



CPT/Inf (2008) 18

**Responses 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 8 to 17 December 2004

The Cypriot Government has requested the publication of these responses. The report of the CPT on its 2004 visit to Cyprus is set out in document CPT/Inf (2008) 17.

Strasbourg, 15 April 2008

The Appendices (only available in Greek) mentioned in this document
may be obtained from the Committee's Secretariat.

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**REPORT TO THE CYPRIOT GOVERNMENT
ON THE VISIT TO CYPRUS CARRIED OUT BY
THE EUROPEAN COMMITTEE FOR THE PREVENTION OF TORTURE
AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (CPT)
FROM 8 TO 17 DECEMBER, 2004**

**INFORMATION PURSUANT TO
ARTICLES 47 AND 161 OF THE REPORT**

Paragraph 47 of the Report

... It wishes to receive, within one month of receipt of this Report, detailed information on the concrete measures taken to ensure that all persons detained for a prolonged period of time:

- **are provided with basic personal hygiene products (soap, toothbrush and toothpaste, sanitary towels, towels, etc) and are able to wash every day (including at least one hot shower a week)**
- **are offered activities (recreational - reading material, board games, radio, television, etc. -, educational or otherwise) and at least one hour of outdoor exercise every day.**

The Republic of Cyprus is acutely aware of all issues in respect of the detention of individuals and gives top priority to the welfare of persons deprived of their liberty. Accordingly considerable efforts have been made to improve the establishments of police cells. During 2004, a total budget of £190.171 (Cyprus pounds), approximately 300.000 Euro has been approved for the improvement of police cells (installation of air-conditions. improvement of personal hygiene establishments, etc.). For the continuation of these works, an additional budget of £173.564 (Cyprus pounds), approximately 275.000 Euro has been approved for the current year for improvement of Police cells at the Central Prison, for renovation of police cells in Paphos and improvement works at Aradippou Police Station cells. The later includes division of the existing outdoor area into two smaller spaces to permit simultaneous but separate access to them by male, female and juvenile detainees, as expressly recommended by the Head of the Delegation of the CPT, in page 3, paragraph 6 of his Statement during the CPT's visit (8-17/12/2004).

During 2005, the new police cells in Paphos will be constructed to reduce the existing problem of overcrowded cells. This work, has been estimated to cost approximately £250.000 (Cyprus pounds), i.e. approximately 395.000 Euro. Furthermore, an additional budget of £78.000 (Cyprus pounds), approximately 125.000 Euro, has been requested for supplementary improvement works at Limassol police cells. As indicated above, during 2004-2005 the government has granted or will grant a total of approximately 1.095.000 Euro to improve the establishments of police cells or construct new police cells to meet the requirements set out by the Council of Europe in this regard.

The establishments of Agia Napa Police Station will be extended to include police cells equipped with private shower, toilet and washbasin and an outdoor area for the exercise of detainees. Similar provisions have been made for the police cells of the two Police Stations of Pera Chorio Nisou (Nicosia District) and Polis Chrysohous (Paphos District) that are planned to be constructed soon. As regards other police stations, similar works have been completed and where it was practically possible, a shower place (including toilet and washbasin) was constructed to facilitate the hygiene needs of the detainees.

Personal hygiene products are provided to each detainee according to his/her needs.

Paragraph 161 of the Report

... In paragraph 47 of the Report, the CPT has requested to receive within one month certain information concerning persons detained for a prolonged period of time in police establishments.

Further to the measures mentioned above, and pursuant to the circular letter of the Chief of Police, with ref.no.169, dated 3/3/2005, Police Standing Order 5/5 on the provision of food to persons under custody has been amended in 30/5/2005. Now, all detainees held in custody for prolonged period of time pending the completion of the investigation against them or a decision for deportation in the case of aliens, are provided with cooked food. The decision for this provision, vests on the Divisional Police Commander, who take into consideration the circumstances under which the detainee is held in custody the detainee's health condition and in the case of an alien foreign detainee, the perspective of soon repatriation.



