



## **Response**

### **of the Government of Cyprus to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Cyprus**

**from 23 September to 1 October 2013**

The Government of Cyprus has requested the publication of this response. The report of the CPT on its September/October 2013 visit to Cyprus is set out in document CPT/Inf (2014) 31.

Strasbourg, 9 December 2014

**Response submitted by the Republic of Cyprus in accordance with the recommendations and requests contained in the CPT Report, dated 18/3/2014**

**CPT Report, paragraph 7, page 8**

***“Information on the measures taken to ensure that any unaccompanied minors deprived from their liberty are held in appropriate conditions.”***

Following the arrest of foreign nationals alleging to be minors a medical age assessment test is conducted and arrangements are made so as to place them in suitable establishments in case the test proves that the person is a minor. Thereafter such person will be placed under the care of the Social Welfare Services.

For more information regarding the protection of the vulnerable group of UMAS, page 19 of this report.

**CPT Report, paragraph 8, page 8**

***“The CPT invites the Cypriot authorities to review the resources allocated to the Office of the Ombudsman for carrying out its NPM functions, and that consideration be given to setting up a separate Unit within the Ombudsman’s Office to be responsible for NPM functions.”***

The Ombudsman in her capacity as NPM has submitted a request for the allocation of three (3) new posts that will exclusively serve the activities of the NPM. The request has been forwarded by a letter of the Ombudsman, dated 7 August 2014, to the Director of the Public Management and Personnel Department of the Ministry of Finance. No answer has been received yet.

The request also includes the allocation of a separate budget for the NPM activities and further strengthening of human resources of the Ombudsman’s Office in general with seven (7) new posts, five (5) of which will serve the monitoring of forced returns assigned to my Office.

**CPT Report, paragraph 12, page 10**

***“The CPT recommends that the Cypriot authorities firmly remind police officers that any form of ill-treatment – including verbal abuse, racist behaviour, threats and psychological ill-treatment – of detained persons is not acceptable and will be punished accordingly. No more force than is strictly necessary should be used when effecting an apprehension. Furthermore, once apprehended persons have been brought under control there can be no justification for them being struck by police officers. Further, where it is deemed essential to handcuff a person at the time of apprehension or during the period of custody, the handcuffs should under no circumstances be excessively tight and should be applied only for as long as is strictly necessary”.***

Ill treatment, racist attitudes and police misconduct and any other inappropriate behaviour is unacceptable. Therefore we have increased our efforts towards this direction. The following action oriented measures reinforce the partnership between the public and the police and the creation of an environment of mutual trust and transparency:

- A high ranking officer from the Minister of Justice (JPO) office was appointed as the liaison of the Ministry, Police and Public. Inter alia, she manages various complaints made by the public against police, i.e ill treatment, physical attack, misconduct, corruption etc. Some complaints are investigated by the police, some others by the Independent Authority for the Investigations of

Allegation against Police (IAIACAP) and in some other cases criminal investigators are appointed by the Attorney General. In some other cases the citizens are invited to the Offices of the Police District and they have a face to face conversation with the Director. Corrective measures are taken according to the instructions of the Minister of JPO.

- Recently the Minister of JPO launched a website to which now citizens have the opportunity to submit their complaints online.
- Independent mechanisms for monitoring human rights violations are reinforced. A Bill is pending before the Parliament. According to the Bill decisions and recommendations of the Independent Mechanisms for the prevention of Torture are binding.
- The authority of the Attorney General to appoint independent criminal investigators was recently extended to cover any criminal offence which creates a new possibility to detect human rights violations. Under this spectrum, allegations against police are investigated.
- Police in close cooperation with the Ombudsman is currently preparing a professional *Code of Practice* that sets out the conditions, means of restraint and the basic principles of professional conduct at every stage of police action.

Police is very sensitive on issues regarding **ill-treatment and use of force** by its members. If a person believes that is a victim of discrimination and ill treatment or their human rights are been violated by the Authorities, they have the right to file a complaint. There are several mechanisms and procedures within the Police that ensure prompt and impartial investigation of allegations of police misconduct and ill-treatment, disciplinary and criminal procedures, the Police Audit and Inspection Unit and the Police Standards Directorate. There are also several national independent monitoring authorities for the investigation of such alleged cases: the Independent Authority for the Investigation of Allegations and Complaints against the Police, the Attorney General with the appointment of criminal investigators, the Ombudsman and the Commissioner for Children's Rights. These mechanisms, aim at the impartial investigations of complaints, as well as the reduction or even the elimination of any inappropriate behaviour from the members of the Police.

In the light of the above, a circular letter, dated 02/07/2014, was disseminated to all members of the Police informing them that the Attorney General of the Republic, after studying a number of criminal and administrative investigations concerning allegations of abuse and / or use of violence by members of the police against citizens, issued instructions. According to these instructions, when such allegations are raised, or if, in any way, it comes to our attention that a citizen has been abused by a member of the Police:

- The Attorney General of the Republic and the President of the Independent Authority for the Investigation Allegations and Complaints against the Police must be informed, within 24 hours.
- The practice of conducting an administrative investigation for these cases by members of the Police is terminated.
- When a person who is detained at any Police Station, files a complaint for abuse against a member of the Police, the Police must ensure within 24 hours of the submission of the complaint, that the detainee is examined by a forensic pathologist. All findings (injuries, etc) must be included in the relevant report.
- Both the forensic pathologist's report and the written notice of the Police for the alleged abuse must be sent, together or separately, to the Attorney General of the Republic.
- In case of use of violence by members of the Police for the purposes of arrest of a suspect, a detailed report and photographs of any injuries of the arrested person must be made available, upon arrival at the Police Station.

The main objection of the above measures is to ensure the independent investigation, the fast-track completion of the necessary procedures for an effective investigation as well as the criminal investigation that could lead to the prosecution and punishment of the offenders. This circular letter was sent to all Police members for information and implementation of the instructions of the Attorney General of the Republic.

In this regard, it should be noted that according to the Ratification Law of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as amended (Rat. Law 235/90), article 6, when a person is arrested and subjected to ill-treatment by a member of the Police during or shortly after police custody, the police officer in charge of the station and the investigative officer responsible of the arrest are considered to be responsible for the ill-treatment, therefore the officer has to provide explanations on the situation.

Additionally, police officers who are involved in criminal investigations, interviews and interrogation as well as treatment of detainees regularly receive theoretical and practical training. In particular, the Cyprus Police Academy provides constant training on human rights issues to the police members.

The courses offered at the Police Academy in relation to **human rights** issues, are as follows:

#### **Basic Training Programme for Recruit Police Officers - Semester I**

- Communication in a Multicultural Society- 3 fifty minutes sessions
- Securing Human Rights: Law Enforcement Agencies, the Constitution of Cyprus and International Law -5 fifty minutes sessions

#### **Training Programme for Recruit Police Officers-Semester II**

- Prohibition of torture and other forms of inhuman or degrading treatment or punishment - Lesson No.170- 1 fifty minutes session

#### **Training Programme for Recruit Police Officers-Semester IV**

- Citizens Rights Charter -5 fifty minutes sessions
- Lesson No. 146 - Racial Discrimination and other forms of Discrimination - 1 fifty minutes session
- Asylum and Refugees -1 fifty minutes session
- Policing a Multicultural Society 3 fifty minutes sessions

#### **Inspectors Course**

- Enforcement of Human Rights by Law Enforcement Agencies- 7 fifty minutes sessions
- Communication in a Multicultural Society -3 fifty minutes sessions
- Citizens Rights Charter- 4 fifty minutes sessions

### **Sergeants Course**

- Safeguarding Human Rights: Law Enforcement Agencies, the Constitution of Cyprus and International Law-7 fifty minutes sessions
- Human Rights, Migration and Asylum issues- 4 fifty minutes sessions
- Citizens Rights Charter -5 fifty minutes sessions
- Communication in a Multicultural Society -4 fifty minutes sessions

### **Chief Inspectors Course**

- Policing a Multicultural Society -5 fifty minutes sessions
- Communication in a Multicultural Society-4 fifty minutes sessions
- Safeguarding Human Rights: Law Enforcement Agencies, the Constitution of Cyprus and International Law- 5 fifty minutes sessions
- Citizens Rights Charter -5 fifty minutes sessions

### **Training Programme for Special Constables**

- Policing a Multicultural Society -3 fifty minutes sessions
- Communication in a Multicultural Society - 3 fifty minutes sessions
- Safeguarding Human Rights: Law Enforcement Agencies, the Constitution of Cyprus and International Law -5 fifty minutes sessions

### **Basic Criminal Investigation Department (CID) Course**

- Human Rights, Asylum and Migration - 4 fifty minutes sessions

### **Advanced Criminal Investigation Department (CID) Course**

- Safeguarding Human Rights: Law Enforcement Agencies, the Constitution of Cyprus and International Law- 5 fifty minutes sessions
- Torture, Asylum, Migration and Human Rights- 3 fifty minutes sessions

### **Training Programme for the Members of Aliens & Immigration Unit**

- Prohibited Immigrant Detention Status Directive 2008/115 & Law 83(1)2011- 2 fifty-minutes sessions
- International Conventions on Human Rights -1 fifty-minutes session
- Asylum and Human Rights -9 fifty-minutes sessions
- Introduction to Asylum and Refugees / Legal Principles (UNHCR)- 1 fifty-minutes session
- Unaccompanied minors and other vulnerable groups of refugees (UNHCR) -2 fifty-minutes sessions
- EU Returns Directive 2008/115/EC (16.12.2008) (UNHCR)- 3 fifty-minutes sessions
- Racial-Discrimination- 2 fifty-minutes sessions
- Smuggling of migrants and trafficking in persons- 2 fifty-minutes sessions
- Cooperation with FRONTEX and identification of trafficking victims- 1 fifty minutes session.

Additionally, on 14/01/2014 the Chief of Police issued instructions in order to ensure the training of all police members, dealing with detained persons, (including irregular migrants) on the special provisions of the relevant legislations and the Police Standing Orders, through lectures within each Division/Department.

Also, numerous circular letters were disseminated among all the members of the Police, underlining the importance of the protection of human rights, the treatment of detainees, the application of the provisions of the relevant legislation, the operation while on duty, in order to avoid any possible violations of human rights, etc.

As regards **racist and discriminatory behaviour** a number of the actions taken by the Cyprus Police in combating discrimination are listed below:

- The creation/ Set up of the Office for Combating Discrimination.
- Training of police officers on issues of discrimination, xenophobia, racism. The training focuses on, encouraging a positive approach by Police members within a multicultural society. Training, inter alia, addresses issues of tolerance, understanding towards culture, customs, religious, sexual orientation and place of origin. Within this framework an additional comprehensive training program covering Police Standing Order 3/38 on Combating Discrimination is included in the Police training curricula. Lastly, the programmes offered by the Cyprus Police Academy include, inter alia, training on Human rights, Racial Discrimination, Racism, Xenophobia and other related issues, such as Code of Police Ethics, Policing in a Multicultural Society, Communication, Professional Police Behavior issues, etc.
- Distribution of brochures / manuals,
- Seminars organized in Cyprus and abroad,
- Keeping of electronic files for offences committed and are racially motivated,
- Circular letters issued by the Chief of Police, etc.

The **use of handcuffs** is regulated by the Police Standing Order 5/39 “Handcuffs”, which is a part of the Cyprus Police Academy curricula both at a theoretical and at a practical level. “The right way of immobilizing an arrested person” is also included in this training. The above mentioned lesson has also been included in refresh courses as well as in retraining programs of the Cyprus Police Academy. The lesson of the use of handcuffs is also part of the practical training at the Mobile Emergency Response Unit.

All Police Standing Orders are posted on the official portal website and are accessible to the police members.

Handcuffs are used for security reasons, after the evaluation of the person of concern, and only as long as is deemed necessary.

According to the Police Standing Order (5/39) handcuffs are used only in order to prevent detainees from escaping or avoiding potential harm to themselves, to others or to property.

(1) Therefore, handcuffs are used only in the following cases:

- Convicts or persons under trial,
- Persons under police custody as suspects of committing serious offenses.
- Persons under police custody as suspects of committing any other offenses and are dangerous.

(2) Handcuffs are not used at the following cases:

- On juveniles, elderly, injured or disabled persons. The use of handcuffs in such cases shall be made if absolutely necessary, taking into account the following:
  - Aggressive behavior of the arrested person,
  - The seriousness of the offense committed, and
  - Body type of the person arrested.
- Persons who are unable to escape or are unlikely to escape.
- On detainees or convicts transported on ships or airplanes, unless they are dangerously violent or the ordinary guard is not sufficient.
- On insane persons, unless otherwise advised by the attending physician/doctor, taking into account the possibility to escape.
- On detainees / convicts / prisoners, who are in Court, unless the Court orders otherwise.

As regards the **use of force** please be informed of the following:

- According to article 17 of the Criminal Code (Cap. 154) - Necessity “An act or omission which would otherwise be an offence may be excused if the person accused can show that it was done or omitted to be done only in order to avoid consequences which could not otherwise be avoided, and which if they had followed, would have inflicted upon him or upon others whom he was bound to protect inevitable and irreparable evil, that no more was done than was reasonably necessary for that purpose, and that the evil inflicted by it was not disproportionate to the evil avoided.”
- According to article 9 of the Criminal Procedure Law (Cap. 155): During the arrest, the officer or any other person who proceeds with the arrest must actually touch the person arrested or detained, unless they give their consent orally or in action. If the person, who is under arrest, resists violently or attempts to evade it, the officer or any other person making the arrest may use all necessary means to proceed with the arrest. It is provided that no provision contained in this article is considered to justify the use of force greater than what is reasonably necessary in the circumstances under which it was used or what is necessary for the arrest the person responsible. This lesson is also a part of the Cyprus Police Academy curricula.
- According to the Police Disciplinary Regulations (Regulatory Administrative Acts 53/89), the unlawful or unnecessary exercise of authority constitutes a disciplinary offense i.e. if a member of the Police resorts to unnecessary violence towards a detainee or a person with whom the Police comes into contact during his/her execution of duties.
- According to the Lesson 19, taught at the Cyprus Police Academy, the use of force should always be considered as an exception. In case it is decided to resort to violence, a mere purpose is not enough. In addition, the violence should be necessary, appropriate and adequate to achieve the desired objective. This is decided every time under the circumstances, but based on objective criteria, rather than the subjective perception or temperament of each person. If one of these conditions is not met, violence is considered as disproportionate and therefore unlawful.

