

EXECUTIVE SUMMARY

The CPT's 2017 periodic visit to Cyprus was the Committee's seventh visit to the country. The CPT's delegation examined the treatment afforded to, and conditions of detention for, persons held in various places of deprivation of liberty across Cyprus. The co-operation received, from both the Cypriot authorities and the staff at the establishments visited, was generally very good.

Police

The CPT again received a number of credible allegations of physical ill-treatment of detained persons (including juveniles) by police officers consisting primarily of slaps, punches and kicks to the head and other parts of the body and tight handcuffing, as well as an allegation of sexual abuse of a woman. Allegations of verbal abuse, threats and intimidation were also received. From the CPT's findings, it would seem that persons detained by the police – and particularly foreign nationals – still run a risk of being physically and/or psychologically ill-treated, notably at the moment of apprehension, during questioning and in the context of removal operations.

All police officers should understand clearly that any form of ill-treatment of detained persons constitutes a criminal offence and will be prosecuted accordingly. A comprehensive inquiry should be carried out into the methods used by police investigators at Limassol and Paphos Central Police Stations. The CPT also recommends that proactive measures be taken to actively promote a culture change within the ranks of the Cypriot Police and to ensure that all methods of police investigation are lawful. To this end, practical professional training should be regularly provided and electronic recording of police interviews should be introduced.

A specific focus of the visit was to examine in detail the effectiveness of investigations into allegations of ill-treatment by police officers. The CPT's findings highlight the shortcomings of the investigations carried out by the Independent Authority for the Investigation of Allegations and Complaints against the Police (IAIACAP), which cannot be said to be effective. Improvements to the current system are urgently required. In particular, there must be greater respect for the procedural obligations that arise when allegations of ill-treatment by the police are investigated. The IAIACAP's budgetary and staffing resources should be increased so as to enable the Authority to recruit and train its own independent investigators and to conduct its investigations in a thorough, prompt, expeditious and transparent manner. Moreover, procedures should be streamlined with a view to avoiding duplication between the work of the IAIACAP and the work of the Law Office of the Republic, thereby reducing both the length of investigations and delays in the criminal proceedings. Forensic medical examinations should be carried out without the presence of police officers, who should never be involved in the taking of photographs of injuries. As regards disciplinary proceedings, the CPT recommends that additional internal police investigations be abolished and mandatory disciplinary proceedings be initiated immediately and conducted promptly by the police whenever the IAIACAP orders it.

While welcoming recent legislative amendments to strengthen certain fundamental safeguards against ill-treatment, the Committee found that they continued to remain partly ineffective in practice. In particular, the CPT once again calls upon the Cypriot authorities to ensure that access to a lawyer is effectively guaranteed from the very outset of deprivation of liberty by the police, including during any police questioning, and recommends that the legal aid system be extended. It also recommends specific improvements as regards the right to notify a third party and the right of access to a doctor and concerning custody records.

The material conditions in the police stations visited were generally satisfactory and the CPT noted a number of positive changes. However, the CPT calls upon the Cypriot authorities to end the current practices of detaining persons in police custody for prolonged periods and, at Larnaca Central Police Station, of handcuffing detained persons to metal benches.

Foreign nationals held under aliens legislation

There have been a number of positive developments in the sphere of immigration detention: the number of detained asylum-seekers has decreased, Syrian asylum seekers, as well as families and unaccompanied children, are generally not being detained, refugee status recognition rates have increased and improvements have been made to judicial review avenues for negative asylum decisions. Various positive developments were also evident at Menoyia Detention Centre since the CPT's previous visit; notably, the capacity has been reduced by half, living conditions were generally reasonable and provisions for contact with the outside world and health-care have improved.

Nevertheless, there were a few allegations of physical abuse of detainees by staff, as well as several allegations of verbal and racist abuse; the CPT recommends that appropriate action is swiftly taken by the authorities. Likewise, there were several allegations of ill-treatment during the escort of detainees to the airport by immigration police; the CPT recommends, *inter alia*, that there be systematic medical examinations on departure and on return from Menoyia.

While living conditions were generally reasonable, the structural environment had not changed significantly since 2013 and remained pervasively carceral. Equally, there was a lack of purposeful activities to structure the day for detainees, which the CPT recommends be developed. It also recommends that the poor dynamic interaction between staff and detained persons and the inherent problems linked with the operation of the Centre by police officers be improved, with more specific training designed around the needs of immigration detainees.

There were no centrally held records on disciplinary measures or complaints and recording procedures were underdeveloped and in need of improvement. Important procedural safeguards regulating the operation of disciplinary measures are also in need of development.

Nicosia Central Prisons (NCP)

The CPT notes certain positive changes at the NCP since its last visit and many of these appear to be due to the new leadership in the prison, such as the regime and living conditions in the female unit, better contact with the outside world and ameliorated health-care provision. That said, if the positive effects of reform thus far are to be sustained and built upon, several structural issues must be addressed by all staff, in co-operation with senior management. These include staffing issues, the treatment of foreign national prisoners and fundamental procedural deficiencies evident within the disciplinary system. Overcrowding remains a persistent problem and the CPT again calls upon the authorities to reduce the number of remand prisoners and lengthy periods of pre-trial detention and to implement alternatives to custody.

There were several allegations of staff physically abusing prisoners, at least one of whom still bore visible injuries. Also, the delegation heard numerous allegations of staff verbally abusing inmates and threatening them with reprisals for making complaints. Beatings were allegedly taking place during escorts to, and while in, the gatehouse area. The CPT recommends that all staff be reminded that such behaviour is unacceptable and will be punished.