REPUBLIC OF CYPRUS

RESPONSE BY THE GOVERNMENT
OF THE REPUBLIC OF CYPRUS
ON ACTIONS TAKEN UPON THE EUROPEAN COMMITTEE FOR
THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT
OR PUNISHMENT REPORT, RECOMMENDATIONS, COMMENTS
AND REQUESTS FOR INFORMATION

CPT REPORT
(8 - 17. 12.05 - adopted in July 2005)

POLICE ESTABLISHMENTS

PRELIMINARY REMARKS

Requests for information:

1. Developments regarding the planned new Aliens and Immigration Law (paragraph 12):

The new Aliens and Immigration Draft Law is under consideration by the interested Ministries/Departments. Before its submission to the House of Representatives for enactment it will be send to interested NGOs for their comments.

ILL TREATMENT

Recommendations:

2. The Minister of Justice and Public Order to reiterate to all police officers the obligation to respect the Constitution, international human rights conventions and Cypriot law, impressing upon them that the ill-treatment of persons in their custody is an affront to the values which constitute the very foundations of the State, and will not be tolerated. This message should make clear – and should be underpinned by concrete action – that all information regarding possible ill treatment will be investigated, and perpetrators of ill treatment will be the subject of severe sanctions (paragraph 20):

The Chief of Police, Deputy Chief of Police, and Assistant Chiefs of Police, in compliance with the Government's and the Minister's of Justice and Public Order policy, have sent numerous circular letters to all the members of the Police, stressing on the importance Police Officers have to attribute on the protection of human rights and of how they should operate while on duty, in order to avoid any possible violations of human rights. Some circular letters are attached as ANNEX I. Furthermore, numerous relevant human rights editions, prepared by the Council of Europe, have been translated, published and distributed to all Police members, such as "Discussion Tools – Police and Human Rights Manual", "A Pamphlet for the Police Human Rights and their Protection under International Law", and many others. Furthermore, Cyprus has adopted and applied the Recommendation of the Council of Europe on the "European Code of Police Ethics", through a Decision of the Council of Ministers, No. 58.578, dated 17.9.2003. This Code has been translated into Greek, and an elaboration has been given on it and a relevant Police Order (No. 1173) was prepared and is now part of the basic training of the police recruits at the Cyprus Police Academy. The entire text of the European Code of Police Ethics, as the Police has adopted it, has been published and distributed to all Police Officers. In the Police Code of Ethics, importance has been attributed on the protection of human rights, on issues surrounding police custody, police action, respect of the citizens' rights, and many others.

In addition, the “Citizens Rights Charter” has been issued and released by the Police in an effort to maximize the knowledge of citizens regarding police issues in relation to their rights, and furthermore to facilitate public access to Police establishments, procedures and services, through the inclusion of police forms necessary for several purposes. The Charter has been widely distributed to the public, is available at Police Stations. Both the Charter and the forms are available in printable and is also downloadable form, on line, as part of the Cyprus Police Web page at <http://www.police.gov.cy>. Link to the Charter is available at the Home Site.

Cyprus Police has taken many initiatives and actions in order to prevent and combat discrimination, racism, xenophobia and intolerance. In the paragraphs that follow a detailed description of all initiatives and actions is given.

- **Establishment of the Office for Combating Discrimination**

On the basis of Police Standing Order 03/38, the Police has established the “Office for Combating Discrimination” at Police Headquarters, Department C’. The staff of the Office have the responsibility for coordinating, monitoring and advising on all aspects of policing in the areas of ethnic and cultural diversity, racism, discrimination, and xenophobia, via contact with the police liaison officers, the investigating officers, or the victims.

- *Appointment of Ethnic Liaison Officers*

Furthermore, and in line with the Standing Order 03/38, Ethnic Liaison Police Officers have been appointed at every Divisional Police Headquarter to liaise with the local leaders or members of ethnic communities and to focus on issues of race/ethnicity. These liaison officers act in close cooperation with the staff of the Office for Combating Discrimination and in handling racially motivated offences/incidents. These Officers have participated in workshops with the staff of the Office for Combating Discrimination in order to better facilitate the effective implementation of the relevant Legislation and Police Standing Order. Additional workshops/trainings with the participation of experts from outside the Police (such as the Ombudsman and the Attorney General) have already taken place and more are being scheduled for the near future.