- Lastly according to article 6 of the Police Code of Ethics, members of the police may use violence when it is strictly necessary and only to the extent necessary to fulfill a legitimate objective under the current legislation. The Police Code of Ethics is available at the Cyprus Police webpage at <http://www.police.gov.cy> and a Police Standing Order is also issued on the subject (Police Standing Order 1/73).

**CPT Report, paragraph 13, page 11**

*“In order to dispel speculations about improper conduct on the part of police officers and to remove potential sources of danger to both staff and detained persons, **the CPT recommends that any non-standard issue objects be immediately removed from all police premises where persons may be held or questioned**”.*

The baseball bat and the set of samurai swords found during the visit in a room at Ayia Napa Police Station were evidence from cases investigated by the Police. They have already been removed and properly disposed. It is worthwhile noting that the items were found in a room that was not used for detention or interrogation purposes.

All persons in charge of police detention centers were informed about the recommendation that any non-standards objects must be removed from all police premises where persons may be held or questioned.

**CPT Report, paragraph 14, page 11**

*“The CPT recommends that the Cypriot authorities pursue their efforts to integrate human rights concepts into practical professional training for high-risk situations such as the apprehension and questioning of suspects (in particular foreign nationals). Such specific training should also be the object of refresher courses at periodic intervals and should become compulsory as well as a cornerstone of the individual evaluation system of police officers”.*

(1) The Cyprus Police have already included courses related to human rights in the various training programmes that are organized and run by the Cyprus Police Academy. A detailed list of the specialized training programme can be found in pages 3-5. Such topics will continue to be a part of the future training programmes offered by the Cyprus Police Academy.

(2) More specifically, the professional training of Police members **in relation to human rights issues**, especially for those dealing with high risk situations, has been always a priority and thus, it has been incorporated in all of the programmes for police members who are dealing with detainees and foreign nationals or with the process of suspects' questioning.

(3) The recommendation regarding the special mandatory professional training has been already implemented, since such training is included and comprehensively covered through the basic training received by each new police member at the Cyprus Police Academy.

(4) Regarding the recommendation on the **special professional training in question be repeated at regular time intervals**, despite the budgetary restrictions of the current financial situation, efforts are made in order to ensure that the largest possible number of Police members participate in training programmes which relate to or include topics related to the respect of human rights in the management of high risk situations.



(5) Police members who serve at Menoyia Detention Center, on the basis of the provisions of the relevant legislation - (Regulation 24(4)-(5), Regulatory Administrative Acts 161/2011), receive training every six months, which includes relevant topics, in response to the recommendation.

(6) Lastly, in response to the recommendation regarding the specific professional training in the management of human rights as a cornerstone of the **individual evaluation of police officers**, the evaluation of each Police member is conducted in accordance with regulations 5 and 7(2)(a) of the Police (Promotions) Regulations, Regulatory Administrative Acts 214/2004. Article 7(2) (a) determines the criteria according to which each member is evaluated.

**CPT Report, paragraph 16, page 11**

*“... However some Syrian nationals stated that they had been unable to notify the Office of the Ombudsman of Cyprus as provided in article 5(a) of the RADP. **The Committee would like to receive the comments of the Cypriot authorities on this specific matter**”.*

As a general rule, authorities respect the provisions by the Law of the Rights of Arrested and Detained Persons (L. 163(I)/2005) which states that “If the person under police custody is not a Cypriot citizen, they are allowed to notify their Embassy or a representative of the Consulate of their country, regarding their arrest, detention as well as the place of detention. In case that no Consular or Diplomatic mission exists in the Republic he/she has the right to communicate with the Office of the Ombudsman” (article 5).

Additionally, every detainee has the right to send and receive letters, inter alia, to and from the Ombudsman. These letters are not opened or read by any member of the Police (article 15(b)).

Regarding the issue under question, due to insufficient information provided in CPT’s report (name, passport, specific case), authorities are not in a position to provide further details.

**CPT Report, paragraph 17, page 12**

*“The CPT reiterates its recommendation that the Cypriot authorities take steps to ensure that persons held in police custody enjoy, in practice, the possibility to meet and speak in private with a lawyer from the very outset of their deprivation of liberty”.*

As regards the above commentary it should be noted that the **communication with a lawyer** is safeguarded by articles 3, 8, 10, 12, 13, 14 and 15 of the Law of the Rights of Arrested and Detained Persons (L. 163(I)/2005) and it is also stated in the “Notice to Persons in Custody” (Annex D, articles 1, 2), which is handed to all detainees at the very outset of their detention, in a language they understand.

According to article 3 of the above Law, a person who is arrested by a member of the Police is entitled immediately after his/her arrest to communicate personally by telephone:

(a) with a lawyer of his/her choice out of the presence of any person.

The communication with a lawyer cannot be delayed for any reason.

According to article 8(3)(b) of the above-mentioned Law, immediately after the arrest, a list of lawyers (names and telephone numbers) is being provided to the person under arrest in writing.

Every detained person is entitled on any day and at any time to receive confidential interviews for their defence, with his/her lawyer at the place where he/she is detained, in a private area, out of sight or hearing of any Police member and to give him and receive from him during the meeting confidential instructions, written or oral (article 12(1)).

In the case of a detained person who is an alien or of a detained person with whom the lawyer cannot for any reason communicate in a comprehensible language, an interpreter or another person may be present during the interviews upon request of the lawyer, so that the lawyer may communicate with the detained person in a language understood by the latter (article 12(4)).

Additionally, every detained person is entitled to send and receive letters as follows:

“(a) To and from his lawyer without the letters being opened or read by any Police member except in exceptional cases in which the officer in charge of the detention place has reason to believe that an illegal object is enclosed in the envelope and in such case the letter is opened and checked by a Police member or the prison staff in the presence of the detained person (article 15(1))”.

**CPT Report, paragraph 18, page 12**

“At present, in order to qualify for free legal aid, a person deprived of his/her liberty requires a decision from a court, based on the person’s financial situation, before a lawyer can be assigned to the case. Such a system inevitably delays access to a lawyer. ***The CPT recommends that the Cypriot authorities take concrete steps, in consultation with the Bar Association, to make the system of legal aid truly effective to ensure that ex officio lawyers are able to meet their clients from the outset of the deprivation of liberty***”.

Today a suspect or accused person may appoint a lawyer from the outset of his deprivation of liberty and simultaneously request legal aid from the court. In case the legal aid request is approved by the court and in compliance with the Legal Aid Law (Law 165(I)/2002, as amended), the legal aid will cover the procedure before the court, as well as every stage of investigations or other processes that took place before the initiation of the criminal process and are associated therewith. This means that a suspect or accused person is entitled with a lawyer from the outset of his deprivation of liberty.

**CPT Report, paragraph 19, page 12**

***“The CPT recommends that the Cypriot authorities to take steps to ensure that:***

- ***detained persons are not systematically handcuffed when transferred to a health-care facility;***
- ***any application of handcuffs should be based on an individual security assessment;***
- ***all medical examinations are conducted out of the hearing and - unless the doctor concerned expressly requests otherwise in a given case - out of the sight of police staff”.***

As regards bullets 1-2 please see Police Comments for the **use of handcuffs** on page 6.

**Medical examination** and treatment takes place privately out of the sight and hearing of any Police member.

It is provided that any medical examination and treatment may be carried out within the sight but not of hearing a Police member of the same gender with the detained person, when the doctor has good reasons to believe that his/her physical integrity is in danger.

This is safeguarded by article 27(1) of the Law of the Rights of Arrested and Detained Persons (L. 163(I)/2005).

It is also important to note that all medical findings are **confidential**. This is safeguarded by "Processing of Personal Data Law" (L. 138(I)/2001) which states that the medical findings are considered sensitive personal data and they are confidential. Additionally, the Police Standing Order 5/3 "Rights of Detainees" also provides that it is a fundamental obligation of the members of the Police to comply with the medical confidentiality and not to reveal the medical condition of a detainee to the rest of the detainees.

**CPT Report, paragraph 20, page 13**

*"Article 30 of the RADP still prescribes prohibitive criminal sanctions 9 for persons who abuse the right to medical examination or treatment. The Committee remains of the opinion that such a provision has a dissuasive effect on detained persons and the fact that this provision appears in bold on the information sheet to be signed by the persons in police custody reinforces this view. **The CPT reiterates its recommendation that the above-mentioned provision be abolished.**"*

The recommendation for the abolishment of the above provision of the RADP is under consideration.

**CPT Report, paragraph 22, page 13**

*"Custody records detailing cases of deprivation of liberty were generally diligently kept at the establishments visited; however, **at Ayios Dometios Police Station and at the Larnaca airport departure detention unit the custody records were not always accurately maintained**"*.

**Ayios Dometios Police Station** custody records are currently under review.

As regards **Larnaca point of entry holding facilities** at Larnaca Airport, it is worth noting that the records kept are different from those kept at the Police detention centers due to the fact that they were designed for foreign nationals refused landing, who are going to be returned with the same flight available and they are used only for a short period of time. Nevertheless, these records are accurately maintained.

Data is recorded in both electronic and paper form, under serial number and in chronological order. Furthermore, for every person in custody, a personal confidential file is being kept, which is under the responsibility of the person in charge of the detention center. After the release of the detained persons, the files are being kept in a safe place of the police station, with limited access. The files/records are destroyed according to the Police Standing Order 1/45 i.e. 3 years after their release.

**CPT Report, paragraph 24, page 14**

***“The CPT recommends that the Cypriot authorities take steps to ensure that cells at Aradippou Police Station do not accommodate more than one person. Further, the above-mentioned deficiencies at this police station as well as at Pera Chorio Police Station should be remedied”.***

On the issue of Aradippou Police Station Cyprus Police is in compliance with the respective recommendation, so that only one person can be held in a cell. Additionally, the damages mentioned in the report were fixed, the walls of the detention center were painted and the artificial lighting was repaired and it is now working properly.

Regarding the **access to natural light** at Aradippou and Pera Chorio Police Station, both Police Detention Centers have windows that provide access to natural light and fresh air. Nevertheless, the windows are covered with metal mesh for security purposes (i.e. prevention of escapes) and for the protection of the detainees (i.e. prevention of suicides).

**CPT Report, paragraph 25, page 14**

***“However, none of these out-of-cell areas provided outdoor exercise. The CPT recommends that this deficiency be remedied in all these police stations”.***

As regards the above comment it should be noted that all police detention centers used for the detention of persons for a period exceeding 24 hours (Pera Chorio Nisou, Lakatamia, Polis Chrysochous, Aradippou and Ayia Napa Detention Centers as well as Limassol, Larnaca and Paphos Central Police Detention Centers), are equipped with an outdoor area with access to natural light and fresh air. This area is used by the detainees for more than one hour every day.

**CPT Report, paragraph 26, page 14**

***“In sum, conditions of detention in these police stations could be considered as acceptable for periods of a few days. However, as the CPT has repeatedly stated in previous visit reports remand custody on police premises in itself poses a series of risks of ill-treatment. Consequently, instead of being kept longer than four days in police stations, persons remanded in custody should be promptly transferred to prison; such an approach does not preclude the police from carrying out further questioning, if necessary, of persons remanded in prison.***

***The CPT calls upon the Cypriot authorities to review the system of remand detention on police premises with a view to substantially reducing its duration, in the light of the above remarks.”***

Regarding the length of detention of people on remand, in police premises, the process is as follows: after the arrest and before the investigation is completed, the arrestee is brought before the Court. It is upon the decision of the Court the issuance of a remand order which is of duration for no longer than 8 days per remand order and 3 months in total. It is worth noting that people on remand are rarely detained for more than 16 days in police detention centers. Practically if the remand is renewed for a third time or for a longer period the pre-trial detainee is transferred to the prison facility following a Court decision. The place where the arrestee is going to be detained is exclusively upon the Judges' decision.

**CPT Report, paragraph 27, page 15**

***“The Committee recommends that the Cypriot authorities take the necessary steps to ensure that detained persons are not held in this category of police station for periods in excess of 24 hours”.***

Efforts are made in order to detain persons that are held for more than 24 hours in detention facilities that fall under the category for the detention of persons for periods exceeding 24 hours. These efforts are made so that all detainees held longer than 24 hours have access to outdoor exercise for at least one hour per day.

Following the instructions of the Minister of Justice and Public Order to the Chief of Police disseminated a letter on 16/07/2013, informing the members that all immigration detainees must be transferred to Menoyia Detention Center, unless they are going to be deported soon and not later than 48 hours. The detention of irregular migrants in police detention centers for more than 48 hours is only permitted in exceptional cases and after the permission issued by the Assistant Chief of Police.

Lastly, efforts are made so all immigration detainees held at police detention centers are held separately from criminal suspects, until they are transferred to Menoyia Detention Center, which is specifically designed for this purpose.

**CPT Report, paragraph 28, page 15**

***“Nevertheless, it considers access to outdoor exercise to be essential and recommends that steps be taken to address this deficiency”.***

It should be noted that the Larnaca point of entry holding facilities at Larnaca Airport were designed for foreign nationals refused landing, who are going to be returned with the same flight available. The facility is used only for a short period of time (no longer than 24 hours).

This facility is located inside the main building of the Airport, near the offices of the Police and therefore it is not easy to construct an outdoor exercise area. The facilities are fully complied with the CPT Standards and offers adequate material conditions for the persons accommodated there.

