinion. Such responsiveness is an alienable right of representative democracy, as politicians do not want to stray too far from the wishes of their electorate. The recent examination of populism politics in Cyprus has revealed that political actors are promoting penal policies that are incredibly attractive to the public but are highly unfair and ineffective (Simon, 2007). An example of this is the amendment of the Immigration Law in 2015, which shows a conscious intention to use the politics of crime as a vehicle for re-election (see further Simon, 2007).

When it comes to ask the question why penal populism emerges in Cyprus, the findings for this study are straightforward. The first point to make is that of growing anxiety among the Cypriot middle class in recent years about social order in the face of rapid social change. Over the last fifteen to twenty years, Cyprus' modernisation has caught the attention of political parties which then used crime rates as a political priority (see further Simon, 2007). However, in the case of Cyprus this has happened in periods where crime rates were declining, whilst the sense of insecurity about crime and 'get tough' approaches are still dominant and powerful (see further Garland, 2001; Roberts et al., 2003). This by default

creates the public's responsiveness to political discourse which posits security threats in simplistic and direct way and then offers equally simple responses to these perceived threats. This has resulted in the unwillingness of the Cypriot public to marginalise in the setting of penal agenda (see further Inglehart, 1977). This study suggests that the Cypriot public appears to be outside the formal policy making process in an ugly and punitive disposition (Ryan 2003).

In Cyprus, penal populist movements have been found in parties all across the political spectrum with political actors defending the rights of the public at large and concurrently the withdrawal of rights from those who pose a danger. The research shows that the majority of the society holds the moral absolutism of penal policies. Thus penal policies are in line with the (moral) aspirations of the majority, consequently the criminal justice balance is shifting away from the interests of criminals towards law-abiding citizens (Karstedt, 2001, 2015). This explains recent developments in the continuous and structural police relationship with the local community.

The sense of anger and resentment over law and order problems gives the opportunity to populist politicians to link these issues with concerns about immigration. Views such as 'they are not coming here with good intentions' or 'crime is their blood, we have to send them back to their countries immediately' have been expressed extensively in Cyprus in recent times. Populist discourses on the connection between criminal activity and immigration have been found in mainstream political parties. While the political right has invested on the 'tough on crime' mantra, the political centre and left have abandoned their longstanding position of fighting crime and its causes by focusing on the reduction of social inequalities.

Combating this populist drift is not easy. Promoting public knowledge of crime and punishment has been a core focus in international research (see further Indermaur and Hough, 2002; Hough and Roberts, 2004); however, these research recommendations cannot be transferred to Cyprus without taking into consideration its penal culture. The availability and accessibility of criminological data in Cyprus is deeply problematic when reflecting on how to engage the public in penal agenda. The Cypriot public possesses little accurate information about crime or imprisonment rates - which are proxies to public opinion - with media and political discourse the only easily available sources of information about crime.

8.2.2 The significance of crimmigrants

Public attitudes and opinions are likely to influence crime policy as governments take public sentiments and attitudes seriously when creating and implementing penal policies (Roberts et al., 2003). In this study immigration plays a fundamental role, considering that in Cyprus immigrants constitute 10% of the total population. In this study, the issue of ‘immigration and crime’ was examined, where immigrants were not only held responsible for the rise in criminality, but also being held responsible for other social problems such as unemployment. Today, in Cyprus immigrants are supposedly carrying a criminogenic effect (see further Bosworth, 2008, Bosworth and Kaufman, 2008; Bosworth 2011; Bosworth and Guild, 2011; Aas 2005, 2007; Melossi, 2003, 2013a, 2013b). The ‘deviant’ migrant has a central role to play in political and media discourse, and is emphasised in the purifying filter aiming to protect the local and national identity from ‘threatening’ and ‘unwanted’ mobilities (Aas, 2005; 2007; 2001; 2013). One of the significant discoveries for this study is the xenophobic and intolerant political discourse, which together with disproportionately high rates of imprisonment amongst ethnic minority groups in Cyprus, clearly indicates that the culture of crime and punishment is dangerously racialized. Regrettably, media portrayals of criminal activity of immigrants feed the public’s fears and anxieties and taking into consideration the mutual beneficial patronage between politicians and media executives in Cyprus, the causes of the ill-informed opinion of the Cypriot public becomes clear. According to Garland (2001), the recurrent image of offenders is racialized and requires regulation; today in Cyprus, current political discourse towards immigrants and refugees is often discriminatory and stresses the negative ‘consequences’ from the ‘excessive numbers’ ‘waves’, ‘chords’, and ‘floods’ of non-natives residing in Cyprus at present. Furthermore, racist, discriminatory and xenophobic political discourse towards immigrants and refugees have been exacerbated by two significant factors: the advent of the financial crisis in 2008 and the war in the Syria. Since the financial crisis broke, dominant political discourse in Cyprus has increasingly focused on common property and violent crimes, especially those crimes that are associated with foreigners and immigrants. Whilst a small proportion of those interviewed expressed a sympathetic attitude towards refugees from Syria and other Middle Eastern states, the vast majority of the politicians used the small size of Cyprus and the unsolved ‘Cyprus problem’ to articulate their ‘concerns’ with the immigrants’ presence. In addition, the punitive shift of penal and extra-penal regulation of migration can be understood better by the process of

hyper-criminalisation of immigrants and recent illegalisation developments. As a matter of fact, over the last decade immigration policies saw significant changes; however, in 2013 the addition of ten penal sanctions restricting migration from particular countries such as Syria, Palestine, Egypt and Libya indicates a degree of selectivity. Additionally, findings for this study are in line with international studies that show a general climate of selective penal practices often framed in racialized language that postulates self-evident links between some nationalities and particular types of crimes (see further Di Georgi, 2010).

The nexus of crime and illegal immigration was central to the political agenda of the national elections in March 2013, when certain political parties - mainly to the right and centre of the political spectrum - openly invited citizens to join with them against 'those who pose a threat' to the country's sovereignty. This created the conditions of a 'national emergency' that made the atmosphere conducive to chauvinistic nationalism and racism (Bosworth 2008b, 20011b). This study suggests that political parties have moved away from traditional populist attitudes towards penal nationalism, promoting extreme penal stances and responses (Haney, 2016). Today the Cypriot culture of crime and punishment is based on penal nationalism sentiments with stronger penal discourse that is elaborated in critical moments. Penal nationalism is a vital instrument for small law and order parties, however as the findings of this study suggests, they can be found in mainstream political parties as well such as DHKO and DHSY. Penal nationalist discourse revolves around the 'people' and 'nation' and crime control is seen as a matter of national protection, a vital characteristic for national survival. In the case of Cyprus national survival is of paramount significance if one considers that the country is still divided.