- *Establishment of a National Working Group*

Cyprus Police has established a National Working Group Against Discrimination, composed of representatives of various religious communities residing in Cyprus and members of the Cyprus Police. The aim of this Group is to promote within Cyprus Police the respect of human rights, fundamental freedoms and the principle of equal treatment of all people, irrespective of racial, ethnic or religious background, through the enhancement of cooperation with the various religious groups residing in Cyprus. The Group has already proven helpful especially in assisting the Police in areas such as sensitization of police officers on issues specifically relevant to the specific religious groups.

- **Dissemination of Information Material on Human Rights Issues:**

The Police have translated in Greek and published more than 5,000 leaflets, brochures and booklets including the “Declaration 690 (1979) of the General Assembly of the Council of Europe” and the “A Visit by the Committee for the Prevention of Torture – What’s it all About. (C.P.T.)”, which were distributed to all police officers and to the public.

Other issues of the Council of Europe, which are in accordance with the European Union standards regarding Human Rights, have been translated, published and distributed to all Police members. These include, among others, the following:

- (a) "Discussion Tools – Police and Human Rights Training Manual",
- (b) "A Pamphlet for the Police Human Rights and their Protection under International Law".

- **RECORDING SYSTEM**

Police have established an internal official system for recording incidents/offences which are racially motivated. According to Police Standing Order 3/38, any offence shall be defined and registered as racially motivated if it is reported or perceived as such by:

1. the victim, or
2. a person acting on behalf of the victim, or
3. a person who was present and witnessed the incident, or
4. a member of the Police, or
5. the Ombudsman

For Police purposes, the terms "discrimination", "racism", and "xenophobia", include among others, any act or omission in relation to any of the following:

1. Race,
2. Community,
3. Language,
4. Color,
5. Religion,
6. Political or other beliefs,
7. Ethnic origin,
8. Special needs,
9. Age,
10. Sexual orientation and
11. Gender.

Section A8 of Police Crime Report form provides for the recording of racism/discrimination as a crime motive and furthermore it allows for the sub-categorization of the motive on the above mentioned characteristics numbered 1-10.

- **SOCIAL EVENTS**

Cyprus Police in cooperation with Associations or the leadership of various Ethnic Communities residing in Cyprus periodically organize open to public social events in an attempt to bring the Ethnic Communities and the Police closer and to build better mutual understanding and respect. To this end, to cite some examples, during 2004 and 2005 football matches have been organized between Police and Ethnic Community teams, and folkloric dancing and/or singing groups of certain ethnic backgrounds have been invited to perform during Police Open Day and (open to the public) events/festivals throughout Cyprus.

Furthermore, the Police have participated with a 15 member delegation in the Workshop on “Diverse Work Force” organized on March 31st 2005 by the Cyprus Rehabilitation Counselling Association, and with a 10 member delegation in the European Union wide event “For Diversity – Against Discrimination” on July 18th, 2005, both organized in Nicosia.

- **Investigation of Allegations of Police Ill Treatment**

Police attempts to limit citizen ill treatment (including of detainees) is not limited to proactive measures, such as training, dissemination of information, circulars etc. All allegations of Police ill treatment are investigated and where appropriate the Police take disciplinary measures against its members who seem to be involved in such violations. The table below illustrates the number of cases reported and investigated, as well as the number of Police Officers found guilty, for the period 2003 - 2005:

	Cases investigated	Number of Officers found guilty
2003	32	2
2004	13	1
2005	4	-
	49	3

It is obvious that there is a reduction in cases involving human rights violations, and this can be attributed to the fact that Police Officers receive a more consistent training on protection of human rights, and of how to perform their duties in a humanitarian and professional manner.