**B. Foreign nationals held under aliens legislation**

**CPT Report, paragraph 29, page 16**

***“The CPT would like to be informed of the situation of the above-mentioned Iranian national and whether there are any circumstances under which a person subject to a deportation order may be detained longer than 18 months. In addition, the Committee would like to be informed of the legal framework governing those persons released from immigration detention as well as the procedures in place following the expiry of a special residence permit. It would also like to be informed whether Syrian nationals are still being detained in light of the fact that they cannot currently be returned to their country of origin”***

*“Situation of an Iranian citizen held in detention over 27 months”.*

According to the information provided in the Report, the person under question has been convicted for a criminal offence and served his sentence at the Central Prison. After his release from Prison, he was arrested by the Aliens and Immigration Service as a prohibited immigrant with detention and deportation orders. Despite all the interviews made by members of the Aliens and Immigration Service, the above mentioned Iranian refused to cooperate with the competent authorities and excluded the possibility of both repatriation and deportation to a country of his choice, which could receive him. It is worth noting that the Iranian had two opportunities to be released in terms, but he refused that option.

Recently, the Aliens and Immigration Service submitted a report to the Ministry of Interior with the background of the detainee and his long-term detention with the recommendation that the status of the Iranian be re-assessed.

The Iranian citizen was released recently on 26/05/2014 and his deportation was postponed until 31/12/2014 by a decision of the Director of Civil Registry and Migration Department. The alien was asked to voluntarily depart prior to 31/12/2014. Meanwhile, he was called to settle his temporary residence permit accordingly.

***“Are there any circumstances under which a person subject to a deportation order may be detained longer than 18 months?”***

According to the Section 18QF of the Aliens and Immigration Law, Cap 105 as amended by L.117(I)/2012, the Minister of Interior may not extend the period of six (6) months granted for deportation of a third country national (TCN) except for a limited period not exceeding a further twelve (12) months in cases where regardless of all reasonable efforts the removal operation is likely to last longer because of:

- (a) a lack of cooperation by the TCN concerned, or
- (b) delays in obtaining the necessary documentation from third countries.

On exceptional base, irregular migrants outside of the scope of the EU Directive 2008/115/EC may be detained longer than 18 months, according to the circumstances of each case.

***“What are the procedures following the expiry of a special residence permit?”***

In general, a holder of a special residence permit, in case they do not depart from the Republic prior to its expiry, has to apply in writing to the Minister of the Interior at least one month prior to the expiry of the permit in order to be granted with a permission to extend this permit. After the permission is granted the aliens submit an application to the Civil Registry and Migration Department in order for the renewal of the permission.

In addition, persons released from detention are subject to terms imposed by the Director of Civil Registry and Migration Department upon release, which are the same terms as those imposed for voluntary returns. Specifically, under the Aliens and Immigration Law, Cap 105 [Section 18PJ/OO (3)] provides that the Director may impose, for partial or the whole duration of the period of voluntary departure, certain obligations, especially when there is a danger of absconding, such as regular reporting to the authorities, deposit of adequate financial guarantee, submission of documents or the obligation to stay at a certain place.

***“Are Syrians still being detained?”***

As a general practice, Syrian nationals are not detained, except in case of a conviction for criminal offences or for reasons of public order and security. In such cases, efforts are made to deport them to another country, preferably where they have relatives or other bonds.

If this cannot be done, within a reasonable time they are released from detention and allowed to remain under a special residence permit.

As regards the detention of **Syrian nationals** at Menoyia Detention Center, are detained under the article 6(1) of the Aliens and Immigration Law. Deportation order is suspended given the current situation in Syria. The majority of the Syrian detainees have been convicted for a criminal offence prior to the current situation in Syria and after their release from the Central Prison they are considered prohibited migrants.

The Ministry of Interior re-examines on regular intervals, the detention of Syrian nationals, following the reports submitted by the Aliens and Immigration Service. As a result, many Syrians were released on terms or with special residence status. In exceptional cases a number Syrians wished to return to Syria through Lebanon or to depart to destination countries of their choice provided they are accepted.

**CPT Report, paragraph 30, page 17**

*“The decision to detain an irregular migrant is not automatically reviewed by a court or an independent review body. An ex officio review of the detention order is carried out every two months by the Ministry of the Interior but the files examined by the CPT’s delegation indicated that the review was purely formalistic and did not involve examining whether detention was necessary and proportionate. The deportation and detention order is subject to appeal to the Supreme Court under Article 146 of the Constitution or to a habeas corpus application; however, in the M.A. v. Cyprus (application no. 41872/10) judgment of 23 July 2013, the European Court of Human Rights found that this could not be considered as an effective remedy for ensuring that a person would not be sent back to a country where he/she risked treatment in contravention of Articles 2 and 3 of the European Convention on Human Rights. **The CPT would like to be informed of the measures taken to address this matter.**”*

Attorney General’s Office made the following clarification on the aforesaid paragraph:

The deportation and detention order is subject to an administrative recourse at the Supreme Court under Article 146 of the Constitution. The deportation and detention order is not subject to a habeas corpus application. The Supreme Court by way of a habeas corpus application examines the lawfulness of prolonged detention with a view to deportation.<sup>1</sup> This is distinguished from the Supreme Court’s jurisdiction under Article 146 to examine the lawfulness of a detention order *per se*. The European Court of Human Rights in the *M.A. v Cyprus* (application no. 41872/10) judgment found that the recourse under Article 146 of the Constitution, by which the lawfulness of a deportation order can be challenged, was not an effective remedy with automatic suspensive effect

<sup>1</sup> In November 2011, Law no. 153(I)/2011 introduced amendments to the Aliens and Immigration Law with the aim of transposing the “EU Returns Directive”. This law expressly provides that habeas corpus applications before the Supreme Court challenging the lawfulness of detention with a view to deportation can be made on length grounds. Before the introduction of this law the Supreme Court accepted that it had jurisdiction to examine the protracted length of a detention with a view to deportation.

against the decision taken in error to deport the applicant to Syria.<sup>2</sup> As such, the European Court found that there has been a violation of Article 13 of the Convention taken together with Articles 2 and 3. It is stressed that the remedy which was not considered effective by the European Court of Human Rights was the recourse under Article 146 of the Constitution not the habeas corpus application.

Concerning the measures taken to address the issue of the effective remedy in light of the Court's judgment, the CPT is informed that a draft bill has been prepared which amends Article 146 of the Constitution enabling the establishment by law of an administrative law court. Article 146(1) of the Constitution vests the Supreme Constitutional Court with exclusive jurisdiction to adjudicate finally on an administrative recourse. This jurisdiction of the Supreme Constitutional Court and the jurisdiction of the High Court were merged into one and were transferred in accordance with the law to the present Supreme Court. Therefore, for the establishment of an administrative law court two draft bills have been prepared: the first one amends Article 146 of the Constitution and the second provides for the establishment of an administrative law court. According to the second bill, the administrative law court will be provided with exclusive jurisdiction to adjudicate at the first instance on any action brought under Article 146 of the Constitution. Therefore, the lawfulness of a deportation (and detention) order can be challenged before the administrative law court as a way of administrative recourse under Article 146(1) of the Constitution.

A dialogue is underway between competent authorities for the purposes of establishing effective domestic remedies within the administrative law court to counter possible errors committed by the authorities when they issue deportation orders. The Committee of Ministers of the Council of Europe which, by virtue of Article 46(2) of the European Convention on Human Rights, supervises the execution of the above judgment has already been informed about these developments and an action plan was sent in this regard dated 11 July 2014.

**CPT Report, paragraph 31, page 18**

***“The CPT calls upon the Cypriot authorities to take the necessary steps to ensure that irregular migrants are no longer detained in police stations; instead, they should be held in Menoyia detention centre which has been especially designed with the intention of meeting their specific needs”.***

Foreign nationals who are arrested under the Aliens and Immigration Law are transferred to Menoyia Detention Center, where they are detained. Only in exceptional limited cases, foreign nationals are detained in police stations until the completion of the deportation / return procedures, which must be executed within 48 hours of their arrest or until the medical examination of the detained person. This is provided by article 6(1) of the Law for the Establishment and Regulation of Premises of Illegal Immigrants.

According to practice if immigration detainees are held at police detention centers, they are held separately from criminal suspects, until their transfer to Menoyia Detention Center.

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<sup>2</sup> See paragraph 139 of the judgment and also paragraphs 70 which explicitly states that the “the lawfulness of deportation and detention orders can only be examined in the context of a recourse brought under Article 146 of the Constitution”.



**CPT Report, paragraph 33, page 18**

*“However, in the light of the findings of its delegation regarding the treatment of unaccompanied minors, the CPT considers that the Cypriot authorities must take concerted steps to provide better care and support to this vulnerable group. In this context, it wishes to recall the CPT’s position that every effort should be made to avoid resorting to the deprivation of liberty of an irregular migrant who is a minor.”*

**CPT Report, paragraph 36, page 19**

*“The CPT recommends that the Cypriot authorities take the necessary steps to ensure that women with children are only detained in exceptional circumstances, as a last resort and for the shortest possible time. If exceptionally detention is considered necessary, the mother (or other primary carer) and child should be accommodated together in a facility catering to their specific needs.”*

As a general rule, a woman with minor children is detained on exceptional base and in case of a Court conviction or for reasons of public order and security.

Following a meeting called on 14/3/14, the three competent Ministers (Ministers of Justice and Public Order, Interior, and Labour, Welfare and Social Insurance), after discussing all issues of concern, decided to immediately promote measures for better coordination of all government Services with a view to ensure respect of the best interest of the child. These include:

- In case of arrest and detention of a father, the mother, having the care of a child is not arrested, but alternative measures are imposed, (for instance, to appear at the nearest police station).
- Detention orders will not be issued in relation to single mothers with a child under the age of 8, but alternative measures will be imposed (for instance, provide a residence address, and report to the nearest Police Station at specified times).
- In case such alternative measures for a mother have applied and proved to be ineffective, or the mother refuses to cooperate, a special Multidisciplinary Committee will be convened within 24 hours (comprising representatives of Social Welfare Services, the Ministry of Health, the Commissioner for Children’s rights, the Ombudsman and the Law Office of the Republic), in order to make recommendation regarding the best interest of the child, in the event of separation from the mother.
- In case the Committee decides that separation from the mother is not in the best interest of the child, it will be ensured that the mother is detained in a place which is suitable for the child. In the medium term, resources from the EU solidarity will be used to create suitable establishments for the detention of mothers/families with their minor children.
- In case the aforementioned Committee agrees with the detention of the parent where the child is over the age of eight, the temporary care of the child is undertaken by the Director of the Social Welfare Services.
- The above shall apply mutatis mutandis also in cases where the father is the single parent or has the care of the minor child.

For persons under deportation alleging to be minors, arrangements will be made to have a medical age assessment test conducted. Until their age is determined, the alleged minors will be hosted in suitable establishments. Suitable establishments, financed by the Solidarity Funds of the European Commission will be created in due time. If any such person proves to be a minor, he will be placed under the care of the Social Welfare Services.

**CPT Report, paragraph 35, page 19**

***“In the light of the above remarks, the CPT recommends that the Cypriot authorities take the necessary steps to ensure that unaccompanied children, who are deprived of their liberty as a last resort, are only held in centres designed to cater to their specific needs, staffed with properly trained men and women and offering a range of constructive activities. Further, all unaccompanied minors should be provided with a guardian who keeps them informed of their legal situation and effectively protects their interests.***

***The CPT would like to receive, in the Cypriot authorities’ response, details of the number of unaccompanied irregular minors who were detained in police stations between 1 October 2013 and 31 August 2014, as well as the length of their detention. It would also like to receive information on the number of unaccompanied irregular minors accommodated in homes operated by the Social Services Department during this period”.***

As regards the legal representation of the unaccompanied minors (UMAS), according to the Refugees Law 2000-2014 (which is fully harmonized with the relevant European Union Directive) as soon as an unaccompanied minor enters the Republic of Cyprus, the minor is placed in care of the Director of Social Welfare Services who acts as a guardian and a representative of the minor. As a guardian, the Social Welfare Services should exercise legal capacity on behalf of the minor wherever necessary. According to article 4(1) of the Commissioner for the Protection of the Rights of the Child Law 2007, the Social Welfare Services inform the Commissioner for the Rights of the Child in order to legally represent an unaccompanied minor at first instance level as well as during the judicial review. The Social Welfare Services (SWS) take seriously on board the recommendations of the Commissioner for Children's Rights (CCR) in the exercise of the monitoring role of the institution in all areas concerning children's rights.

Persons belonging to vulnerable groups, including UMAS, are entitled to the necessary medical care free of charge. The Ministry of Health (MOH), despite the budgetary restrictions of the current financial situation, is trying to maintain the access to healthcare treatment particularly to vulnerable groups. In December 2011, adopting a recommendation of the Commissioner for Children's Rights, the MOH issued a circular to all public healthcare institutions directing them to facilitate the prompt granting of any required healthcare services to all pregnant women and children belonging to vulnerable groups, including UMAS.

Regarding child victims of THB, children are taken under the care of the Director of the Social Welfare Services, and are either placed in foster care or residential care.

In case of persons under deportation alleging to be minors, arrangements will be made to have a medical age assessment test conducted. Until their age is determined, the alleged minors will be hosted in suitable establishments. Suitable establishments, financed by the Solidarity Funds of the European Commission will be created in due time. If any such person proves to be a minor, he will be placed under the care of the Social Welfare Services.