8.2.3 Welfare

Welfare ideals appeared to be a dynamic factor in the rise of the prison population within this study. Over the last twenty years, Wacquant (2009a) succeeded to set the foundations of penal policy and practice from a political economy perspective (Cheliotis and Xenakis, 2010). Wacquant (2009a) elaborates that neoliberalism is based upon four institutional logics: economic deregulation, the withdrawal of welfare investment, individual responsibility and punitive penal responses. However, as this study suggests, neoliberalism is not a convenient descriptive typology but entails diversified and complex institutional features. For example, applying neoliberal penalty in the case of Cyprus, it is evident that Wacquant does not pay

enough attention to significant national historical specificities. This omission hinders significant insights into the relationship between neoliberalism and penalty. Indeed, Cyprus is tempted to import 'superpower' crime control policies incubated in the USA which then spread across Europe. Also, the findings of this study suggest that Cyprus is not exempt from the recent international trend in punitive upsurge. However, Cyprus's turbulent history and ongoing ethnic strife saw intense periods of punitiveness. Furthermore, true to its peripheral status of the world economy, Cyprus followed a different route to the road of capitalism compared to other European countries. However, recent privatisation planning – including the Central Jail of Nicosia – does reflect the notion of neoliberalism and Wacquant's arguments. With regard to the withdrawal of welfare investment withdraw, although the levels of social expenditure have seen an upward trend over the last fifteen years, the pattern of its internal contribution remains uneven (Andreotti et al., 2001). As this study suggests, the Cypriot welfare state has a recent history of colonial dominance where past and on-going ethnic and political strife have significantly weakened the democratic structure of the state. Furthermore, the political system of the welfare system appeared more prone to crisis than those in central Europe or in Scandinavia. Indeed, the findings of this study are in line with significant international observers (Cheliotis, 2013; Tappio-Saappala, 2007) highlighting that the welfare state in Cyprus is more vulnerable to partisan pressure. Additionally the weak state is now dealing with social issues such as poverty and immigration in a punitive and exclusionary penal response fuelled by insecurity which has been exacerbated by the ongoing financial crisis. Today, the Cypriot political culture is based on a welfare chauvinistic agenda where welfare protections and entitlements have become highly racialized.

8.3 Prison challenges

Regarding the second question, a number of serious challenges have been unearthed. While the prison population continues to grow, the money and resources to deal with this growth are limited, especially in financially stagnated periods where austerity measures prevail in every aspect of social life. The findings of this study suggest that the prison establishment in Cyprus is in a state of crisis; which consists of two main aspects, penological resources and legitimacy. The correction institution in Cyprus is facing a serious problem of limited resources such as space and the number of prison officers. The prison suffers from chronic overcrowding that contributes to the bad physical conditions within. In addition, this thesis

empirically deconstructs how poor conditions affect staff as well as prisoners, contributing to low staff morale. Apart from the poor conditions, the CJN has recorded minimal medical care for prisoners, with severe shortages of medical staff. Prisons have special requirements for provision of healthcare and in the case of Cyprus healthcare provisions are minimal in both assessment and intervention. While the prison population continues to grow, the number of medical and mental health staff is persistently low and prisoners with mental health issues and chronic addictions are observed periodically, a factor that is undermining prisoner welfare and well-being. Due to the fact that mental health screening is not obligatory, prisoner levels of self-harm and suicide saw a significant increase over the last three years.

Findings of this study suggest that the crisis of penological resources affects not only the prison system but spreads to the entire penal system. This includes the courts and the probation service which is responsible for the implementation of non-custodial sentences. This generates an imperative to minimise the numbers of admissions (perhaps by decriminalising certain offences) and to deal with more offenders without using custodial sentences, serving them in the community instead. Another aspect of the crisis is that of the lack of resources that offer prisoners constructive and fulfilling ways of spending their time. For this study, the material aspect of the crisis was core to describing the current state of the penal system however this is only one aspect of a fuller picture (see further Cavadino and Dignan, 2007)

For this study, the crisis of penological resources is based on material resources whereas the crisis of legitimacy is ideological in nature and comes down to the moral right to wield power. Legitimacy within prisons means authority used rightfully or power exercised within established rules standards and values (Liebling, 2011, p: 486). The multi-layered examination of the Cypriot penal system suggests that it faces a number of challenges to its legitimacy, evident in recent episodes of prison unrest and the rise in incidents of self-harm and suicide. Legitimacy is not a fixed occurrence, but it rather constitutes a perpetual discussion and dialogue between prison staff and those subjected to the exercise of power see further (Sparks et al., 1996; Sparks and Bottoms, 1996; Tyler, 2006, 2010; Jackson et al., 2010). This concept of the dialogic dynamic of prison legitimacy places particular attention on the relationship between prison staff and prisoners and as the findings of this study suggest, acceptability of power can be achieved by the appropriate attitude and conduct of

power holders (Liebling, 2011). Authority and power within the CJN are not ‘things’ but insinuate an interpretative process that is continually required, interrupted, disrupted and required again. The main discoveries of this study are in line with British work on the importance of legitimacy, in identifying circumstances in which prisoners consent to authority - the proxy of the legitimacy thesis - and prison regimes (Sparks, 1994; Sparks and Bottoms, 1995; Sparks et al., 1996). A central finding of this study is the breakdown in the administrative control and operation of the Cypriot prison establishment with poor communication between prison staff and prisoners, scandals, incoherent rules, injustice and corruption. In effect, it is the disorganisation of the prison rather the organisation of prisoners that caused the ‘January events’.

Undoubtedly, the ‘January events’ - a term first coined by this study - constitute the biggest legitimacy episode of penal history in Cyprus. An explanation of these events has exposed structural circumstances of imprisonment (material conditions, power relationships, grievances, coercion and state organisation) that require immediate action and restoration. The analysis of the structural circumstances of imprisonment has revealed a deep set of grievances such as inhumane and degrading prison conditions, meagre material conditions, poor health provisions, coercion, resentment, and an arbitrary use of power. Therefore, the derivation of the ‘January events’ could be better understood by taking into consideration the institution’s cultural, environmental and material context. A significant element of the relationship between the ‘January events’ and the deep set of grievances is that of visibility. The Central Jail of Nicosia is shrouded in a veil of secrecy, with the public having limited information on its physical structure, facilities, regime, untoward incidents, staff profiles and numbers and prisoner profiles and numbers, all factors that exacerbate the legitimacy thesis. The problem with secrecy is that many incidents of prison disorder are motivated by the desire to make prisoners grievances and allegations more visible to the wider public. Furthermore in the Central Jail of Nicosia, particular changes in achieving justice and legitimacy are the consistent and disproportionate outcomes experienced by ethnic minority groups (see further Jackson et al., 2010; Tyler, 2003). These disproportionate outcomes occur in a prison system that suffers from a fundamental race imbalance with prisoners from ethnic minority groups accounting for seventy percent of the total prison population (see further Council of Europe, 2014). Prisoners from ethnic minority groups are most commonly the victims of procedural injustice. This study’s discoveries are in line with international research

evidence which suggests that within the Cypriot prison system, prisoners from ethnic minority groups are disproportionately experiencing a greater use of segregation and lower levels of privileges, which in turn communicates disrespect, a denial of voice, and a failure to wield authority in a fair and unbiased manner (see further Jackson et al., 2010, Tyler 2003, 2010).