Furthermore it should be stated that, Police regulations and the criminal law provide specific means of addressing complaints, which allege crime or misconduct by one or more police officers. A wealth of legislation has grown in recent years as a variety of amendments to processes and procedures to the legal framework that regulates police complaints and misconduct. In particular, the main provisions of relevant legislation and procedures followed are:

- ⇒ **Law 36(III)/2002, amending the Law 235/1990 ratifying the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, renders persons in charge of police stations, criminally liable for ill-treatment of persons detained at the stations, in instances in which a medical examination carried out immediately after arrest or admission at the station, does not disclose the presence of injuries on the person arrested or admitted at the station, but nevertheless such injuries are subsequently ascertained by medical examination, to be present after the first examination or upon release. This Law shifts the burden on the person in charge or the interrogating officer to prove that the ill-treatment has not been inflicted by them, by providing a reasonable explanation of the manner in which the ill-treatment has been caused.**

- ⇒ In the same context, it must be pointed out that whenever an apprehended person brought before a judge alleges ill-treatment by the police, the judge immediately requests a forensic medical examination of the person concerned and brings the matter to the attention of the relevant public prosecutor, irrespective of whether the person concerned bears visible injuries. Moreover, even in the absence of an express allegation of ill-treatment, a judge should request a forensic medical examination and inform the relevant public prosecutor whenever there are grounds to believe that an apprehended person brought before him could have been the victim of ill-treatment.

- ⇒ By virtue of a relevant Decision of the Council of Ministers taken on 22.3.2001, the Attorney General of the Republic is afforded power of appointment of criminal investigators in all instances of alleged commission of criminal offences by members of the Police (including offences contrary to ss. 242 and 243 of the Criminal Code and s.3 of the United Nations Convention Against Torture (Ratification Law of 1990 as amended), coming to his knowledge in any manner whatsoever and not only upon submission to him of a written complaint. Consequently, the Attorney General, may order a criminal investigation by investigators appointed by him, concerning allegations of criminal conduct on the part of members of the Police, which come to his knowledge, through inter alia newspaper reports, television broadcasts and reports by any organization, committee, body or tribunal, domestic or otherwise. The criminal investigators are appointed from a list compiled following applications and interviews, which is renewable every two years. Persons appointed as criminal investigators, are chosen only among former Judges and lawyers in private practice, included in the list. Moreover, in carrying out a criminal investigation, the investigators are vested with all the powers and duties afforded to criminal investigators in all cases of criminal investigation under the Criminal Procedure Law and act under the direction of the Attorney General and in accordance with his instructions. Such criminal investigations, can lead to prosecution following decision by the Attorney General, of persons identified by the investigation as culprits, and to the trial thereof.

A law titled “The Police (Independent Authority for the Investigation of Complaints and Allegations) Law of 2005”, has been recently passed by the House of Representatives for enactment. The Law confers to an Independent Authority the responsibility of investigation of, amongst others, all offences regarding misbehavior conducted by police officers in the performance of their duties. The functions of this Authority are intended to provide an independent mechanism for examining complaints about treatment whilst in police custody.

3. The Cypriot authorities to give a very high priority to practical professional training in managing high risk situations, particularly the questioning of suspects, and to take the necessary steps to integrate human rights principles into such training, it should be offered to Police Officers of all ranks and categories and should be ongoing (paragraph 21):

Police training continuous to be seen as an area of outmost importance, in which concrete, effective and proactive anti-discrimination measures continue to be taken, in order to prevent and combat certain discrimination phenomena related to the performance of policing duties. Cyprus Police has already adopted and applied the Recommendation of the Council of Europe on the “European Code of Police Ethics” and translated into Greek the “Recommendation (2001) 10 adopted by the Committee of

Ministers of the Council of Europe on 19 September 2001 and Explanatory Memorandum on the European Code of Police Ethics”, via the elaboration of a relevant Police Order which is part of the basic training of police recruits. This Recommendation was based, among others, on principles and regulations of E.U. texts, decisions of the European Court of Human Rights, etc. It includes, inter alia, provisions regarding the contact of members of the Police towards the public and vice versa.

In the field of discrimination, much emphasis is given on building and maintaining a positive approach by Police Members towards all individuals, regardless of their culture, customs and origins even though they may at first glance appear not to be aligned with the Cypriot mentality and tradition.