Between 01/10/2013-21/08/2014, 20 unaccompanied minors were detained in police stations and the length of their detention is as follows:

1. 07/10/2013-20/12/2013– released and transferred to a Youth Hostel
2. 07/10/2013-20/12/2013– released and transferred to a Youth Hostel
3. 06/11/2013-06/11/2013 – deported to his country
4. 16/11/2013-16/11/2013 – released and transferred to a Youth Hostel
5. 16/11/2013-16/11/2013 – released and transferred to a Youth Hostel

6. 16/11/2013-16/11/2013 – released and transferred to a Youth Hostel
7. 16/11/2013-16/11/2013 – released and transferred to a Youth Hostel
8. 16/11/2013-16/11/2013 – released and transferred to a Youth Hostel
9. 11/12/2013-23/01/2014 – released and transferred to a Youth Hostel
10. 08/01/2014-10/02/2014– released and transferred to a Youth Hostel
11. 09/01/2014-17/01/2014– released and transferred to a Youth Hostel
12. 13/01/2014-14/01/2104– released and transferred to a Youth Hostel
13. 13/01/2014-17/04/2014– released and transferred to a Youth Hostel
14. 04/02/2014-07/02/2014– deported
15. 11/02/2014-05/06/2014– released and transferred to a Youth Hostel
16. 14/03/2014-24/04/2014– released and transferred to a Youth Hostel
17. 24/03/2014-20/05/2014– released and transferred to a Youth Hostel
18. 08/05/2014-05/06/2014– released and transferred to a Youth Hostel
19. 22/05/2014-18/07/2014– released and transferred to a Youth Hostel
20. 22/05/2014-18/07/2014– released and transferred to a Youth Hostel

Most of the above persons who alleged that they were minors, they never provided any sufficient evidence to substantiate their allegation.

### ***3. Menoyia Detention Centre for Illegal Immigrants***

#### **CPT Report, paragraph 38, page 20**

***“The CPT recommends that the Cypriot authorities take the necessary steps to put in place a less restrictive environment at the Menoyia centre (see also paragraphs 43 to 45)”.***

All rights provided by the Law and Regulations for the Establishment and Regulation of Premises of Irregular Immigrants are granted to all detainees held at Menoyia Detention Center:

- material conditions (adequate lighting, ventilation, air-conditioning, call-bell, access to water and food, provision of personal hygiene products, etc)
- communication and visits by relatives, friends, lawyers, NGOs, Ombudsman, UNHCR, etc
- sending and receiving letters
- telephone communication
- nutrition
- access to lawyer and doctor
- interpretation,
- access to outdoor exercise, etc.

Any measures taken by the administration of Menoyia Detention Center are aiming to the protection, security and welfare of the detainees as well as the protection of the staff. The Minister of JPO reiterates in letters and in two occasions during his visit to Menoyia that their rights should be protected. From his first visit to Menoyia in June 2013 he underlined that the use of handcuffs within the center should be terminated and used only in exceptional cases after an evaluation of risks.

Some detainees held at Menoyia Detention Center have previously been convicted for criminal offences and after their release from the Central Prison they are considered prohibited migrants and are arrested and transferred to Menoyia Detention Center, with detention and deportation orders.

CPT Report, paragraph 39, page 20

*“In the light of the information gathered during the 2013 visit, the CPT recommends that all custodial staff at the Menoyia Centre be reminded that any form of ill-treatment of detainees – whether physical or verbal, including racist behaviour – is unacceptable and will be punished accordingly. Further, the Committee would like to be informed of the outcome of the investigations into the allegations of ill-treatment brought to the attention of the Independent Authority for the Investigation of Complaints against the Police”.*

The results of the cases handled and investigated by criminal investigators may be provided by the Independent Authority for the Investigation of Allegations and Complaints against the Police. In 2013, the IAIACAP appointed criminal investigators for the investigation of 4 complaints made by detainees in Menoyia Centre, concerning allegations of ill-treatment.

The outcomes of these investigations are presented in the following table:

	<b>N.A.C*</b>	<b>OUTCOME</b>
<b>1.</b>	44/13	The Attorney General resolved that <b>no offences</b> could be justified
<b>2.</b>	62/13	The Attorney General resolved that <b>no offences</b> could be justified
<b>3.</b>	67/13	The Attorney General resolved that <b>no offences</b> could be justified
<b>4.</b>	84/13	A police officer was prosecuted for the offence of <b>Cruel, Inhuman or Degrading Treatment or Punishment (ART.5, LAW 235/1990)</b> . The case is before court.
* Number of the Allegation or Complaint as entered in the records book		

As regards ill-treatment, strong recommendations were made to the staff of the Aliens and Immigration Service, that in case that a violation of human rights occurs during the execution of their duties, the Service will demonstrate zero tolerance.

The Police is sensitive on issues regarding ill-treatment and use of force by members of the Police. If a person believes that he/she has been discriminated, ill- treated, or his / her human rights have been violated by the Authorities, he/she has the right to file a complaint. There are several mechanisms and procedures within the Police that ensure prompt and impartial investigation of allegations of police misconduct, ill-treatment etc.: disciplinary and criminal procedures, the Police Audit and Inspection Unit and the Police Standards Directorate. There are also several national independent monitoring bodies for the investigation of such alleged cases: the Independent Authority for the Investigation of Allegations and Complaints against the Police, the Attorney General with the appointment of criminal investigators, the Ombudsman, the Commissioner for Children’s Rights. These mechanisms, aim at the objective investigations of complaints, as well as the reduction and elimination of any inappropriate behaviour from the members of the Police.

Menoyia Detention Center is often inspected by national (Ombudsman, Cyprus Red Cross, Parliamentary Committee Human Rights, local NGOs ie KISA) as well as International and European Organizations, Committees and NGOs (United Nation High Commissioner for Refugees- UNHCR, Amnesty International etc.).

Also, a 14-week training program is specially designed for police officers who recently joined the Police Force and are appointed to work at Menoyia detention center. This special training program started at the beginning of December 2012 and 100 police officers were trained at the Police Academy. This training programme includes a separate section on Human Rights. According to article 24 (5) of the Regulations 161/2011 for the Establishment and Regulation of Premises of Irregular Immigrants the training is repeated at least every six months.

The Complaints Committee of the Prohibited Immigrants Detention Centre in Menoyia was established by Ministerial decision dated 5/5/2013 pursuant to Regulation 28 of the *Regulations for the establishment and regulation of premises of Prohibited Immigrants* No.161/2011, which provide that the Minister of Justice and Public Order appoints a Complaints Committee consisting of 3 members (representatives of the Ministry of Health (MOH), Ministry of Interior (MOI) and Ministry of Labour and Social Insurance (MLSI). This Committee may, either ex proprio motu or following a detainee's complaint, (a) re-examine a decision of the Director of the Detention Centre (DDC) and (b) to examine detainees' complaints regarding the detention and treatment conditions. Any detainee may (a) appeal against a decision of the DDC or (b) submit a complaint for any matter relating to detention or treatment conditions in 15 days from the day the decision of the DDC was taken, or as of the act, omission or treatment based on which the complaint was submitted. The Committee, before reaching a decision, hears both sides (either in a hearing or in writing) in 15 days from the appeal or the submission of the complaint, and has the right to suspend the DDC's decision until the completion of the re-examination procedure. There is a complaints box in each wing of the detention centre to which the detainees have free access. The DDC is under an obligation to immediately transmit to the Complaints Committee any oral complaint of any detainee either through a telephone call or fax.

**CPT Report, paragraph 40, page 21**

***“The CPT recommends that the Cypriot authorities put in place comprehensive procedures concerning the use of tear gas, in the light of the above remarks”.***

As a general rule the use of tear gas as a practice is avoided and it is used as a last resort and only when it is strictly necessary under specific provisions as set in the Police Standing Order 5/53 under the title “Chemicals”:

- (a) Tear gas is used only by special trained members used only:
  - (i) When conventional policing methods have been tried and failed
  - (ii) When there is no alternative option to address the situation, and
  - (iii) If the use of tear gas will cause less harm

The above Police Standing Order is taught at the Cyprus Police Academy and during the practical training at the Mobile Emergency Response Unit establishments.

It is also noted that all Police Standing Orders are accessible to all police members through the informational portal website.

**CPT Report, paragraph 41, page 21**

***“...the Committee recommends that the use of means of restraint be considered on individual grounds and be based on the principle of proportionality”.***

According to article 10 of the Regulations 161/2011 for the Establishment and Regulation of Premises of Illegal Immigrants:

- Every detainee is treated with respect, in dignified manner and behavior and by providing all the appropriate facilities for a decent living in the detention center.
- Under no circumstances, a detainee is subjected to torture or to inhuman or degrading treatment or punishment or any physical or psychological or mental violence.
- It is the obligation of the person responsible for the detention center to ensure adequate and appropriate nutrition, physical and mental health, hygiene, safety and physical integrity of the detainee.
- The tertiary treatment of detainees, i.e. torture, threats of torture or assault, threats of future retaliation against the same or any relative of the person, promises of favor, or any pressure that has been designed to extract a confession, are strictly prohibited.
- It is the obligation of the person responsible for the detention center to guarantee the rights of the detainee are those provided in the present Regulations.
- The use of proportionate physical violence is allowed on an exceptional base and only when it is strictly necessary and there is no alternative way to deal with a detainee, who is or is assumed to be dangerous to himself or others and in cases of destruction of property or to prevent an escape.
- The use of violence is acceptable only if the following principles are met:
  - (a) necessity as the last resort,
  - (b) option, that is to serve the purpose to
  - (c) proportionality, so as not to exceed what is strictly necessary to achieve the purpose.
- In case of use of violence, the detainee is examined by the medical services in order to provide any assistance or medication and a medical report of the findings is prepared by the doctor who examined the detainee.
- In case of use of violence, the event is recorded together with the reasons that caused it, in the detainee's file and the person responsible for the detention center is immediately informed.
- Under no circumstances, violence is used as a means to punish a detainee.

In response to the recommendation of the Ombudsman dated 18/09/2013, the Police with the cooperation of the Ombudsman Office is in the process of drafting a Code of Practice that sets out the conditions and means of violence and the basic principles of professional conduct at every stage of police action.

**CPT Report, paragraph 42, page 21**

***“The CPT recommends that the Cypriot authorities put an end to these practices; staff should address detainees by their names”.* (paragr. 42)**

The administration of Menoyia Detention Center follows this practice for identification purposes only. This practice is not used for humiliating, degrading or stigmatising any of the detainees.

The number of detainees is usually large and most of them change very often (due to deportation or their release) so it is difficult for the personnel to remember their names, which sometimes are difficult to pronounce.

**CPT Report, paragraph 43, page 22**

***“The CPT recommends that the Cypriot authorities reduce the official capacity in the multi-occupancy cells to four persons instead of the current eight”.***

The Menoyia Detention Center currently holds 82 detainees. Nevertheless, the maximum number of detainees held in Menoyia was 180, in 2013.

**CPT Report, paragraph 44, page 22**

***“Staff should be reminded to open the doors promptly for all persons requiring access to the toilet during periods of lock-up”.***

In every cell, there is a call-bell, which is used from the detainees to call duty officers when they need any assistance during “lock-up” hours, for example when they need to use the toilet. Personnel is strictly instructed to respond immediately to such calls while regular checks are carried out.

**CPT Report, paragraph 45, page 22**

***“The CPT recommends that the Cypriot authorities introduce a range of purposeful activities for persons held at the Menoyia Centre. The longer the period for which persons are detained, the more developed should be the activities which are offered to them. Steps should also be taken to permit access to the association rooms during periods of outdoor exercise. Further, the outdoor exercise yards should be equipped with a shelter and a means of rest and the provision of artificial lighting in the cells extended beyond 10.30 p.m”.***

The Regulation 161/2013 states that "... outdoor activities such as sports and walking are offered to detainees for at least an hour a day". At Menoyia Detention Center four (4) hours are offered to detainees for activities such as volleyball, basketball and football. For these purpose, balls are provided to the detainees during outdoor exercise. Furthermore, it is noted that cooperation has been established with the Cyprus Red Cross in organizing games, such as bingo as well as the ability to read books / magazines or play board games.

The building has an open exercise area with training court and kiosks. The detainees remain at their cells only on sleeping and resting hours. The rest of the day they have a daily program, according to which they use the external recreation areas for about 4 hours per day, the TV rooms for about 6 hours per day, the restaurant for breakfast, lunch and dinner for about 2 hours.

Cyprus Police requested the assistance of foreign Embassies in Cyprus and the Cyprus Red Cross, to provide all detention centers, including Menoyia Detention Center, with books in different languages. These books were provided to detainees in order to occupy themselves creatively.

Lastly, the Police in cooperation with Cyprus Red Cross is preparing a Program, which is funded by the Norwegian Funds, which will provide psychosocial support to the detainees of Menoyia Detention Center, as well as to the families of these persons.

Access to the association rooms during periods of outdoor exercise, is not permitted mainly for security reasons. However, when there is a special reason, detainees are allowed to stay in their rooms during the outdoor exercise period.

As regards the equipment of the outdoor exercise yard with a shelter at the moment at Menoyia Detention Center, four kiosks of a total area of 124 m<sup>2</sup> operate, that protects the detainees from weather conditions (sun, rain, etc). According to the Department of Public Works, the creation/construction of more covered areas is not possible due to the fact that these works may obstruct the movement of fire service vehicles and ambulances, in case of an emergency.

**CPT Report, paragraph 46, page 23**

***“The CPT recommends that staff be encouraged to interact with the detained irregular migrants and to take a proactive role towards resolving potential problems. To this end, officers should be present inside the accommodation areas”.***

The administration and the staff of Menoyia Detention Center always pays extra attention to the requests of the detainees and efforts are made in order to satisfy these requests and to solve any problems may arise, in the best possible way.

**CPT Report, paragraph 47, page 23**

***“The CPT recommends that all staff at the centre display a name badge or at least an identification number which allows them to be clearly identified, and that they should not carry truncheons within the detention centre”.***

Regarding the personnel identity (number and name tag) according to the Police Standing Order 1/38 all police officers in uniform are obliged to wear their insignia and their name tag including the personnel at Menoyia Detention Center.

Additionally, the daily duties of Menoyia Detention Center personnel are recorded on the daily duty list by the officer in charge. The records include the name, the identity number and details of the duties assigned to the personnel. Furthermore, a 24 hour video surveillance (CCTV) operates and records everything that takes place in the Detention Centre.

It is noted that a Police Standing Order 5/38 “Police Truncheons” regulates the use and carrying of truncheons by members of the Police.