Indisputably, the crisis of legitimacy is related to an underlying political crisis which surpasses the prison walls (Fitzerald and Sim, 1982). The inequitable constitution of the prison population and the role of imprisonment, for example addresses the political crisis of penal legitimacy. The Central Jail of Nicosia disproportionately holds drug and property offenders, those with addictions, the mentally ill and finally those from ethnic minority communities. In Cyprus, the law enforcement agencies are exclusively focused on the criminality and punishment of the sub-proletariat which simply underscores the political illegitimacy of current penal affairs and uses of imprisonment (see further O'Donell, 2016, Handbook on Prisons). This political illegitimacy calls us to stop reformatting and regurgitating the aims of punishment and urges us to start engaging in critical thinking of alternative ways of punishing criminals and also appeals for greater promotion of human rights, social justice and democratic ideals (O'Donell, 2016).

8.4 Originality and contribution to the current state of knowledge

This PhD thesis aims to explore the causes in the rise of the prison population and to identify the challenges that the Cypriot prison establishment may face. The current state of knowledge in the field of comparative research consists of studies stemming from the micro (who) and macro (why) and seeks to understand what changes have caused the surge in the prison population. Recent findings of comparative studies exploring variations in the use in imprisonment included explanatory factors such as the crime levels (Tonry, 2001; Garland, 2001), social indicators such as investment in welfare programmes (Beckett and Western, 2001; Downes and Hansen, 2006), public punitivity and fear of crime (Hought and Roberts, 2005) and variations in political structures and forms of democracy (Lacey, 2010) (see further Tapio Sappala, 2011; Karsdedt, 2010). Although innovative approaches and implications have been discussed throughout this research, it is important to devote a sub-section to originality in this concluding chapter. The uniqueness of this thesis takes two forms including the theoretical orientation, and method and methodology.

8.4.1 Theoretical contribution to knowledge

This PhD study offers an innovative analytical and methodological approach in comparative analysis of punishment in penal politics. It combines rigorous examination of the explanatory factors behind the rise in rates of incarceration and the challenges this may bring to the penitentiary. The motivation for carrying out such a research is well summarised by Karstedt (2001):

“The concept of culture has moved from the periphery to the very centre of scientific investigation, and culture figures as a primary rather than dependent variable in global change. Criminology has made no exception to this development after lingering for decades between the Scylla of culture-blindness and the Charybdis of extreme cultural relativism. In a recent interview, Nils Christie argued that criminal justice policy is “cultural policy,” and as such much less determined by crime rates than by the cultural identity that a nation wants to achieve” (p: 286).

Indeed, the concept of culture has recently emerged at the core of criminology. Many criminologists argue that crime and social control are social and cultural phenomena (Karstedt, 2001, Garland, 2001, Nelken, 2005). The ‘crime-incarceration’ mantra does not sufficiently address the rise in the prison population between the member states. Through comparative analysis, this PhD thesis discusses how the politicisation of crime has resulted in increased penal punitiveness. Recent ‘symbolic’ politics characterised by a clear cut division of discourse between victims and offenders and ‘us’ and ‘them’, usually utilised by Cypriot populist political actors and political parties in general. In a period of tougher penal policy, the passing of legislation for certain offences is of paramount significance because penal policy carries a moral logic that is culturally and historically defined. The analytical challenge that we must thus address is that of ‘country-specific exceptionalism’, with reference to its specific social, political and economic development (Lappi-Seppälä, 2011).

Various studies in the USA and the UK have shown that adverse economic conditions such as unemployment, and income inequality are linked to the rise of criminal activity, particularly of violent and property offences. However, in Cyprus politics has not only shaped the financial crisis itself but has infused projections of the connectivity between crime and financial crisis, for example, the deployment of emotive discourses by dominant politicians has increasingly focused on property and violent offences conflating it with immigration. This thesis is part of the larger discussion of increasing importance of political and public discourse around the ‘criminogenic’ effect of immigrants. Stumph (2006) has argued that the

merger of criminal law and immigration law is taking place in many jurisdictions throughout the world with the concepts of membership and the borders as central features.

The recent works on punishment and migration of Bosworth (2008); Aas (2011) and Melossi (2013) emphasise the expansion of the mechanisms of borders, which depends heavily on the criminalisation of non-citizens. Brown (2010) argues that sovereignty is a peculiar border concept and its meaning denotes supremacy and autonomy; whilst Aas (2011; 2013) argues that today the role of border controls is to ensure clear boundaries between insiders and outsiders. In the same vein, Aas (2013) and Aliverti (2012) argue that sovereign states imply an element of selectivity and that there are several categories of states, those who are desirable e.g., students and tourists, and those who are black listed. Dauvergne (2008) affirms that illegality does not denote a breach of immigration law but it also entails a pervasive and insidious relationship between immigration, crime and insecurity. Despite heavy criticism, recently the concept of 'illegality' saw a great deal of popularity on political and legal discourse that relates to migrants. Melossi (2013) sends symbolic political signals with his work 'Criminalisation of Immigrants' and the progressive securitisation and criminalisation of migration today. Huysman (2006) further indicates a legitimate but complex process of exclusionary practices.

The selection of the Cypriot prison establishment was purposive. Cyprus has the third highest number of non-citizens imprisoned. This thesis contributes to existing knowledge largely as it fills a gap in knowledge around the Cypriot criminal justice system and penal system. Whilst neo-liberalisation has a direct impact on the use of imprisonment in many jurisdictions across the world, this bears little relevance to the case of Cyprus due to national historical complexities. This thesis suggests that in order to analyse the core events of Wacquant's neo liberal penalty e.g. inflated prison rates, lower levels of crime activity, and the over presentation of foreigners, drug offenders and the poor in the Cypriot prison establishment, it is essential to examine the history of welfare and economic regulation in the country, two important requisites of the neoliberal thesis. Due to its peripheral status, Cyprus has a long tradition of insufficient investment and spending on welfare expenditure - despite a steady increase in recent years - as well as having an under-regulated national economy. Undoubtedly, Cyprus has shown a trend in rising punitiveness over recent times. However, the turbulent past of the country has also seen intense periods of punitiveness.