It also considers that the living conditions in the admissions/gatehouse room could be seen as inhuman and degrading and recommends that such premises should no longer be used for accommodating prisoners. Additionally, it recommends better protection for two prisoners whose safety appeared to remain at risk. The CPT also identified deficiencies in preventing inter-prisoner violence, including in the recording of incidents and a lack of prompt reaction to incidents.

As regards material conditions and regime, the CPT recommends that occupancy levels be reduced in Blocks 1, 2 5 and 8 and that, as many cells did not possess toilets, all inmates be guaranteed ready access to the toilet, including at night. It also found that despite generous out-of-cell time, there was a lack of purposeful activities for all inmates and no sentence planning; it recommends this be addressed to ensure that all prisoners, especially life-sentenced prisoners, are purposefully engaged for most of the day and have appropriate sentence plans.

Regarding health-care provision, while various aspects had improved, the CPT recommends an end to reliance on prison officer medical orderlies (i.e. prison officers trained in first aid) and that the dispensing, and administering, of medication only be undertaken by qualified doctors or nurses. It also recommends that procedures to ensure medical confidentiality be developed and that the conditions and regime at Block 10 (psychiatric care unit) be improved.

The disciplinary system remained problematic in terms of the lack of recording of use of isolation, as well as the frequent resort to immediate “investigatory lock-up” for up to six days, and lacked procedural safeguards. Generally, the recording procedures and registers were under-developed, contributing to insufficient oversight by management.

There were many allegations of discrimination towards foreign national prisoners regarding access to education, health care, work and recreation and deep discontent that, unlike Cypriot prisoners, foreign national prisoners were unable to progress to semi-open and open prison or to apply for parole. The CPT recommends, *inter alia*, that the Cypriot authorities ensure that foreign nationals are afforded equal rights and treatment to that afforded to Cypriot prisoners.

Psychiatric establishments

The CPT calls upon the Cypriot authorities to prioritise, without further delay, the building of a new Mental Health Centre. While welcoming the progressive deinstitutionalisation carried out at Athalassa Psychiatric Hospital, the Committee considers that further efforts should be made to transfer the remaining ten patients with severe learning disabilities to homes in the community.

The CPT did not receive any allegations of deliberate physical ill-treatment of patients by staff at the hospital. However, it did receive a few isolated allegations of disrespectful behaviour by staff working on the male admission ward; the Committee recommends that the hospital management remain vigilant in this respect.

The material conditions at Athalassa Psychiatric Hospital (and particularly at the closed male wards) remain substantially below standard and require complete refurbishment. Further, disproportionate restrictions were applied to patients and they had limited access to outdoor exercise.

As regards staffing, the CPT recommends that mental health nurses be provided with continuous mandatory training and refresher courses and that the number of psychologists and occupational therapists be increased. The treatment provided to patients at the hospital consisted almost exclusively of pharmacological treatment; greater efforts should be made to increase the range of therapeutic, occupational and rehabilitative activities on offer and to involve patients in these.

In respect of means of restraint, the CPT recommends that its use be explicitly regulated by law. Whenever patients are subjected to mechanical restraint, they should benefit from the continuous, direct and personal supervision of a trained member of staff. Further, a specific central register to systematically record all instances of recourse to means of restraint (including chemical restraint) should be introduced at Athalassa Psychiatric Hospital.

The CPT also found a number of shortcomings when it comes to safeguards offered to psychiatric patients. All involuntary patients should have the effective right to be heard in person by the court during involuntary placement procedures and prior to any decisions concerning the renewal of their placement and benefit from associated rights. Further, the CPT considers that a number of legislative amendments are required, such as the abrogation of the provision allowing for the so-called “voluntary placement” procedure for up to 72 hours and the introduction of a clear distinction between the procedure for involuntary placement and the procedure for involuntary psychiatric treatment to allow patients to appeal involuntary treatment decisions separately.

As regards the current practice of transferring remand and sentenced prisoners from Nicosia Central Prisons to Athalassa Psychiatric Hospital for treatment purposes, the CPT encourages the Cypriot authorities to consider the possibility of creating a secure dedicated psychiatric unit for forensic patients with a security and therapeutic environment focussed on their rehabilitation. In the meantime, appropriate security arrangements should be put in place, nursing staff should receive adequate training and procedural safeguards should be strengthened.

Social care homes

While welcoming the completed de-institutionalisation of the Nea Eleousa Institution for persons with severe learning disabilities, the CPT notes the inadequacy of the legislative framework governing the operation of social care homes in Cyprus, which is currently under revision. The Committee observed that staff was generally showing a caring attitude vis-à-vis patients in the social care homes visited. However, at Ariadni Home, material conditions should be improved, the range of purposeful activities should be increased, and residents’ personal hygiene should be actively promoted and cared for, including through increased staff-resident interaction. Social care home staff should also benefit from regular professional training.

The CPT found that several residents accommodated at Ariadni, Ayios Christophoros and Ayios Georgios Homes were *de facto* deprived of their liberty without benefiting from appropriate safeguards. The Committee recommends that the Cypriot authorities put in place a clear and comprehensive legal framework governing involuntary placement and stay of residents (including the imposition of restrictions amounting to *de facto* deprivation of liberty) in social care homes. Further, the practice of linking the requirement to take medication with consent to admission and stay by means of the admission contract should be reviewed. Social care homes should also be regularly visited by bodies that are independent of the Social Welfare Services and residents should be informed of their right to lodge formal complaints, on a confidential basis, with clearly designated outside bodies.