As regards the carrying of truncheons this is regulated by article 27(1) and (2) the Regulations 161/2011 for the Establishment and Regulation of Premises of irregular Immigrants which provides that members of the staff may carry equipment, during the execution of certain duties, with the approval of the Chief of Police, which is considered necessary for the safekeeping of the Detention Center, the enforcement of discipline, the use of force (when provided by Law, see pages 16-17) as well as the protection of the members of the Police. This equipment includes truncheons.

The truncheons are carried inside the detention center for security purposes, in order to protect members of the Police from attacks by the detainees. It is noted that a Police Standing Order 5/38 “Police Truncheons” also regulates the use and carrying of truncheons by members of the Police.



**CPT Report, paragraph 48, page 24**

***“...Having Healthcare staff present on a daily basis (a GP every day for at least 4 hours, daily presence of a nurse for at least 8 hours, detainees to see gynaecologist and psychiatrist whenever required)...The CPT recommends that the Cypriot authorities take the necessary steps to provide Menoyia Centre with the appropriate health-care resources, in the light of the above remarks”.***

The Medical Center of Menoyia Detention Center as from February 2014 is staffed with a General Practitioner on a full time basis (Monday - Friday, 7:30-15:00). A nurse has been assigned to the Centre on two days per week for 5 hours per day. A clinical psychologist appointed by the department of Mental Health Services visits the Centre on a two days per week basis. Apart from these measures, the detainees are transferred to the Regional Medical Center or at Larnaca General Hospital, for medical care, if necessary.

In addition, the Ministry of Health is in the process of drafting a proposal in order to seek financing from the European Asylum, Migration and Integration Fund 2014-2020. Specific action oriented measures for the provision of healthcare services in Menoyia Detention Centre are included ie additional staffing of the Centre with General Practitioners, Psychiatrist, Psychologist and nurses, serving either on a full time basis (GP, nurse) either on a part time (psychologist, psychiatrist).

**CPT Report, paragraph 49, page 24**

***“The CPT recommends that the Cypriot authorities ensure that every newly-arrived detainee is clinically assessed by a medical doctor or by a fully qualified nurse reporting to a doctor, as soon as possible after his/her admission to the Menoyia Centre. A medical file should be opened for every detained person, kept separately from other files and available only to medical staff”.***

According to article 6(2) of the L. 83(I)/2011 “Law for the Establishment and Regulation of Premises of Illegal Immigrants” every detained person is being examined upon admission. This is generally applied. The Ministry of Health considers additional ways in order to ensure that each newly arrived detainee is clinically assessed, within 24 hours after their admission. In practice, medical examinations and Mandoux test for Tuberculosis are performed during detention in the police station and before the transfer of the detainee in the centre. Due to the fact that the results of the Mandoux Test take a period of 2-3 days to be ready, meanwhile, the detainee is transferred to the centre and the respective results are sent to the centre when ready and within a week. All the results are written in a personal medical file for each detainee, kept separately from other files, accessible by medical staff.

Regarding the medical records of each detainee, they are kept in special cabinets in the doctor’s office at the Centre, where no access is allowed except for the medical staff or the police officers that are responsible for the provision of medication to the detainees. The medical confidentiality is fully respected. The medical findings are considered confidential and sensitive personal data and regardless the case, all practices are consistent with the principles of necessity and proportionality, so as not to lead to degrading treatment. Note that the collection and processing of such data is permitted only with the consent of the detainee.

**CPT Report, paragraph 50, page 24**

***“The CPT recommends that the Cypriot authorities take steps to ensure that detained persons are not handcuffed during medical examinations and that all such examinations are conducted out of the hearing and – unless the doctor concerned requests otherwise in a particular case – out of the sight of escorting officers. In order to ensure that these requirements can be met at the same time as meeting security needs, provision should be made for a secure room in the hospital where examinations of detained persons regularly occur”.***

Regarding the use of handcuffs the members of the Detention Center for Prohibited Migrants are instructed that the use of handcuffs on detainees is strictly prohibited, unless there is reasonable suspicion in relation to the security of the center or the detainee, because of the risk of escape, self-harm or aggressive behaviour, which may jeopardize any detainee or staff member. It is understood that the degree of risk should be assessed on an ad hoc basis and the necessary highly restrictive measures should be applied.

As regards medical examination, according to the Regulation for the establishment and regulation of premises of Illegal Immigrants (161//2011) article 21(7) every medical examination and treatment takes place in a private area out of the sight and hearing of any Police member. The police officer must be of the same sex as the detainee. The GP follows as standard procedure for assuring medical confidentiality. Exceptionally, consultation is performed in the presence of a guard only in cases that the patient is found to be non-cooperative and this might be regarded as a threat for the physical integrity of the health professional.

This is also stated in the “Notice to Persons in Custody” which is handed to all detainees by the Police.

**CPT Report, paragraph 51, page 25**

***“The CPT recommends that the necessary steps be taken to guarantee medical confidentiality in the light of the above remarks”.***

The General Practitioner of the Centre takes all necessary steps for assessing the detainee in private and reporting its health status in the medical files kept in the Centre.

The medical records of each detainee are kept in special cabinets in the doctor’s office at the Centre, where no access is allowed except for the medical staff or the police officers that are responsible for the provision of medication the detainee. The medical confidentiality is fully respected. The medical findings are considered confidential and sensitive personal data and regardless the case, all practices are consistent with the principles of necessity and proportionality, so as not to lead to degrading treatment. Collection and processing of such sensitive data is permitted only with the consent of the detainee.

CPT Report, paragraph 52, page 25

*The CPT recommends that persons facing a good order or disciplinary measure be formally guaranteed the following rights:*

- *to be informed in writing of the charges against them and to be given sufficient time to prepare their defence;*
- *to be heard in person by the decision-making authority;*
- *to call witnesses on their own behalf and to cross-examine evidence given against them;*
- *to appeal to an independent authority against any sanctions imposed;*
- *to receive a copy of the disciplinary decision, informing them about the reasons for the decision and the avenues for lodging an appeal.*

*Further, the disciplinary procedures should be explained clearly in the relevant House Rules.*

According to the Regulations for the Establishment and Regulation of Premises of Illegal Immigrants”:

- For the smooth operation of the facility and for better living conditions and the safety of detainees, each detainee has obligations, which when breached, may lead to the restriction or deprivation of corresponding rights or duties may be imposed by the director of the detention center, after taking into consideration the events and offering the opportunity to the detainee to be heard.
- Disciplinary offences committed by detainees are examined by the director of the detention center, which if found indisciplined, may lead to the restriction or deprivation of corresponding rights or duties may be imposed on the detainee, as specified in a Table of the present Regulations, which are in compliance with the international human rights standards and always with respect to human dignity.
- The list of detainees’ obligations, as defined in another Table of the present Regulations, renders the detainees responsible for their actions, in order to ensure order and security in the residing facility and to conserve the balance in the relations between detainees and staff.
- Practices of torture, inhumane, degrading treatment and placement in a dark cell are prohibited.
- Any restriction or deprivation of rights imposed is explained to the detainee in a language understandable to him/her and he/she is informed **in writing** of such a decision and the reasons that led to it, immediately, if it is practically possible, or within 3 hours of the imposing of the restriction or deprivation.
- The detainee’s disciplinary offence and the restriction or deprivation of corresponding rights must be recorded in the detainee’s file.

CPT Report, paragraph 53, page 26

*“There were no restrictions on visits as long as requests were made at least one day in advance, and visits from lawyers could take place at any time. As for the visiting room for family and friends, more should be done to make the environment child-friendly (including a play area for children)”.*

As regards the above comment, the administration of Menoyia Detention Center is planning to create a special area for kids within the visiting room that will cover an area of about 12m<sup>2</sup>, painted appropriately and equipped with kids' tables, chairs and toys for their entertainment.

**CPT Report, paragraph 54, page 26**

***“The CPT recommends that the Cypriot authorities make the necessary arrangements for interpretation services to be provided when required, taking into account the above remarks”.***

**Police Comments:**

According to the Regulations for the establishment and regulation of premises of Illegal Immigrants (161//2011) interpretation is provided as below:

- In the case of a detained person who is an alien or of a detained person with whom the lawyer cannot for any reason communicate in a language understood by the detained person, an interpreter may be present at the interviews at the request of the lawyer (article 5(7)).
- In the case of a detainee with whom the doctor cannot communicate in a language that he/she understands, upon the doctor's request, an interpreter or other individual made available to the detainee by the Officer in charge of the detention area may also be present during the medical test or treatment or follow up, so that the doctor can communicate with the detainee in a language that the latter understands (article 21(8)).
- A list of interpreters is kept at the detention center, who are called when necessary (article 23(2)).

It is noted that interpretation services are provided either at the physical presence of the interpreter at Menoyia Detention Center or by telephone.

**C. Nicosia Central Prisons**

**1. Preliminary remarks**

**paragraph 56, page 27**

***“The CPT calls upon Cypriot authorities to adopt and implement a coherent strategy designed to combat prison overcrowding, taking due account of the relevant Council of Europe recommendations in this area, such as Recommendation R (99) 22 concerning prison population of the European rules on community sanctions and measures : Rec R ( 2003) 22 on conditional release ( parole) , Rec R ( 2006 ) 13 on the use of remand in custody, and Recommendation CM/Rec ( 2010) on the Council of Europe Probation Rules.”***

f) Overcrowding was addressed effectively. The capacity of Prisons in 2012 was approximately of 340 inmates, with a prison population of 694 inmates (SPACE I, page 43), which was released in April 2014.

In 2013 though, the capacity was increased to 413 and very recently to 469. It is interesting to note that in one year period authorities make efforts in order to address the issue of overcrowding by decreasing the prison population to 537 (April 2014) and until to date we have not exceeded the 550 inmates.

The measures that we have taken for the sustainable reduction of the prison population were the following:

- parole board,
- electronic monitoring; the law is now amended with the aim to increase the number of the inmates for electronic monitoring,
- suspension of sentence,
- pardon sentenced,
- transfer of persons (for serving their sentence to their home country),
- construction works increased the normal capacity of prison facilities.

### **CPT Report**

#### **1. *Ill treatment***

##### **paragraph 57, page28**

***“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.”***

The government does not tolerate any discriminatory attitudes or behaviours, or any form of abuse of power, ill treatment, corruption etc. All allegations of physical ill-treatment made by the prisoners are investigated by the prison management, Police, Ombudsman or investigators appointed by the Attorney General. Threats with reprisals by staff are being reduced with the human centered approach of the management and the disciplinary measures imposed on staff that abuses its powers. Also the amendments to the Prisons Law and Regulations that is expected to be completed within 2014 by the Independent Committee appointed by the Council of Ministers will be used as a tool to reduce such attitudes.

In this context, the Minister of JPO appointed an Expert in detention matters to his office where inter alia, she:

- Acts as a liaison of the Minister with the prisons department;
- Provides guidance on day to day issues in relation to the treatment of inmates where is necessary.
- Conducts visits to the prison facility and meets in person with the inmates and their relatives for constructive dialogue;
- Responds to the requests of the inmates, and intervenes when necessary for corrective measures;
- Reviews methodically every previously announced or unannounced policy or practice that has not been legislated with a view to issue legislative provisions and/or protocols as appropriate which will be published;
- Establishes new procedures and policies in the benefit of the inmates and better operation of the prisons;
- Oversees the living conditions and drafts action plans and guides based on human rights standards and norms;
- Oversees the situation of the mentally-ill inmates;

- Has a daily contact with a prison officer who was recently appointed as the liaison of the Prison administration with the inmates and the Minister's Office, where they share information and feedback with regard to the requests of the inmates, and issues with regard to prison administration and staff.
- Handles complaints made by the inmates and by their relatives;

The interventions and close supervision of the situation in Prison by the Minister's Office work as deterrents to likelihood threats or reprisals by staff.

Authorities have ensured that the detainees get feedback to their requests appropriately and in due time:

- New procedures have been established and the requests of the inmates are now recorded.
  - In due time, inmates receive feedback from the prison management.
- The inmates have the opportunity to refer to the liaison officer who communicates daily with the expert of the minister's Office.
- Also inmates and their relatives have the opportunity to regularly meet with the expert of the minister's office, who responds effectively to their requests in due time and provide guidance or solutions to their complaints/requests adequately and appropriately.

The measures and the initiatives launched by the Ministry to change the culture of prison staff are reflected in their efforts to generally eradicate torture, ill treatment and all its forms, and to the opportunities given to the staff for education and training on a continuous basis.

**CPT Report, paragraph 58, page 28-29 (relevant is paragraph 7, page 8)**

***“The CPT recommends that a full and independent investigation be carried out into the incident of 15 August 2013 and the manner in which it was managed by the prison authorities. It would also like to be informed of the outcome of the police investigation.”***

Regarding the incident of 15 August 2013 and the manner in which it was managed by the prison authorities, an independent police investigation was carried out as suggested:

- Following a suicide of a prisoner, inmates of Wings 1A and 1B went on a peaceful protest in the courtyard for the suicide and the conditions of detention.
- After the persistent refusal of the inmates to go for lunch, at 1500 hours the administration sent a group of prison officers with an inspector to talk. They repeatedly asked the inmates to return to their wing for the counting of inmates as provided by the Prison Regulations. The inmates refused to do so and kept protesting. Following the instructions of the Acting Prison Director, the anti-riot team intervened and with the use of spray agents they ended the protest. The inmates were led to their wings. Seven (7) inmates and four (4) prison officers who were experiencing breathing and other problems were examined by the medical officer of the Central Prison and then transferred to the Emergency Department of the Nicosia General Hospital for treatment.
- The courtyard, the protest and the incident were recorded by three cameras of the CCTV system. The distance of the cameras from the area of the incident was quite long. The investigator stated that after a thorough study, no prisoner was beaten/ injured.