This thesis contributes to the field of politics of imprisonment by examining how penal politics in the Republic of Cyprus have been built on tough law and order rhetoric that marks, excludes and expels those considered transgressive, particularly non-nationals. Thus developing a unique Cypriot penal nationalism that equates punitiveness with national sovereignty, protection and survival (see further Haney, 2016). Whilst this concept has been discussed extensively by Haney (2016) in relation to post-socialist Eastern European nations, this thesis shows that in the case of Cyprus, the unsolved ‘Cyprus problem’ along with the fact that Cyprus is still an ethnically divided nation, creates a community that requires security from the ‘chords’ and ‘waves’ of ‘them’.

8.4.2 Methodological contribution to knowledge

The originality of this thesis can be also found in its methodology. This thesis has utilised applied empirical research using critical realism as a philosophical and methodological framework (see further Fletcher, 2017). Whilst critical realism has been a useful philosophical framework within the social sciences, there is scarce empirical evidence of the precise methods - including methods of data collection, coding and analysis - best suited to the application of critical realism research. The purpose of this study has been to provide a critical realist analysis ensuring the typical trajectory of qualitative research project.

The discoveries of the thesis suggest that the reasons behind the surge in the prison population have significant social, economic and political factors. Through an innovative methodological and theoretical approach, this research has successfully demonstrated the complexity and interconnection of these factors. Today in Cyprus, crime is highly politicized, which has resulted in high levels of punitiveness. The new punitive era saw an increase of victim-centric penal developments and also a rising concern with national sovereignty and survival which then led to the criminalisation of certain forms of movement.

This critical realist research provides explanation and critique of penal conditions. Therefore, it is possible to produce recommendations for action on penal problems. Although recommendations are fallible; this thesis bases its recommendations on the identified tendencies and causal mechanisms.

For this critical realist study, interviews provide an important basis for gaining access to ‘richly textured accounts of events, experiences and underlying conditions or processes,

which represent different facets of a complex and multi layered social reality' (Smith and Elger, 2012: p:14). The interviews did focus on participants' subjective experiences however this was without suspending critical analytical ability in the process, since causes and underlying conditions are not transparent products of a verbal exchange between interviewer and interviewee (see further Smith and Elger, 2012). One important element of this qualitative study was also the selection of its participants. Since the qualitative nature for this study has been set to examine changes and factors that contributed to the rise in the prison population and the challenges that the rise has caused in the prison establishment, the 'informants' were called to make connections brought from their situational knowledge and the social mechanisms that operate in their settings. This study, which is the first of its kind, has employed 'key informants' - those embodied with power or a position (given or won) to effect change, have an impact and implement penal policies.

Whilst thematic analysis is perhaps the most common form of analysis in qualitative research, the utilisation of thematic analysis for this study was proven to be an important instrument in identifying and analysing patterns (usually referred to as themes) within data (see further Braun and Clarke, 2006). Thematic analysis is a flexible method of analysis that enables 'themes' to emerge and theoretically sits between the two poles of essentialism and constructionism - a key characteristic of the theory of critical realism. For this study, thematic analysis acknowledges the ways participants make meaning of their experiences and the social contexts impinging those meanings, while remaining focussed on the material and limits of 'reality' (Braun and Clarke, 2006).

8.5 Where next?

Over the past three years Cyprus has been the focus of international attention not only in relation to the financial crisis, but also in connection with significant law and order issues. In June 2015 (following the risk of a Grexit), the government announced its plans to hand the management of the CJN to the private sector due to biting austerity measures, although this suggestion continues to face strong opposition. In August 2016, the Minister of Justice and Public Order has stated that:

“The public-private partnership method is the most cost-effective... Constructing new prisons is among the issues of top priority to the justice ministry. We feel that constructing new prisons through a public-private partnership project appears to be a

cost-effective solution, considering the additional operating cost of the current prison, as well as the constant needs to repair the premises.”

During the interview process when asked about the possibility of a prison privatisation the Ombudsman stated:

“I know that the current financial crisis will be used by the government to hand the management of the prison to the private sector. Besides, the Ministry of Justice and Public Order believes that this is a fair and feasible solution at this time... but it [prison privatisation] seems to me quite the opposite. The state has the duty and the responsibility to continue the work that has been undertaken hitherto. I understand that it is extremely difficult to overcome the existing prison problems, but I do not think that privatisation will have a positive effect or rehabilitate our prison... I insist that the enforcement of penal processes and decisions is the responsibility of the state”.

Politician 17 (political left) also argued:

“I will not be surprised, if in five years’ time, the prison will be privatised. These days they [government] privatise everything... Prisons are of public trust and if the government wishes to hand the administration of the prison to the private sector then I am afraid that we will have a problem related to legitimacy”.

The potential marketisation of the CJN to the private sector has created a new predicament for the Cypriot government (see further Garland, 1996; 2001), where the state appears to have weak authority and inadequate criminal justice control agencies. The argument around the privatisation of the CJN is an adaptive strategy that helps us to understand the volatile character of recent penal policies in Cyprus. The proposition of prison privatisation is in line with the transnational political project of neoliberalism (Wacquant, 2009a).

Handing the ownership of the prison to the private sector has been vigorously opposed on a number of grounds, for example Sparks, 1994; Harding, 1997 and Moyle, 2001 argue that the legitimacy of the distinction between the allocation of punishment and its administration is blurred particularly in disciplinary decisions and penalties, transfers, sentence planning and parole (Genders, 2002). Over the last four years in Cyprus, the governments’ privatisation folder has been bulging at the seams. The government, driven by ideology, is using the financial crisis to convert public funds into private profits despite a long trail of failures. Current ‘victims’ of the privatisation spirit are the National Telecommunications Service, and the Electricity Authority of Cyprus.