The main objective of the Police in this regard has, for the past 5 years, been to upgrade and enhance not only basic Police Academy training of recruits, but also vocational training of sergeants and senior ranking Police officers, via courses, seminars and train-the-trainer workshops offered not only by police staff trainers, but also by University Professors of Sociology and Social Psychology. Cyprus Police Academy has developed some relevant training materials based on editions prepared in other European Union countries.

According to a recent review of Police Training Programs, 13 lectures presented at the Police Academy to Police Cadets and some as well as to other advance levels, accumulating to 97 class hours, either fully or partially cover the issue of discrimination-racism-intolerance, and/or the broader field of Human Rights.

A list of these courses is provided below:

1. Constitution-Human Rights-Supreme Court Case Law
2. UN Convention on Human Rights
3. Human Trafficking and Sexual Exploitation
4. Rights, Care and Supervision of Detainees
5. Sensitization on Ethnic and Religious Groups
6. Search
7. Arrest
8. Domestic Violence
9. Refugees and Asylum Seekers
10. Judges Rules
11. Police Code of Ethics
12. Human Rights – International Conventions and the Police
13. Communication in a Multicultural Society

An additional comprehensive training program to cover Police Standing Order 3/38 on Combating Discrimination as well as to further sensitize police officers is currently being designed by the Research Department of the Police Academy, and is expected to be part of Police training curricula as of the current semester.

The aim at the Police Academy is to provide a general sensitization to all its trainees and new recruits on human rights, and such courses are reinforced with the presence of specialists/professionals who have either an academic background or are experienced in the area of human rights. Such specialists are criminologists, lawyers, judges, psychologists, members of non-governmental organizations, university professors, etc.

Moreover, Police Officers of different ranks are trained abroad on issues surrounding human rights and they actively participate at different CEPOL courses and other courses organized by foreign competent authorities.

The Cyprus Police Academy Library holds an entire section on Human Rights and has a substantial amount of literature and other relevant editions on the protection of human rights e.t.c. Books and other material are available to all Police Officers to borrow at any time.

Members of the Cyprus Police have participated at the Transnational Project “Multicultural Education for Police Services in Europe: an exchange of learned lessons, good practice and looks”, which was organized by the UNESCO Center of Catalonia and approved by the European Commission in the framework of the “Community Action Programme to Combat Discrimination, 2001-2006”, with a view to promote non-discrimination practices on grounds of ethnic origin, religion and belief within and by the Police. Our contribution to the above Project has initiated the adoption of a series of measures.

In the year 2004 a “Multicultural Policing Seminar” was organized at the Cyprus Police Academy, which was co-financed by the European Commission. More than 50 members of the Police, ranked Police Constables, Sergeants and inspectors, participated at this Seminar from different Police Departments and Units. The focus of this particular seminar was on education and vocational training of Police Members on multicultural issues, in order to prevent and combat incidents of xenophobia, prejudice and discrimination based on sex, religion, ethnic and cultural origin at the work place. In particular, emphasis was given on the duty of Police members to approach and deal with any type of culture, customs, habits, mentality and cultural diversity, in a positive and constructive manner. In addition, this Seminar intended to familiarize Police Members with the values and principles of different cultures of the ethnic minorities that reside in Cyprus, in order to enhance equal treatment of suspect in the process of arrest, interrogation and detention.

The theme framework of the Multicultural Policing Seminar incorporated a plethora of contemporary discrimination-related issues, among others, a presentation of the Equal Treatment Policy of E.U. (Council Directives 2000/78, 2000/43 and 76/207/EEC), E.U. Policy on Asylum and Migration, Racism and Stereotypes, NGOs and the Police against Discrimination, e.t.c.

Requests for Information:

4. Information on the results of the investigation into allegations mentioned in paragraph 17 (paragraph 17):

The allegations made by the detainee, regarding ill treatment, have been investigated by the Police and presented to Court, both by the Police, as well as by the testimony given by the detainee. These allegations did not stand in Court; therefore, he was later sentenced to life-imprisonment for conspiracy in a murder and car-arson.