- The statements of the inmates and prison staff were contradictory and the results of forensic tests, done 40 days after the incident (26/09/13), do not substantiate the allegations of the inmates.
- As regards the manner in which the incident was managed by the prison authorities, the investigation concluded prima facie that this was appropriate under the circumstances and in accordance with existing directives and the Regulations 121/97 (paragraphs 148, 149) of the Prison Law 62/1/96 and Regulations.
- The case file was completed and submitted before the Attorney General for further examination.
- Taking into consideration the prima facie investigation case, and pending the examination of the case by the Attorney General, the Ministry of Justice and Public Order proceeded immediately with the adoption of measures in order to guarantee the handling of similar incidents in the future in a more appropriate manner and with respect to human rights.

Since early 2014, the prison officers receive theoretical and practical training in order to be able to manage effectively similar incidents in the future. Inter alia their training includes:

- ✓ Human Rights,
- ✓ Use of Handcuffs / Truncheons,
- ✓ Techniques in immobilising and searching persons,
- ✓ Discrimination and racist behaviour,
- ✓ Aggression management,
- ✓ Communication / multiculturalism / respect of diversity,
- ✓ First aid,
- ✓ Assessment of incidents / first to arrive at the scene,
- ✓ Self – protection measures,
- ✓ Management of critical incidents / emergencies at the Central Prisons,
- ✓ Stress Management, Negotiations / Intervention in cases of suicide attempts,
- ✓ Danger and risk assessment,
- ✓ Investigation of torture.

(Relevant to the above paragraph is the) **Letter by the CPT dated 16 July 2014**

***“The CPT trusts that the full response of the Cypriot authorities to the report on the 2013 visit, due at the end of September 2014, will properly address the concerns raised by the Committee in this letter and in paragraph 58 of the visit report.”***

Following the aforesaid letter, on the 18 July 2014, the Minister of Justice and Public Order suggested to the Attorney General in writing the appointment of an independent criminal investigator for a thorough and independent investigation of the case.

**CPT Report, paragraph 59, page 29**

***“The delegation brought this case to the attention of the prison authorities and the injuries were subsequently photographed and examined by a forensic doctor. The CPT wishes to receive a copy of the forensic medical report and the photographs relating to this prisoner”.***

The specific request refers to information of confidential and sensitive nature (personal data, photographs, medical reports). The information will be transmitted by post.

**CPT Report, paragraph 60, page 29**

*“The CPT recommends that the Cypriot authorities put in place clear procedures for carrying out cell searches and that prison officers always wear a clearly visible means of identification. Further, there is no justification for prison officers who carry out cell searches routinely to wear masks.”*

Prison officers wear masks when carrying out specific searches only when needed following risk assessment and not on every day searches.

**CPT Report, paragraph 61, page 30**

*“The CPT welcomes the development that the practice of forced haircuts and shaving at Nicosia Central Prisons had been ended and would like to be provided with a copy of these new guidelines for staff.”*

Guidelines were reiterated orally and thoroughly explained to the staff by the Minister in person, during segregations with the prison management and staff. No written orders have been issued on this matter by the Director.

**CPT Report**

**3. Conditions of detention**

**a. material conditions**

**paragraph 64, page 31**

*“The CPT recommends that:*

*a- action be taken to improve the material conditions in Block 1, with a view to ensuring that they fully comply with the legal requirements as set down in section 58 of the Prison Regulations, prisoners should not be held in cells which do not possess windows.*

*b- measures be taken to reduce the occupancy levels in Blocks 1,2,3,5 and 8 throughout the prison. To this end , it should be insured that those cells measuring under 7 m<sup>2</sup> is only used to accommodate one prisoner and that the living space in multi – occupancy cells is at least 4 m<sup>2</sup> per prisoner.*

*c- steps be taken to ensure that a system is in place to ensure that prisoners who need to access the sanitary facilities during periods of lock-up are able to do so in a timely manner.*

*d- As regards more particularly the women’s prison ( Block 3), the CPT would like to be informed of the steps being taken to ensure that all female inmates are held in conditions each prisoner should have their own personal lockable space and there should be sufficient chairs in each dormitory for every inmate.”*



- a. Currently the construction works are generally focused on the renovation of all blocks and on the increase of the capacity, as we are planning to proceed with the building of new prisons of 1000 inmates capacity.
- b. Please see our response to paragraph 56 as to how we have managed to alleviate the problem of the overcrowding.
- c. The Administration of the Prison Department has issued an order No32/2008, concerning the access of prisoners to toilet facilities whenever necessary. By this order the personnel of the Prison is directed to check and ensure that the cell panel in the warden's room is active at all times and especially during the evening hours, so that the prisoners can be assisted and emergency cases can be prevented. It also informs the personnel that the violation of the order consist a disciplinary offence. These procedures are controlled by personnel of the Central Control Department of Prison.
- d. New construction works have already taken place for the expansion of the capacity of the female prisons and with a focus for creating single and double cells so as to ensure that the female inmates enjoy the right of privacy without discrimination (comparatively to the male inmates).

**CPT Report, paragraph 65, page 32**

***“The CPT calls upon the Cypriot authorities to take vigorous steps to increase the range of purposeful activities for inmates. Work, vocational training, sports education 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.”***

Currently, most of the wings have gyms which are adequately equipped with sports machines, treadmills, weights etc., and are available to all inmates. Inmates have the opportunity to train daily alone and/or with the guidance of a gym expert from the Cyprus Sports Organization three times a week, who trains and coaches prisoners playing football and basketball.

Every day the detainees use the football ground either for playing football or for jogging, running etc.

School hours are now from 08:00 to 15:00 from Monday to Friday. An updated and revised school program with modules for the inmates will start soon. With the attendance of classes and the completion of the modules, inmates will be granted certificates. In that respect, they will have the opportunity to complete the program at schools following their release.

Four of our inmates are currently studying with the distance learning method; two male inmates are studying for a bachelor degree, one female inmate for her Master degree (MA), and one male inmate for his PhD.

In collaboration with the Ministry of Education theatrical performances have been presented by the detainees in Public Theatres, as well as the theatre within the prisons.

Every prisoner has the right to participate in the various programs of work, physical exercise, vocational training, education, creative recreation and other activities. Also, various activities for inmates, such as sports, painting, hand crafting, bookbinding, workshops, educational programs and vocational training are available to all detainees. Accordingly, they receive a work certificate so as to be able to work in relevant jobs when released.

All prisoners are given the opportunity to improve their level of vocational training and perform work of their choice. In this direction, fully equipped workshops are operated in the prison, where prisoners are encouraged, under the supervision and instructions of trainers, to improve the level of their vocational training by working as cooks, tailors, carpenters, electricians, bookbinders, barbers/hair dressers, gardeners, mechanics and also at the prison farm.

Within this framework the Prisons Department are in close cooperation with the Cyprus Productivity Centre and the Ministry of Education and Culture as well. All prisoners are granted with the right and the opportunity to follow courses for education reasons and have access to the library. The education of prisoners is a part of the educational system of the Ministry of Education and Culture.

All prisoners are encouraged to take part in recreational activities including indoors and outdoors activities and events such as sports events, theatre, musical performances and electronic games. At the prisons theatre hall performances take place and other recreational activities as well. The prisoners' theatrical team plays and gives performances inside and outside the prisons. For the outdoor activities there are football, volleyball and basketball grounds. The prisoners' football team plays against others teams at the prisons' grounds and outside as well.

The Mental Health Services (Psychiatrist, Psychologists, Occupational therapists, Mental Health nurses), have the responsibility for the therapeutic part of the inmate's life in prison. They are running individual and group therapeutic sessions as well as leisure activities, motivating offenders to seek a more therapeutic collaboration with the multidisciplinary team.

The Welfare officers working in the prison department are in contact with the inmates in the first few days of their imprisonment. They are also in close collaboration with the family of the offender as well as with the offender.

When the foreign inmates have families in Cyprus, Social Welfare officers are responsible for the communication between the offender and his family. The offender can ask for a welfare officer when needed.

The theater hall of Wings 1 and 2 of the Closed Prison is now an entertainment hall where prisoners have the Male Inmates in wings 5, 8 and 9 and Women inmates as well will have the opportunity to have their own entertainment hall.

The theater within the prison area is turned into an entertainment place, i.e. badminton, projection of films, table soccer, electronic games, CD players, play stations, cards, chess boards, etc) for prisoners from all the Blocks. Prisoners can use this area in the afternoon, for theatrical plays with inmates as actors, and for seminars. Actors voluntarily will be providing free classes of acting to the inmates twice a week, as from October 2014. By the theater team of the inmates is ready to perform, a theater performance will be launched by the inmates on stage with an audience of families and friends of the inmates. Further, the theater team of the Lawyers Association will be soon delivering a performance on stage for the inmates.

An initiative called “Building bridges” was recently launched by the Prison administration under the auspices of the MJPO. A theater play was delivered on stage in the prison theater by the Soleas Lyceum for the inmates. The Minister of Justice and his Office, the Prison Administration, the president of the Lawyers Association, former Judges, members of the Council of Prisons, NGOs, the Administration of Soleas School with the parents of the children, and the inmates, enjoyed the performance. In the context of the social reintegration of the inmates, this performance conveyed a broader social message to all especially for the performers (children at the age of 16-18 years old) and the inmates; intolerance to racism, respect of diversity and self respect!

In this context, a football tournament was organized with the participation of the veterans of five football teams of the first League. The football tournament called “Building Bridges”, has a duration of three months (2/4 – 10/7/2014) and the aim was to engage all the inmates who wish to participate in the events at least in one of the ten football games. The prison team has won the second place of the tournament and all inmates were awarded by the Minister of Justice and public Order. Further, the inmates who have participated in the tournament were given extra visits for their families and friends, as well as free and extra calls. This period of time arrangements are made with the prison football team to participate in a formal championship with more football teams.

Televisions and electronic games such as play stations, DVDs, CDs, are available in their cells.

A final stage towards reintegration into the social environment is the placement of inmates to the Open Prison, where security conditions are reduced and the Guidance Centre for Out of Prison Employment and Rehabilitation of Prisoners, where prisoners spend their day out of prison provided that they are employed to work or to attend or continue an educational program, and by the afternoon they return back to prison.

**CPT Report, paragraph 66, page 32**

***“The CPT recommends that toilets in double – occupancy cells be partitioned up to the ceiling and that provision be made for a common association room.”***

There is a very small number of cells with a toilet inside (Wing 9 and Special 8) and they are occupied by one prisoner only. For this reason a partition is not provided.

For privacy purposes, a curtain is placed at the door cells for all prisoners.

**CPT Report, paragraph 67, page 33**

***“The CPT recommends that a full programme of education, sport, vocational, recreational and other purposeful activities of a varied nature be developed for the young offenders and juveniles. Physical education should constitute an important part of that programme”.***

Block 9 has been completed and juveniles and young detainees are accommodated for a period of time. The high security measures of the building where prove as not appropriate place. Therefore, juveniles were transferred to Block Special 8, where the security measures are reduced and there are private toilets within the cells. This change was accommodated by juveniles.

Special attention is given also for the training of the Staff of the juvenile prisoners. Efforts are made so that all prisoners are active during the whole day, but this can be proven challenging. All juveniles are engaged in respective vocational training, recreational activities, sports etc. as described in paragraph 64 as for adult inmates.

The educational programs for the young offenders have been revised.

School hours are now from 08:00 to 15:00 from Monday to Friday.

The young offenders also participate in individual and teamwork events such as theatrical, musical and athletic events, paintings and handicraft exhibitions, film or other shows, and in any other activities that may secure creative entertainment.

Sport education for young offenders programmes include physical exercises, gymnastics, group games and matches inside and outside the prisons which are organized by specially trained staff.

Every detainee has the right to participate in any of the physical training programmes according to his age, physical and mental condition.

All inmates have the right to participate at the school program.

Certificates for all educational levels are granted to detainees who serve the last part of their sentence at the Centre of Guidance and Extra – Institutional Employment of Convicts:

- (a) When admitted are students in a secondary or tertiary education school.
- (b) Their imprisonment does not exceed three years.
- (c) During the detention, they show consistency in their behavior, diligence, good conduct and desire for learning.

Young prisoners who wish to take lessons out of prison for obtaining specific vocational qualifications for their professional career, after their release, a respective certificate may be granted under certain conditions.

**CPT Report, paragraph 68, page 33**

***“The CPT recommends that steps be taken to staff Block 9 with persons who have received professional training in working with young offenders and juveniles. Mixed gender staffing should also be introduced. Further , all juveniles should undergo a proper screening process upon arrival in the unit to ensure that their specific needs are catered for and appropriate ongoing supervision should be put in place.”***

Staff training, personal development, enhancement of communication skills, acquisition of skills related to prison working environment i.e appropriate handling and treatment of detainees (specifically, the handling of young offenders) are issues of high priority for the Ministry of Justice and Public Order. Towards this direction, the Ministry, in cooperation with the prison administration encourage the prison staff to participate in seminars, conferences, courses, and workshops in Cyprus and abroad.

The MJPO, in close cooperation with the Cyprus Police Academy, Ombudsman, Psychiatric Services and Prisons Administration, designed an introductory course for prison staff which is currently implemented at the Police Academy. All prison officers will attend this course.

In the context of the prevention of torture and ill treatment, in May 2014, prison staff and police officers have participated in a program which it was delivered by professionals from Vienna universities, Human Rights Institutes, and experts in the field of the prevention of Torture and ill treatment and it was funded by the solidarity funds of EU.

Additionally, educational and training programs related to the work of the prison staff, are provided by the Cyprus Academy of Public Administration, Police Academy and other departments.

The Prisons Department is involved in European Programs for the education and training of the personnel.

In response to relevant the recommendation, mixed gender staffing is used for the following posts within the prison area:

- Visitation Premises of Blocks 1& 2, 5 and 8 and Juvenile Block
- At the main entrance of the Close Prisons at the check point
- Gate House
- Visitor's appointments office
- Counting
- Admission and release office
- Kitchen
- School

The results of mixed gender staffing are positively welcomed by the inmates.

Women officers are working now in juvenile's block at the visitation premise, with very good results. For the moment the number of female staff is not sufficient to engage in other posts.