While the untoward incidents of the ‘January events’ were forgotten - except for trivial references in relation to prison conditions - in February 2014, the management of the prison attracted the attention of the media, the correctional institution had marked a significant development by appointing the first female Acting Prison Governor; however, this positive development was soon dashed by her subsequent resignation following a grand scandal involving drunk prisoners. Following her resignation, the Ministry of Justice and Public Order appointed another woman to the post who has seen innovative prison administration practices. The new Acting Prison Governor has enacted significant changes with prisoners today being allowed unrestricted telephone calls, an increased number of visits and visitors, and Skype communication for foreign national prisoners. Furthermore, prisoners have the opportunity to participate in social events inside and outside the prison walls. In July 2016, the Ombudsman recognised the efforts of the new governance to establish a fair and stable environment and called upon the prison governance to promote and safeguard all forms of equality. Similarly, the Council of Europe (CPT, 2015) acknowledged the efforts and emphasis given on diversity. For example, in July 2015 the Acting Prison Director was criticised heavily by the influential Orthodox Church for accompanying LGBT prisoners to the second gay pride parade in Nicosia. This action was seen positively by the Ombudsman who claimed that this development ‘is part of a broader effort for radical changes in the operation of the prison system in Cyprus’. This prison development is clearly marking a different spirit that governs the current administration of the CJN and how the prison administration addresses specific taboo issues inside the prison. The current picture of the prison does not resemble anything of the image that was created by previous governments which saw five convicts lost to suicide. Today, the cells for convicted prisoners are installed with air conditioning and recently the prison management updated the female wing with an inflatable pool used by female prisoners in order to minimise monotony.

8.6 The Central Jail of Nicosia and the need for future research

The data for this study was collected in 2014 at the peak of a financial crisis and at a time when the Central Jail of Nicosia faced a number of challenges to its legitimacy, two events that have a decisive role in determining the causes of the rise in the prison population and the challenges of the prison due to the rising prison population. During the last three years, the political situation saw significant changes, countless protests have taking place against social,

political and economic conditions and yet the financial state of the country has not improved. Whilst a more stable economic environment, the political culture in Cyprus seems unable to bring radical changes to perceptions of crime and crime control in general.

This study is the first empirical attempt to understand why imprisonment rates saw a significant growth in the Republic of Cyprus, and critically examines the current challenges of the Central Jail of Nicosia. The findings of this study provide substantial and ground-breaking evidence for future research in relation to the theme of the study. Having found such a negative perceptions towards crime and punishment it will be interesting to gain a more up to date understanding of the structural forces behind the rise in the prison population by carefully examining the state of the penal politics, the inclusiveness of the Welfare state and the relationship between crime, punishment and migration. Once the financial situation as well as the refugee crisis are improved, the need of re-examining the causes of the rise in the prison population will assist to establish a more balanced approach of the factors.

Research on the Central Jail of Nicosia is scarce but necessary to both the exploration of the system and whether and it 'works' effectively and meets its claims, and to challenge the treatment of prisoners. The exploration of the Cypriot prison establishment was the first empirical attempt of this kind and the results as presented in Chapter 7 are ground-breaking. This study investigated the challenges of the prison and assisted in the identification of 'January events', the biggest legitimacy episode in Cyprus' penal history. The study presented evidence suggesting that the Cypriot prison establishment suffers from a serious material crisis of resources including space, equipment and staff, however, material resources are one only facet of the crisis as hidden and deeper problems exist , stressing the ideological aspect of the establishment and a fundamental political crisis which move in the prison wall.

APPENDICES

Appendix 1: Interview Guide

1. Take me back through the history in your career that brought you to the Cypriot criminal justice system. Why did you choose a career in?
 - Why did you choose to work for the?
 - When did you start your career?
 - Could you describe the sentencing/prison environment when you first started? How different is today?

2. Personal experiences
 - How easy is your position in our days?
 - It was easier in the past? Why?
 - Which factors are more likely to affect your role today?
 - Are those factors the same to those ten or fifteen years ago?
 - In your opinion, what types of challenges does the Cypriot criminal justice system is currently undergoing?

3. Criminal justice policy
 - What were the aims of penal policies today?
 - How different are those aims to those ten years ago?
 - Can you provide me with an example of a time when you had to conform to a policy with which you did not agree?
 - How punitive are penal policies today? Why?
 - Are current penal policies more concerned with the victim or the offender and why?
 - How do you justify the recent increase of the prison population?

4. Offenders
 - How offences have changed over the last ten years?
 - Are offences getting more serious now?
 - Can you describe the characteristics of offenders in courts today?
 - How different were the characteristics of the offenders fifteen years ago?

5. Immigrants
 - Do you think immigrants pose as a threat in the society?
 - In your opinion, do immigrants contribute to the growth of the prison population in Cyprus?
 - In your opinion, do immigrants and foreigners commit more crimes than Cypriots?

6. Crime rates

- Is crime activity growing in Cyprus nowadays?
- In your opinion, how crucial is criminality when exploring the rise of the prison population?
- So, to what extent do you agree that the rise in the prison population is caused by an increase in the levels of crime?
- How different was the situation ten years ago?
- Can you see any changes in relation to the offences? What type of offences predominate the Cypriot society today?
- Do foreign nationals commit more crime than Cypriots?
- Can you see any other way of dealing with crime apart from imprisonment?

6. Welfare

- Can meagre welfare provisions cause an increase in criminality?
- How inclusive is the Cypriot welfare system?
- How important is welfare spending and investment in your agenda?
- How effective is your opinion the social protection system in Cyprus?
- In your opinion does welfare provision distributed and accessed fairly and equally?

7. Central Jail of Nicosia

- How could you describe the prison environment today?
- How different the environment was ten years ago?
- In your opinion, what type of challenges does the prison is currently undergoing? (Overcrowding conditions, corruption, weak security, rapes, self-harm, corruption, racism)

8. “January events”

- What were the main problems in the prison before the President’s intervention?
- What were the main reasons for the President's intervention to send police forces into prison?
- How improved are the prison conditions today?

Appendix 2: Participants' Background Information

Participant No	Age	Gender	Occupation
1	39	Male	Prison staff
2	37	Female	Prison staff
3	45	Male	Prison staff
4	41	Female	Prison staff
5	39	Female	Prison staff
6	58	Male	Prison administrator
7	59	Male	Prison administrator
8	63	Male	Judge
9	60	Male	Judge
10	55	Male	Judge
11	53	Male	Judge
12	57	Male	Judge
13	62	Male	Public prosecutor
14	58	Male	Public prosecutor
15	54	Male	Politician (DHSY)
16	50	Male	Politician (DHSY)
17	60	Male	Politician (AKEL)
18	57	Female	Politician (AKEL)
19	49	Male	Politician (DHSY)
20	57	Male	Politician (DIKO)
21	58	Male	Politician (DIKO)
22	57	Male	Senior Counsel of the Republic
23	55	Male	Counsel of the Republic
24	62	Female	Commissioner for Administration (Ombudsman)
25	56	Male	Head of the Anti-Discriminatory Body (Ombudsman Office)
26	34	Female	Officer of the Commissioner for Administration Office
27	45	Male	Officer of the Commissioner for Administration Office

Appendix 3: Research Information Sheet

**School of Arts and Social Sciences – Research Ethics Framework
Research Information – for participants**

To be completed by the researcher and supplied to participants.