ACCOUNTABILITY MECHANISMS

Recommendations

5. As regards information concerning – and investigations into – possible ill treatment by the police, the Cypriot authorities to take the necessary steps in the direction indicated in paragraph 24 (paragraph 24):

Police Officers have received numerous circular letters regarding the issue of ill-treatment and that they have to abide the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment that has been ratified by Law in 2002. Also in such circular letters their attention is drawn to the fact that if they have any information of any colleague practicing any form of ill-treatment they have to report it for a suitable investigation to be carried out. Also directions have been given on how to proceed with checks of detained persons in their cells in order to prevent any misconduct. Such circular letters are attached as ANNEX I.

6. Steps to be taken to remedy the shortcomings identified in paragraph 25 – delay in the investigation of cases regarding ill treatment of citizens by Police Officers and notification to the Attorney General for any such cases being investigated, etc. (paragraph 25):

Numerous steps have been taken in order to expedite the investigation of such cases, and currently, for the period 2003 – 2005, out of the 49 cases reported to the Police for ill treatment of citizens, only 12 are pending. Out of the 12 cases, only 3 are still under investigation, the remaining 9 are pending judgment.

As regards the cases where the Attorney General appoints independent criminal investigators to investigate cases of alleged Police misconduct, there is a total of 16 cases pending, for the years of 2003 - 2005.

Comments

- 7. No matter how effective an investigation may be, it is crucial, that, when ill treatment has been proved, the imposition of a suitable penalty (whether criminal or disciplinary) should follow, any other approach would engender a climate of impunity (paragraph 26):**

The penalties imposed to Police Officers who are found guilty on issues surrounding ill treatment of citizens are always consistent and are based on the severity of each case. It should be noted that despite the fact that a criminal case might be pending, the Police proceeds with the investigation of a disciplinary case regardless of the sentence or decision of the Courts. A good example of such measures is a case of a Police Officer who was found not guilty by the Court for allegations of rape, but the Disciplinary Committee of the Police, regardless of the decision of the Courts, proceeded with the case and imposed the sentence of “forced to resign”. The Police Officer appealed the decision of the Disciplinary Committee, and now there is a second Disciplinary Committee working on this case, and the Police Officer is still suspended from duty.

Requests for Information

- 8. Developments as regards plans to establish a Police Control Board (paragraph 22):**

As regards the above mentioned Police Control Board, a draft Law under the title “Police (Independent Agency for the Investigation of Complaints, Accusations and Allegations) Law of 2004”, has been placed before the House of Representatives for enactment. This Law will confer to this Agency the responsibility of investigating amongst others, all offences regarding misbehavior conducted by Police Officers during the performance of their duties. The operation of this Agency is intended to provide an independent mechanism for examining complaints regarding ill treatment whilst in Police custody.

Recommendations

- 9. A very high priority to be given to the adoption of the Bill of Rights of Arrested and Detained Persons, taking into account the comments made in paragraphs 30 to 33 (paragraph 29):**

Law 163(I), titled “Law of the Rights of Arrested and Detained Persons of 2005”, has been approved by the House of Representatives and was entered into force on the 30th of December 2005. This Law safeguards all the rights of detained persons (Articles 3-29), and criminalizes any violations of such rights by the members of the Police (Articles 31 – 36). The Police is currently in the process of amending its Police Standing Orders, and is preparing reformed “Notices of Rights”, as well as other documents, to be handed over to any arrested or detained persons, in order to implement in Police practice all the provisions of this Law. (Law 163(I)/2005 is attached as ANNEX X)

10. **Clear instructions to be given to the Police to the effect that all persons deprived of their liberty by the Police have the right to inform a relative or third party of their choice of their situation from the very outset of detention (paragraph 30).**
- &
11. **The notice to persons in custody to be given systematically to such persons at the outset of their deprivation of liberty (paragraph 30)**

Despite the fact that the Law 163(I)/2005, mentioned in paragraph 9 was only recently enacted, the Police had prepared and forwarded, for a long time now, a “Notice to Persons in Custody”. This notice derives from the Police Standing Order 5/3 which refers to the rights, treatment, bail etc, of persons under custody.