Prison staff who work for young people are specially trained. The staff training is especially oriented on risks of vulnerability, taking into account the fact that young prisoners are more vulnerable than adults and need to be protected from violence or abuse by older prisoners, and also to be able to take care themselves by taking into account their age and special individual needs. The young prisoners are encouraged by the prison staff and the teachers of the prison school, to participate in educational programs. The Prison Administration participates in European Educational Programs for inmates of all categories (including programs that will enhance their knowledge on several issues related to young offenders).

All juveniles undergo a proper screening process upon admission to ensure that their specific needs are addressed and appropriate ongoing supervision is put in place.

**CPT Report**

**4. Health-care services**

**paragraph 70, page 34**

***“The CPT recommends that the Cypriot authorities ensure that the general practitioner employed at Nicosia Central Prison are suitably motivated and have no conflict of interest. It should also like to be informed of the oversight of prison health – care services by Ministry of Health. Further, it reiterates its recommendation that the nursing team be progressively reinforced with a view to replacing all medical orderlies by qualified nursing staff.”***

The General Practitioners employed at Nicosia Central Prisons are suitably motivated and have no conflict of interest. More specifically, the assignment of the GPs is done through the Department of Medical and Public Health Services of the Ministry, which among others has the responsibility of their supervision.

In addition, in the newly established within the Central Prisons premises medical centre, named "ward 10", there are certain guidelines on the operation of the centre by the GPs, including their obligations and responsibilities in the prisons environment.

As regards to the Nursing Team, the Ministry of Health has proceeded with the followings:

- Assignment of General Nursing and Mental Health Nursing staff on a 24 hour basis.
- The injectable medical drugs are administered by nursing staff.
- In "ward 10" the storage and administration of medication will be undertaken by the Mental Health nursing staff.

The administration of medical drugs by nursing staff is not possible at the moment basically due to current financial and resources restrictions as well as the fact that the prisoners are under a community environment and not hospital where medication shall be administered by nursing staff.

The Department of Nursing Services, in cooperation with other responsible departments of the Ministry can proceed with the training of the prison guards on issues related to the health of the prisoners and the management and administration of the medical drugs.

**CPT Report, paragraph 71, page 34**

***“The CPT recommends that every newly – arrived prisoner be properly interview and physically examined by a medical doctor, or a fully qualified nurse reporting to a doctor during the initial screening. Such screening should always take place within 24 hours of a person’s admission to the establishment. Further , a single comprehensive health – care record should be introduced.”***

According to the memorandum signed on 31/7/2014, between the Minister of Justice and Public Order, and the Minister of Health, each prisoner upon admission, receives medical examination and evaluation within 24 hours of his / her admission to the prison facility.

A single comprehensive health-care record is also introduced.

CPT Report, paragraph 72, page 35

*“The CPT calls upon the Cypriot authorities to make the necessary steps to ensure that the record drawn up after the medical examination of a prisoner whether newly – arrived or following a violent incident in the prison – contains:*

- i) an account of statements made by the person concerned which are relevant to the medical examination ( including his description of his state of health of health and any allegations of ill-treatment)*
- ii) a full account of objective medical findings based on a thorough examination*
- iii) the doctor’s observations in the light of indicating the consistency between any allegations made and the objective medical findings.*

*Recording of the medical examination in cases of traumatic injuries should be made on a special form provided for this purpose, with “body charts” for marking traumatic injuries that will be kept in the medical file of the detainee. If any photographs are made, they should be filed in the medical record of the person concerned. In addition, documents should be compiled systematically in a special trauma register where all types of injuries should be recorded.*

*The results of every examination, including the above-mentioned statements and the doctor’s opinions/observations, should be made available to the prisoner and, with the consent of the prisoner, to his or her lawyer. Further, the existing procedures should be reviewed in order to ensure that whenever injuries are recorded by a doctor which are consistent with allegations of ill-treatment made by a prisoner (or which, even in the absence of allegations, are indicative of ill-treatment), the report is immediately and systematically brought to the attention of the Attorney General’s Office, regardless of the wishes of the person concerned.”*

In case that any allegations of ill-treatment, the GP or the Psychiatrist proceeds with the required medical and psychiatric examination respectively and the findings / observations are recorded and reported immediately to the medical examination sheet, where the prisoner or his/her lawyer has access. This process follows the rules of confidentiality.

Further to that, the Ministry of Health is currently working on the possible introduction of a special form for recording medical examination in the cases of traumatic injuries with "body charts" for marking traumatic injuries that will be kept in the medical file of the detainee, including any photographs.

The establishment of a trauma register will be examined in cooperation with MJPO which is responsible for the operation of the prison premises.

CPT Report, paragraph 73, page 35

*“The CPT recommends that steps be taken to guarantee the confidentiality of medical data within the prison. Health – care staff may inform custodial officers on a need to know basis about the state of health of a detained person, however the information provided should be limited to that necessary to prevent a serious risk for the detained person or other persons, unless the detained person consents to additional information being given. Moreover, medical orderlies should not be present during medical examinations.”*

The Ministry of Health makes every effort in order to ensure that the medical confidentiality in the prison follows the same rules and conditions for medical data in the medical centres of the Republic, and are in accordance to the laws and regulations. People without the necessary mandate in the treatment process of the prisoner are not entitled to have access to his/her medical file, neither to the results of his/her medical examinations, blood tests and other tests performed for diagnostic or treatment reasons.

Information provided by the health care staff to the custodial officers regarding the status of health of the prisoners are limited only to the essentials, on a need to know basis.

This procedure is also included and specified in the piloting cooperation framework between the MoH and the MJPO developed for the operation of medical centre "Ward 10" in the premises of the prison.

As regards the prison staff, the MJPO has issued strict instructions in order to protect the confidentiality of the prisoners records, in the prison area. Prison administration and medical staff are in a daily cooperation and communication, so as to ensure confidentiality of all medical records, which are all locked up and secured out of the reach of prisoners and staff.

#### **CPT Report**

##### ***c. psychiatric care***

#### **paragraph 74, page 36**

***“The CPT recommends that the manner in which anti-depressant and anti-psychotic medication is prescribed be reviewed.”***

The Recommendation was taken under serious consideration. All the necessary processes in the treatment with anti-depressant and anti-psychotic are being reevaluated, for proceeding with necessary changes.

#### **CPT Report**

##### ***d. prevention of suicide (and self-harm)***

#### **paragraph 77, page 37-38**

***“The CPT recommends that the Cypriot authorities ensure that a comprehensive suicide prevention and management approach is introduced at Nicosia Central Prisons, taking into account the above remarks.”***

In the context of suicide prevention, after the tragic events, the Minister's Office has taken immediate and preventive measures and actions:

- The expert of the Minister's Office conducted a research on the issue by reviewing relevant documentation and by taking input from various sources and stakeholders (i.e. from the prisons medical staff, inmates, Ombudsman, relatives of the inmates etc.) and prepared guidelines for the prevention of suicides and attempts to commit suicide;
- A short guide with guidelines (i.e. 10-15 minute checks) was prepared and disseminated to all officers in the wings;
- Authorities have proceeded to the classification of prisoners;



- Inspectors are now placed in the offices within the wings for better supervision of vulnerable inmates;
- Vulnerable inmates are identified by the prison management through observation - warning signs and are assessed by the prison doctors. Most of them are sent for psychiatric therapy;
- Specific instructions are recorded every day for the vulnerable persons of each wing and are disseminated to the heads of the shifts, etc.
- There is a daily communication and sharing of information between the Prison management, the prison doctors, and the Ministries (MJPO and MOH) about vulnerable persons.

Recently the expert of the Minister's Office, in close cooperation with the Ombudsman Office, conducted a research and prepared a manual on "Guiding principles for the prevention of suicides in prisons and detention places" in accordance with the guidelines of the World Health Organisation. The manual determines the prevention strategy for suicides and includes a comprehensive practical guide for the practitioners. It was released in April, 2014 and it is available at the Ombudsman website.

In the context of suicide prevention, issues related to this matter such as identification of inmates under suicidal risk, development of interpersonal communication skills, etc., are now comprised in the training modules for prison staff.

Further, the multidisciplinary team staffed by the Ministry of Health, and the Ministry of Labour, Welfare and Social Insurance is about to start the assessment of all inmates.

In addition, the newly established Central Prisons medical centre, named "wing 10", accommodates vulnerable inmates (who are considered high risk inmates) and operates under certain guidelines regarding the obligations and responsibilities of the GPs in the prison environment as described in the memorandum of cooperation signed by the Minister of JPO and the Minister of Health. In "wing 10" the storage and administration of medication will be undertaken by the Mental Health nursing staff. The injectable medical drugs are administered by nursing staff. The prison guards who staff Wing 10 have received intensive training from the Health Care Services for the management of such inmates.

**CPT Report, paragraph 78, page 38**

***“The CPT recommends that the Cypriots authorities ensure that a clear policy is introduced on the actions to be taken whenever there is a death in prison.”***

According to the article 4 of the Chapter 153 “Coroners”: When there is reasonable suspicion that a person died while he/she was under restriction in a psychiatric hospital or in any place or in circumstances which, in the opinion of the coroner, make the conduct of an inquest necessary or desirable, he/she carries an inquest, as soon as possible.

According to Police Standing Order 3/25 “Inquests”:

When the Police is informed, that a person has died in circumstances which justify or require an inquest, the following actions are followed:

- (1) Immediate visit to the scene and inspection of the corpse. The Police must also take measures for surveillance of the scene.

- (2) Initiation of investigations for identifying the deceased and the circumstances of his/her death.
- (3) If it is considered appropriate, the scene is visited by a forensic medical examiner for the inspection of the corpse.
- (4) Acquisition of a death certificate by a forensic medical examiner, if he/she visits the scene or by a medical officer, accordingly.
- (5) The investigator shall inform the Police Director of the Division, as soon as possible, by fax, mentioning the following details:
  - (a) Name, address, occupation and age of the deceased.
  - (b) Place, date, time and under what circumstances the corpse was found.
  - (c) Causes of death, if known.
  - (d) Whether the deceased has external wounds or injuries.
  - (e) The details of the coroner or the medical officer, who examined the body.
  - (f) Expected date of the post mortem examination.
  - (h) Rank / position, number and name of the investigator.
- (6) The coroner shall be informed in writing, with a letter, issued in four copies, as follows:
  - forensic medical examiner
  - Coroner
  - Police Divisional Registry
  - Criminal file
- (7) In addition to the above mentioned letter, the coroner must also sign the following documents, which are issued in four copies:
  - Post-mortem examination Order
  - Burial Order or Order of transporting the body abroad, for a foreign national in order to be buried in his/her country.Those orders must be distributed as referred to in the above sub-paragraph.
- (8) All witnesses must be questioned and statements must be taken. The closest relative of the deceased must be informed about the date and time of the post mortem examination, and he/she must be present for recognition of the deceased before the post mortem examination begins. If he/she is unable to make the recognition, this must be done by another relative. If the deceased has no relatives, the recognition must be made by another person, who knows the deceased well.
- (9) The recognition of the deceased must be made in the presence of the investigator and the forensic medical examiner.
- (10) The investigator and the photographer of the Police must be present during the post mortem examination.
- (11) Following the post mortem examination, the Burial Order or Order of transporting the body abroad must be handed over to the relatives of the deceased, according to the case, and the investigator must immediately continue his/her investigations in order to complete the investigation file.

(12) If during the investigation, an allegation concerning medical negligence is made, an investigation must be carried out in that respect. The findings of the investigation must be filed in the case file, in order to be examined by the coroner.

(13) At the end of the investigation, the case file must be forwarded to the coroner. The investigator of the case must prepare a summary report without comments and conclusions.

**CPT Report**

**5. Other issues**

**a. prison staff**

**paragraph 79 page 39**

*“...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, ongoing training should be further developed for all senior officers in the prison. **The CPT recommends that the Cypriots authorities take the necessary measures to develop the capacity and role of prison officers, in the light of the above remarks. Further it would like to be informed of the management situation in the prison.**”*

The appointment of a prison Director is a priority and will ensure the effective operation of the prison as well as the addressing of a number of issues. The process of the appointment of a new Director is expected soon. Regarding the training of the senior prison officers is further developed as they participate in several seminars, courses etc in Cyprus and abroad. The renovation of a building will be used as a prison academy in order to promote the enhancement of the skills of the officers. Our aim is to further develop the skills and capabilities of the correctional officers, and increase their learning capacity, so as to become more effective in exercising their duties, and the scientific staff of the prison administration to be increased.

**CPT Report**

**b. discipline and isolation**

**paragraph 81-84, page 39-41**

*“81. **The CPT recommends that the Prison Regulations of 1997 in relation to disciplinary matters be revised accordingly, taking into account the above remarks.**”*

*“82. **The CPT recommends that the Cypriot authorities take the necessary steps to ensure that placement in provisional disciplinary isolation is in line with the above precepts.**”*

*“83. **In light of the ongoing review of the prison law of Cyprus by a Committee appointed by the Minister of Justice, the CPT recommends that disciplinary procedures be fundamentally reviewed, taking into account the above remarks.**”*

*“84. **By letter of 20 January 2014, the Cypriot authorities informed the Committee that the relevant rule has now been changed to offer all prisoners open visits, with closed visits only being imposed for security-related reasons. The CPT welcomes this development. It trusts that accumulated visiting time for prisoners who receive infrequent visits will also be put in place.**”*

The disciplinary system (incl. disciplinary procedures and isolation) is fundamentally reviewed by taking into account all of CPT remarks and recommendations (paragraphs 81-83), as well as ECHR case law.

As regards the inmates who receive infrequent visits and those who have children, they are provided frequent access to telephone calls. They are given extra time and extra telephone calls. Further, new arrangements are now being made to install a computer unit which will be available for foreign nationals who have no visits from any relatives or friends, and for those who have children, in order to increase their opportunities for contact with the outside world and preserve the family unity with the use of ICT, ie Skype.