The researcher must ensure the participant has ample time to read all of the information before asking them to sign the Participant Consent form (ASS-RE4)

Name of project

Cypriot Exceptionalism? The future of the penal system in modern Cyprus

Research Organisation

Northumbria University

Researcher's name

Katerina spyrou

What is the purpose of the research?

To explore the functioning and operation of the Central Jail of Nicosia. Furthermore, this study sets to uncover the true causes of the rise in the Cypriot prison population and to examine the challenges of the prison establishment due to the unprecedented levels of the prison population.

What will happen to the results of the research study?

The raw material from interviews like interviews transcripts and researcher notes are going to remain strictly confidential and will be kept in a safe cabinet until this research comes to an end. Also, appropriate and relevant quotes will be used in my thesis and any subsequent publications from this (e.g. conference papers). Participants have the right to refuse to grant consent for any interview material to be used in future researches or publications.

Why have I been chosen?

Because your knowledge and expertise is relevant and appropriate to the purpose of this research. Additionally your experience, role or position within the Greek- Cypriot Criminal Justice System is crucial and appropriate to the main principles posed by this PhD.

What will I have to do if I agree to take part?

Simply answer some questions and talk about your experiences. With your consent the meeting will be recorded. The researcher will transcribe the recording and send the transcript to you for factual accuracy before using it in any publications.

Will my taking part in this research be kept confidential?

Anonymity will be given to interviewees who request it, in which case a pseudonym will be agreed or

the researcher will refer to an 'anonymous source' in any publications.

Who can I contact for further information about this research contact?

Professor Mike Rowe
Dept of Social Sciences
Northumbria University
Lipman Building
Newcastle upon Tyne
NE1 8ST
Tel: +44 (0)191 243 7647
michael.rowe@northumbria.ac.uk

Who should I contact if I wish to make a complaint or report an incident concerning this research?

Dr Wendy Dyer
Dept of Social Sciences
Northumbria University
Lipman Building
Newcastle upon Tyne
NE1 8ST
Tel: +44 (0)191 227 7468
[*wendy.dyer@northumbria.ac.uk*](mailto:wendy.dyer@northumbria.ac.uk)

You will be given a copy of this Information Sheet and a copy of the Participant Consent Form

Appendix 4: Research Information Sheet in Greek

Προς:

ΣΥΣΤΗΜΕΝΗ ΚΑΙ ΔΙΑ ΤΗΛΕΟΜΟΙΟΤΥΠΟΥ

Newcastle upon Tyne

Αξιότιμη,

Θέμα: Συμμετοχή σε συνέντευξη για ακαδημαϊκή εργασία.

Ονομάζομαι Κατερίνα Σπύρου και εργάζομαι ακαδημαϊκός συνεργάτης στο Τμήμα των κοινωνικών επιστημών στο Πανεπιστήμιο Northumbria που εδρεύει στην πόλη Newcastle Upon Tyne στο Ηνωμένο Βασίλειο. Στα πλαίσια της ακαδημαϊκής μου έρευνας ετοιμάζω τη διδακτορική διατριβή μου με τίτλο «Cypriot Exceptionalism? The future of the penal system in modern Cyprus», η οποία υποστηρίζεται από το πιο πάνω αναφερόμενο ακαδημαϊκό ίδρυμα.

Η έρευνα μου εστιάζεται στα προβλήματα που δημιουργούνται στη λειτουργία και αποδοτικότητα του κυπριακού σωφρονιστικού συστήματος ένεκα της αύξησης του πληθυσμού των φυλακών και το συγχρωτισμό των υποδίκων και των καταδικασθέντων για διαφορετικά αδικήματα που αφορούν το κοινό ποινικό δίκαιο και τους επιμέρους ποινικούς νόμους. Ταυτόχρονα, αναδεικνύονται οι μέθοδοι αντιμετώπισης των προβλημάτων που σχετίζονται με το σωφρονιστικό σύστημα σε συνάρτηση με το γεγονός ότι η Κύπρος συνιστά κέντρο υποδοχής μεταναστών. Η ερευνητική προσέγγιση του πιο πάνω ζητήματος επεκτείνεται στο πεδίο των επιστημών της κοινωνιολογίας και της εγκληματολογίας.

Στόχος μου είναι η διεκπεραίωση μίας ολοκληρωμένης επιστημονικής διατριβής μέσω της βιβλιογραφικής μεθόδου και της λήψης συνεντεύξεων από αντιπροσώπους όλων των ομάδων που σχετίζονται με το σωφρονιστικό σύστημα. Μέχρι σήμερα έχω λάβει συνεντεύξεις από σωφρονιστικούς λειτουργούς, δικαστικούς λειτουργούς και δημόσιους κατηγορούς.

Θεωρώ όμως ότι η έρευνα μου δε θα ήταν ολοκληρωμένη χωρίς τη συμμετοχή του τμήματός σας, καθώς η συνεισφορά του Επιτρόπου Διοικήσεως στη βελτίωση του κυπριακού σωφρονιστικού συστήματος είναι σημαντική. Για αυτό το λόγο, θα σας παρακαλούσα να μου παρέχετε μία σύντομη συνέντευξη σε σχέση με τα πιο πάνω ζητήματα.

Στο σημείο αυτό θα ήθελα να αναφέρω ότι θα ήταν μεγάλη μου τιμή να συμμετέχετε στην έρευνα μου και η συμβολή σας στην επιστημονική προσέγγιση του ζητήματος είναι πολύτιμη.

Ένεκα του γεγονότος ότι δε διαμένω στην Κύπρο, θα σας παρακαλούσα αν φυσικά το επιτρέπει και το πρόγραμμά σας, να οργανώσουμε τη συνάντησή μας στο διάστημα από τις 3/03/2014 μέχρι και τις 15/03/2014.

Τέλος σας ενημερώνω ότι επισυνάπτω το έντυπο πληροφοριών που εκδίδεται από το Πανεπιστήμιο Northumbria για τους συμμετέχοντες στις συνεντεύξεις για τη διδακτορική μου διατριβή

Σας ευχαριστώ εκ των προτέρων.