This Notice is handed to any person who is detained, at the very outset of the custody. It is also posted at all Police Stations and in all Police Detention Centers, at visible places. Furthermore, copies are always available for detainees and they can have them and read them at their own time. In addition, this Notice has been translated into English, Arabic, Chinese, Russian and Turkish language.

This Notice includes several rights for any person who is detained, and is based on the Constitution of the Cyprus Republic, and numerous international conventions ratified by the Republic. This Notice includes the following rights:

- The right of legal advise, and the right to access a lawyer
- The right to communicate with a relative, or friend
- The right to communicate with an Embassy or a Consular Representative
- The right to access a doctor

(the Notice and Police Standing Order 5/3 are attached as ANNEX II)

As mentioned in paragraph 9 this Notice will be further amended in order to be in line with the provisions of Law 163(I)/2005.

12. **Any possibility of delaying the exercise of the right of detained persons to inform a relative or third party of their choice of their situation to be clearly circumscribed in law, made subject to appropriate safeguards (e.g. any delay in notification of custody to be recorded in writing with the reasons therefore, and to require the approval of a senior Police Officer unconnected with the case or a prosecutor), and strictly limited in time (paragraph 30):**

The Assistant Chief of Police (Support), during October 2005, visited and inspected all Police Detention Centers in Cyprus and formally informed all District Police Commanders of the issues surrounding the safeguarding of the rights of persons in custody, and gave directions that in case of delaying the exercise of the right of a detained person to inform a relative e.t.c., they have to follow the procedure as mentioned above.

It should be mentioned that provisions regarding the above recommendation are included in the Law 163(I)/2005, (article 3(1)). The Police is currently in the process of revising and creating new Police Orders and instructions in order to be in line with the newly enacted Law.

The Right of access to a lawyer and detainee's right to inform a close relative or another third party of their choice of their situation is safeguarded by numerous Laws, as well as Law 163(I)/2005 (article 3(1)), Police Standing Orders, and Circular letters issued by the Chief of Police.

By virtue of Police Standing Order 5/3, any person in custody is provided the necessary and reasonable facilitations as regards communication with his/her lawyer as well as personal contact with relatives, friends or lawyers as regards urgent family cases concerning his retention or his/her defense. Relevant is also the Constitution of the Republic, Article 30(3)(d) and Article 11(4), which states that any person has the right to have a lawyer of his/her choice. The above Articles must be read in conjunction with Section 13 of the Criminal Procedure Law, Cap. 155, which has similar provisions as well as with the newly enacted Law 163(I)/2005.

If either a lawyer or suspect requests access to one another, this should be allowed, unless there is good reason to deny such access e.g. in the interests of the investigation, the prevention of crime or the apprehension of offenders. The reporting officer remains the best judge regarding the extent of access and will have to consider the matter carefully before reaching a decision. A denial of access should be recorded giving full explanation of the reasoning behind such a decision, in line with the current legislation. Relevant is the newly enacted Law 163(I)/2005, article 3 (1-3).

The Chief of Police has recently issued a circular letter, with ref. no. 186/11, dated 3/3/2005, to stress once again the need for compliance with existing legislation, Police Standing Orders and the Constitution regarding the right of access to a lawyer of detained persons.

In the framework of legal aid provided to detained persons with limited financial means, relevant is Article 30(3)(d) of the Constitution, Section 64 of the Criminal Procedure Law, Cap. 155 and Provision of Legal Aid Law of 2002 (L.165(I)/2002, as amended by Laws 22(I)/2005 and 77(I)/2005), by virtue of which, the Court orders that the services of a lawyer should be paid by the Government.

In this framework, it must also be stressed that Law 163(I)/2005 (article 3), creates even more safeguards against ill-treatment, as it establishes the right of a detained person to notify someone of his situation, and that steps be taken to ensure that the right of access to a lawyer is guaranteed in practice from the very outset of custody.