**CPT Report, paragraph 85, page 41**

***“The Committee recommends that steps be taken to increase prisoner’s access to the telephone.”***

***“The Committee would appreciate the observations of the Cypriot authorities on the matter of the use of modern technology in facilitating communication between prisoners and their family through (i.e. SKYPE).”***

***“The CPT recommends that clear guidelines for regulating the checking of letters entering and leaving the prison be introduced, and that the current censorship procedures should be reviewed.”***

As regard the visits, and access to telephone, policies and practices are reviewed and changed.

**Visits:**

- The procedure of the closed visits is terminated.
- Current rule is for open visits to all inmates and the closed visits are the exception as they are imposed upon disciplinary offences.
- Inmates who have children are allowed to have visits in the area of the Open Prison.
- Inmates are now allowed to have visits from religious representatives other than the priests of the Christian Orthodox Church following the requests of the inmates.
- Now, visits by all religion representatives are allowed.
- A visit guide is prepared and it will be released soon. It will be disseminated to the inmates and to their families and friends by post or in person.

**Telephone calls**

- The practice of reduced number of telephones calls is terminated.
- All inmates have access to telephone calls and the number of calls has increased from 6 to 10.
- Also, the duration of the calls is increased, and in many cases the time of the calls is allocated according to the individual needs of the inmates.
- Additionally, frequent access to telephone calls is provided to those who have children or receive infrequent visits (extra phone calls and increased duration of the calls).
- While such inmates demonstrate good contact but they are not able to financially support themselves, they are given telephone cards for free by the prison administration in order to contact often with their families.

## Use of Skype

A computer unit will be installed for the use of Skype by the inmates who receive infrequent or no visits, or by those who have children in order to increase their opportunities for contact with the outside world and preserve the family unity.

## **CPT Report**

### *d. foreign nationals*

#### **paragraph 86, page 42**

*“...more than 50% of the inmate population were foreign nationals and yet little was done to address their specific needs. They were still not provided with written information about the internal regulations in a language they could understand. Further, the delegation received numerous allegations of discrimination towards foreign national prisoners in terms of access to education, mental health care, work and recreation. ... it was clear that many foreign nationals felt that they were either consistently misunderstood or that prison officers were prejudiced against them. Consideration should be given to the appointment of one or more dedicated foreign national liaison officers. Further, concerted efforts should be made to provide foreign nationals with clear information on prison life and immigration procedures, through meetings and information packs, and to inform them as soon as possible what will happen to them at the end of their sentence. Foreign national prisoners should have recourse to interpretation services when required (see paragraph 54 above).*

***The CPT recommends that the Cypriot authorities increase the support provided to foreign nationals in prison, in the light of the above remarks.”***

Foreign nationals have equal rights as prisoners of EU countries.

All prisoners have the right to participate in the educational programs. The clusters of those programs are chosen according to the educational level of each prisoner. All educational programs are available to all prisoners, depending the educational level.

The welfare officers working in the prison department are getting in touch with the inmates the first few days of their imprisonment. They are also in close collaboration with the family of the offender as well as with the offender.

When a foreign national has family in Cyprus, welfare officers are responsible for the communication between the offender and his family. The offender can ask for a Welfare officer, when needed.

An informational booklet has been issued in many languages, containing all the rights and obligations of the inmates in prison and it is provided to the prisoner upon admission in the prison facility.

Some educational programs (available in Greek Russian and English language) are: creative writing, and folklore dance Regarding the vocational rehabilitation programs. Inmates may also attend the followings: Plumping, Carpentry, Cookery and Computers.

For informal education, foreign inmates can attend Arts, Crafts, Mosaics, Musical instruments and Copperplate.

The social workers working in the prison department are getting in touch with the inmates in the first few days of their imprisonment. They are also in close collaboration with the family of the offender as well as with the offender.

When the foreign inmates have families in Cyprus, Social workers are responsible to facilitate the communication between the offender and his family. The offender is entitled to seek the assistance of a social worker.

All Prisoners receive adequate Medical and psychiatric services by a permanent Physician and Psychiatrist and prisoners health care records give a complete picture of their physical and mental health.

A special information book with all the inmate's rights and obligations in prison is given to the prisoner upon admission.

### **CPT Report**

#### ***e. complaints and inspection procedures***

##### **paragraph 87, page 42-43**

*“Separate padlocked complaints boxes were present in the detention areas, for prisoners to complain in writing to the Director, to the Board of Visitors or to the Commissioner for Administration (Ombudsman). This is positive. However, there was no effective system in place to deal with the many minor complaints and requests submitted by prisoners; many prisoners complained that they did not receive a response to their applications (concerning visits, clothes, work, an extra telephone call, etc.) and if they did there was no reasoning provided.*

*The CPT considers that the existing internal complaints system needs to be further reviewed; for example, prisoners ought to be able to make written complaints at any moment and place them in a locked complaints box on a prison landing (forms should be freely available); all written complaints should be registered centrally within the prison before being allocated to a particular service for investigation or follow up. In all cases, the investigation should be carried out expeditiously (with any delays justified) and prisoners should be informed within clearly defined time periods of the action taken to address their concern or of the reasons for considering the complaint not justified. In addition, statistics on the types of complaints made should be kept as an indicator to management of areas of discontent within the prison. Of course, prison officers should be encouraged and empowered as far as possible to resolve complaints themselves and only where this is not possible should recourse to a written procedure be promoted.*

***The CPT recommends that the Cypriot authorities review the current system of complaints, taking into account the above remarks.”***

*The CPT recommends that the Cypriot authorities should review the current system of complaints, and would appreciate the observations of the Cypriot authorities concerning the fact that the Prison Board of Visitors should have access to all areas of the establishment and should receive training on how to carry out its tasks.*

The system of complaints has been reviewed. Feedback to the requests of the inmates is provided in due time. In order to ensure impartial procedures in the benefit of the inmates the system was reviewed as follows:

- A prison officer has been appointed as the liaison between the Prison administration, the inmates and the Minister's JPO Office. Information is shared regarding the requests by the inmates. The inmates have the opportunity to address to the liaison officer who is in daily contact with the expert of the Minister's Office.
- New procedures have been established and the requests of the inmates are now recorded.
- Inmates receive feedback from the prison management.
- The inmates have the opportunity to meet in person with the expert of the minister's office, as she regularly pays visits to the prison facility, where she responds and address their requests.

**CPT Report, paragraph 88, page 43**

*“The CPT notes that the National Preventive Mechanism within the Office of the Ombudsman frequently conducts inspection visits to Nicosia Central Prisons. However, as regards the Prison Board of Visitors, it learned that the Board is not permitted to enter the accommodation units of the establishment or to walk around the grounds. With such restrictions in place the Board cannot carry out its tasks effectively and, not surprisingly, it was unaware of the particular events of 15 August 2013. For the Prison Board of Visitors to be effective it should have access to all areas of the establishment and should receive training on how to carry out its tasks.*

***The CPT would appreciate the observations of the Cypriot authorities concerning this matter.”***

The main priority of the Prison Board is the good functioning of the Prisons, in compliance with the relevant Law and Regulations. The main duties are as follows:

1. Receive and investigate complaints or requests submitted by prisoners (orally or written).
2. Examine —
  - (a) The conditions of the prisoners' accommodation and labour.
  - (b) Whether the educational programs, the employment, the vocational training, the general education, the health programs provided to the prisoners are adequate and appropriate.
3. Co-operate with the Director in matters related to the welfare of the prisoners as well as in matters in which the assistance and the contribution of the Director may be useful to the Board.
4. Ensure that any abuse of power, regarding prisoners rights, is reported to the Minister JPO and the Director.
5. Address its remarks, recommendations and suggestions regarding the condition in the prison to the Director.

During the current year (2014), the procedure of the visits and access by the Prison Board to the prison facility in the Prison Department has been improved. More specifically, the members of the Prison Board have access to all areas of the Prison Department and have unhindered communication

with all the prisoners. One important and positive element is that the majority of the members of the Prison Board have a background in human and social sciences, i.e. Criminology, Psychology, Social Work and Sociology. This background is of major importance, since the Members of the Board are in a position to fulfill their tasks in an effective manner.

### **CPT Report**

#### **D. Psychiatric institutions**

##### **2. Ill treatment**

#### **paragraph 91, page 44**

***“The CPT recommends that the management remind staff at Athalassa Psychiatric Hospital that patients should be treated with respect and that any form of ill-treatment including verbal abuse is unacceptable and will be sanctioned accordingly.”***

The Management of Athalassa Psychiatric Hospital regularly reminds the staff in a vigilant way that any form of ill-treatment to patients - including verbal abuse and the excessive use of force in the context of applying restraints - is unacceptable and will be addressed with determination. An investigation Committee is set up by the Management and further measures will be taken.

#### **paragraph 92, page 45**

***“The CPT recommends that the Cypriot authorities take the necessary steps to render patients’ rooms less austere and impersonal and to provide patients with individual lockable space and personal belongings. Further, the sanitary facilities in the female admissions ward should be repaired and patients should be provided with access to cutlery during meals and to their toothbrushes, unless an individual risk assessment warrants such access being restricted.”***

Steps to further improve the living conditions are made, by renovating some of the furniture and visual equipment in the living rooms. More steps in improving the current situation are planned and will be implemented shortly.

The sanitary facilities have been improved, but no changes have been made regarding the cutlery use due to safety reasons. If a patient's mental state allows it, access to and use of toothbrushes is allowed.

#### **paragraph 93, page 45**

***“The CPT calls upon the Cypriot authorities to ensure that all patients from closed wards benefit from access to outdoor exercise every day unless there are medical reasons to restrict such access. Better use should be made of the “football pitch” area.”***

All patients from closed wards can benefit from at least one hour access of outdoor exercise if their mental condition allows it.



**Paragraph 94, page 45**

***The CPT recommends that the Cypriot authorities immediately put an end to the practice of locking the doors of bedrooms at night at Athalassa Psychiatric Hospital. Further, patients should have access to their rooms during the day.***

In response to CPT recommendation, all patients have access to their bedrooms and their lockers during the day, and their bedrooms are unlocked during the night.

***Paragraph 113***

***The CPT recommends that the Cypriot authorities take effective measures to ensure that the Mental Health Supervisory Committee fully complies with its mandate, in particular by taking prompt action in relation to the position of the chair, to recruit a permanent secretary and to allocate adequate funds for the performance of its activities. Further, members of the Mental Health Supervisory Committee should conduct frequent and unannounced visits to places where involuntary psychiatric patients are hospitalized (interviewing patients in private and accessing ail relevant documentation) and regularly collect and process the complaints filed by patients in the appropriate boxes at the above mentioned establishments.***

Recently we have proceeded to the adequate staffing of the Mental Health Supervisory Committee in order to ensure that it complies with its mandate. A new Chair has been appointed, a permanent secretary has been recruited, and imminently services of the Committee will be outsourced to additional staff. Further, adequate funds were allocated in order to enable the Committee to perform its activities effectively according to its mandate.

These developments enable the Committee to plan and conduct frequent visits, and regularly collect and process any complaints filed by patients, as suggested.

***Paragraph 116***

***The Committee would like to receive confirmation of the closure of ward no.14 and the transfer of the remaining 12 patients to a more suitable therapeutic environment. Further, it would like to be provided with details of the care plans drawn up for the four patients who will remain at Athalassa Psychiatric Hospital.***

The ward 14 is in a process of closure. Two (2) female patients have been transferred to ward 21 (**chronic** female ward) where they participate in the daily program of the ward, and two (2) male patients are in the process of being transferred to the male **chronic** wards.

The Department of Mental Health Services of the Ministry of Health in close collaboration with the Ministry of Labour, Welfare and Social Insurance have recently found the best suitable building for the deinstitutionalization of the remaining eight (8) patients of ward 14. The facilities required specific modification and they are currently under reconstruction/ renovation in order to provide a suitable therapeutic environment for the above patients.

**Paragraph 119**

*By letter of 20 January 2014, the Cypriot authorities informed the CPT that the remaining five permanent residents (and the patient admitted under a day-care regime) would be transferred to other establishments under the aegis of the Ministry of Labour and Social Insurance by the end of April 2014.<sup>40</sup> In this respect, the CPT would like to receive information in particular in respect of the following issues:*

- *the timeline for the transfer of the six residents;*
- *the legal basis for their placement in the establishments in the community;*
- *the range of activities on offer to these residents in their new environment as well as information on their individual rehabilitation and care plans.*

*The Committee also encourages the Cypriot authorities to ensure that residents' medical files are accurately and fully maintained in their new establishments.*

- **The timeline for the transfer of the six residents:**

Although the task of finding a suitable building for the remaining six residents of Nea Eleousa proved challenging, a new building was found in April 2014. The building required renovation work and specific modifications in order to meet the needs of the target group and safeguard their safety. It is estimated that the building will be ready to accommodate the six residents of Nea Eleousa in October 2014.

- **The legal basis for their placement in the establishments in the community.**

The six remaining residents that will be placed in the House within the community will still remain under the legal care of the Social Welfare Services.

- **The range of activities on offer to these residents in their new environment as well as information on their individual rehabilitation and care plans.**

The same activities that were offered to these residents while at Nea Eleousa will continue to be offered when they move to a House within the Community. The Social Welfare Services are committed to delivering the same services to all the residents that previously resided in Nea Eleousa as well as the remaining six residents at all times. The nursing staff that is currently working at Nea Eleousa will be transferred to the new building where the six residents will be moved. In response to the recommendation during the last visit of CPT, all the medical files of the residents are kept up-to-date.

### **Latsia Youth Hostel**

During the last visit of the CTP there were 11 residents at Latsia Youth Hostel, 4 people over the capacity of the Hostel. The Social Welfare Services made arrangements and placed the 4 people in another appropriate facility.

In response to the CPT's recommendations, the Hostel is now equipped with desks and chairs and the shower head in the sanitary facility has been replaced.

Also, follow the CPT's recommendation, the records and the files of the residents at Latsia Youth Hostel are being kept up- to- date.