Με τιμή,

Κατερίνα Σπύρου

(Στοιχεία επικοινωνίας)

Katerina.spyrou@northumbria.ac.uk

11, foundry Court

St Peters Baisin

Newcastele Upon Tyne

NE6 1UG

England

Tel: + 00447584022325

Appendix 5: Prison Access Letter

ΚΥΠΡΙΑΚΗ ΔΗΜΟΚΡΑΤΙΑ

File No.: 7.19.001/2
Tel. No.: 22406104
Fax No.: 22303889

MINISTRY OF JUSTICE
AND PUBLIC ORDER
PRISON DEPARTMENT
1702 NICOSIA - CYPRUS

18th May, 2012

Miss Katerina Spyrou
11, Foundry Court
Newcastle Upon Tyne
NE6 1UG

Dear Miss Spyrou,

I am writing this letter in relation to access requirements regarding your PhD Thesis *Cypriot Exceptionalism: the future of the Penal System in Modern Cyprus*. Your access request has been examined very carefully by the Prison Department and it will give me a great pleasure to take part in your project. Furthermore, I am offering you access to Prison staff that are interested in participating

For more information feel free to contact me +00357 22406126.

George Tryphonides
Acting Director of Prison Department

Appendix 6: First stage of Block and File Approach

Me: What determines the political culture in Cyprus today?

Participant 15: Today the political environment in Cyprus is determined by public opinion. We listen to what the public has to say, listen to their concerns and then try to find substantive and operational solutions.

Me: So we could argue that penal policies are driven by victims and their victimhood?

Participant 15: Yes, that is true. I am going to give you one example. Internationally, theft and burglary are considered to be brutal and reprehensible offences. Just try to imagine a stranger who invaded your space and removed from your property objects that with toil and blood you acquired. This is not very nice is it? When we enact penal policies or modify existing legislations we keep in mind victims and how they are impacted by crime.

Me: Generally speaking do you believe that Cypriots are more likely to be the victims or the offenders?

Participant 15: Well, I am not a judge but recently I think Cypriots are more likely to become the victims of immigrants mainly. Property crime has been dangerously rising and the financial crisis has worsened the numbers of offences such as burglaries and thefts.

Me: So, immigrants commit more offences?

Participant 15: Without any shadow of a doubt.

Me :In your opinion, how crucial is criminality when exploring the rise of the prison population?

Participant 15: Hmm, there is no doubt that the past seven to ten years has seen a significant growth in the levels of crime.....crime activity and ataksia in Cyprus is alarmingly high and I am really concerned with its dimensions.... Since 2000, the rising level of criminality has been a priority in our political agenda.

Me: In your opinion, do immigrants contribute to the growth of the prison population in Cyprus?

Participant 15: Unfortunately today their presence is dominant and suffocating... You go to the coffee shop the waiters are from Romania, you go to the supermarket the cashiers are from Georgia, you call a plumber and a Syrian appears... you feel a foreigner in your own country. We do not need any more dirty immigrants, we have more than enough. As long as I remember we have been controlled by other nations (the participant is referring to the Turkish invasion and the period during British colonialism)... but today we are swamped by immigrants...

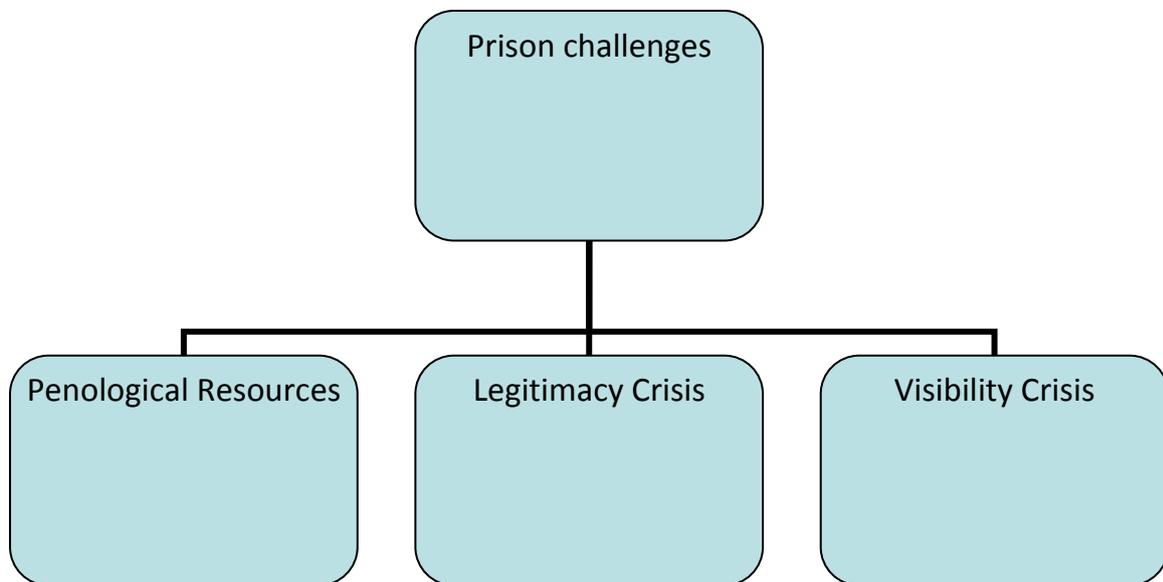
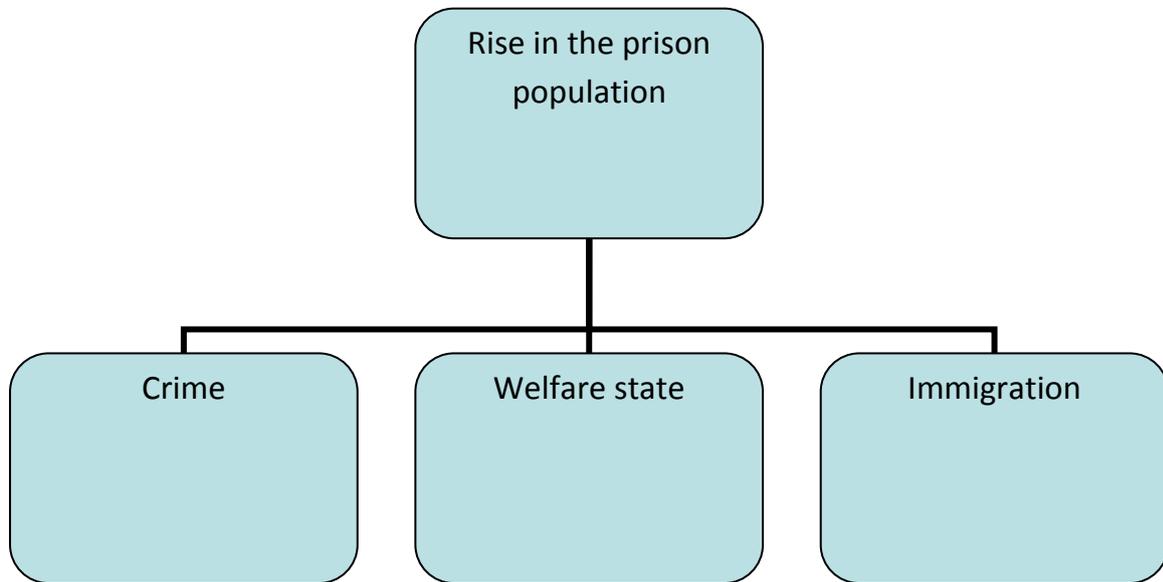
Appendix 7: Second Phase of Block and File Technique

Welfarism	Crime	Illegal Immigrants	Racism/Xenophobia	Punitiveness
<p>Judge 12: Of course we cannot bypass the correlation between penal expansion and welfare contraction. Welfare spending and welfare programmes are there to help those people in need, but when those programmes are limited and have significantly reduced from earlier years then yes this has a direct impact on the prison population.</p> <p>(Judge 8): state provisions and assistance is of paramount significant when we are seeking to understand the reasons behind the escalation in the prison population. The purpose of social protection is to ensure that specific social groups have sufficient support regardless of the government in power at any</p>	<p>Politician 20: well, in my opinion criminality plays a crucial role The prison population is rising simply because the criminal activity within the Cypriot society is alarmingly excessive ...Today crime rates in Cyprus are very high and the latest crime figures suggest that we have to take immediate and drastic actions..... what I mean is time for us, the people who lead this country, to become tougher with criminals and generally those who pose as a threat to social order.</p> <p>Politician 15: hmm, there is no doubt that the past seven to ten years saw a significant growth in the levels of crime.....crime activity and ataksia in Cyprus</p>	<p>Politician 15: Unfortunately today their presence is dominant and suffocating... You go to the coffee shop the waiters are from Romania, you go to the supermarket the cashiers are from Georgia, you call a plumber and a Syrian appears... you feel a foreigner in your own country.</p> <p>Politician 16: certainly they contribute.....I challenge you to watch the news tonight ...you will witness that today crimes are committed by Romanians, Bulgarians, Syrians, Egyptians, Pontiacs etc. I understand that the political conditions in these countries are appalling, but this is not our problem..... Today, in Cyprus we have to sort out our own</p>	<p>Politician 15: we do not need any more dirty immigrants, we have more than enough. Since I remember my self we have been controlled by other nations (the participant is referring to the Turkish invasion and the period during British colonialism)... but today we are swamped by immigrants...</p> <p>Politician 16: they are threatening our society. Those people are carrying their silly customs and religion with them, they only think that they know to do is to ask for work permits and housing benefits. Well, Cyprus today is in huge debts and we don't necessarily have to support Muslims and Buddhists [the participant is laughing sarcastically]...Today our aim should be the solution of the national problem and not how to get rid of them, in this</p>	<p>Judge 7: and off course an unnecessary punitiveness has contributed significantly to the mass number of prisoners in the prison today. The sentences that we have to impose are clearly more punitive and in my opinion is unnecessary. Immigrants for, example, that overstay their visas, I don't understand why we have to impose a prison sentence when we can deport those people and put them on stop list in case they want to come back.... Party leaders usually are making populist statements aiming in my opinion at cheap sensationalism.</p> <p>Officer of Commissioner for Administration Office: Ethnic minority groups</p>

<p>time. But in Cyprus it has been proven that some governments were more generous in terms of the money invested in social protection.</p>	<p>is alarmingly high and I am really concerned with its dimensions.... Since 2000, the rising level of criminality is a priority in our political agenda.</p> <p>Politician 21: no, crime activity in Cyprus has taken threatening dimensions and any other way of dealing with crime is not going to be effective. Crime rates are dangerously rising and to a certain extent is threatening is every day.... we have to provide effective responses and in my opinion imprisonment is the best way of dealing with crime that increases day by day.</p> <p>Politician 19: during the last ten to fifteen years, criminality in Cyprus is rapidly growing. We are not only a small country but a divided nation as well, and the unfortunate rise</p>	<p>problems, the financial crisis, for example, has caused extremely unpleasant financial and social problems to our people and I do not believe that we have to show any empathy to what is going around the Middle East or Eastern Europe.</p> <p>Politician 21: Of course they commit more crime than Cypriots. Also the nature of their crimes is cruel and brutal. For many years, we welcomed foreign people living and working peacefully, who at the same time showed respect to our laws and regulations. Those who disrespect our laws and regulations are, in my opinion, rightly placed in the prison.</p>	<p>sense they are not only threatening our society but our sovereignty too.</p>	<p>for, example, are more often the victims of punitiveness, from the whole criminal justice system, I mean police, courtroom, policies and prison... penal policy is taking into account the experiences of victims and ignores ostentatiously the circumstances of offenders.</p> <p>Senior counsel of the Republic: The type of people we see today in the prison is the same all over the world. We see unemployed people, people with serious addictions, and individuals with minimal savoir faire, basically people of lower class.</p>
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	of criminality is complicating our role. Or crucial is to eliminate this kind of phenomena.			
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Appendix 8: Final Thematic Map



Appendix 9: Participants' Consent Form

**School of Arts and Social Sciences – Research Ethics Framework
Participant Consent Form**

To be completed by both participant and researcher before interview commences

Name of project

Cypriot Exceptionalism? The future of the Penal System in Modern Cyprus

Organisation(s) initiating research

Northumbria University

Researcher's name

Spyrou katerina

Research Organisation

Northumbria University

Participant's name

I confirm that I have been supplied with and have read and understood an Information Sheet (ASS-RE5) for the research project and have had time to decide whether or not I want to participate.

I understand that my taking part is voluntary and that I am free to withdraw at any time, without giving a reason.

I agree with Northumbria University recording and processing this information about me.

I understand that this information will only be used for the purposes set out in the information sheet.

I have been told that any data generated by the research will be securely managed and disposed of in accordance with Northumbria University's guidelines.

I am aware that all tapes and documents will remain confidential with only the research team having access to them.

My consent is conditional upon the University complying with its duties and obligations under the Data Protection Act.

Signature of Participant (even if below 18 years old)

Date

Signature of Parent/Guardian/Representative

(if participant is under 18 years old)

Date

I can confirm that I have explained the nature of the research to the above named participant and have given adequate time to answer any questions concerning it.

Signature of Researcher

Date

Any queries regarding Ethics Forms can be directed to Debra Shannon – debra.shannon@northumbria.ac.uk – 0191 227 318

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