- 13. The Cypriot authorities to ensure that a code of conduct for police interrogations is introduced without further delay. The code should include specific safeguards for particularly vulnerable persons (e.g. the young and those who are mentally disabled or mentally ill). (paragraph 34):**

The European Code of Police Ethics, as it has been adopted and implemented in the Cyprus Police it makes reference of how Police should intervene and interview / interrogate suspects. In the Code reference is made on the rights of detained persons, and persons under interrogation. Also reference is made to vulnerable groups (women, children and immigrants) and that during their interrogation / interviewing importance should be attributed to their special needs, and that all Police Officers have to follow the Police Standing Orders while interviewing / interrogating such persons.

Relevant to this issue is the Police Standing Order 3/3 in which instructions are given to all Police members on how to proceed with investigations and interrogations. Also reference is made to the rights of persons under investigation / interrogation, as well as to what extent they can exercise their powers in order to fulfill their duties.

(The above-mentioned Police Standing Order is attached as ANNEX III)
(The European Code of Police Ethics is attached as ANNEX IV)

In addition to the above, all new Police recruits are taught at the Cyprus Police Academy on how to interrogate and interview suspects, and on how to rightfully proceed with their investigations. Those lectures include all the rights of persons under investigation, under interrogation, and under custody. Also reference is made on different methods of interrogations and investigations, and stress is given on how to avoid any possible human rights violations.

Furthermore, the Human Rights Office is now preparing a new Code of Conduct for Police Interrogations, which will combine the provisions of the European Police Code of Ethics, and the provisions of the Police Standing Order 3/3, as well as other provisions that are set in the Draft Law mentioned in the previous paragraphs, regarding the rights of persons in custody, as well as incorporate relevant standards set out by the C.P.T. ("Substantive" Sections of the C.P.T.'s General Reports, CPT/inf/E(2002) 1 – Rev. 2004) .

14. The Cypriot Authorities to ensure that Police Officers fulfill their obligation to complete custody records in a diligent manner in respect of every person deprived of his or her liberty (paragraph 36):

&

15. The Cypriot Authorities to take the necessary measures to ensure that all Police establishments use individual custody records, as foreseen by the current regulations and in the light of the remarks made in paragraph 36 (paragraph 36):

Such records are kept at all Police Detention Centers, and were recently (November and December 2005) inspected by the Inspections and Audit Department of the Police Headquarters, and they were found to be diligent.

It should be mentioned that a new custody record has been prepared, (following the recommendations and in line with the provisions of Law 163(I)/2005) and its application in Police practice is a matter of days. All provisions mentioned in the recommendation are also included in the above mentioned Law. (The draft custody record is attached as ANNEX V)

16. The Cypriot Authorities to take urgent steps to ensure that the requirements outlined in paragraph 38, concerning provision of information to immigration detainees on their rights, are fully implemented in practice (paragraph 38):

Directions have already been given to all Divisional Police Headquarters and to Divisional Police Commanders themselves as to the obligation of Police Officers to inform detained persons of their rights and in a language they understand. As mentioned in paragraph 11 a “Notice to Persons in Custody” is handed to any person who is detained, at the very outset of the custody. It is also posted at all Police Stations and in all Police Detention Centers at visible places. Furthermore, copies are always available for detainees and they can have them and read them at their own time. In addition this Notice has been translated into the English, Arabic, Chinese, Russian and Turkish languages. In cases where a detainee cannot understand any of these languages directions have been given and a translator is called to visit the Detention Center and explain to any detainee, in his/her mother tongue, their rights.

Comments

17. The CPT trusts that the provisions of the Bill on the Rights of Arrested and Detained Persons providing a firm legal footing to the right of access to a doctor will be retained (paragraph 32):

The right of access to a doctor has been explicitly provided for in the Law 163(I)/2005, articles 23 - 27. Furthermore, this right is also stated in the “Notice to Persons in Custody” which is handed by the Police to all persons in custody.

18. A request by a detained person to see a doctor should always be granted; it is not for Police Officers, nor for any other authority, to filter such requests (paragraph 32):

If a person under custody, requests medical care from his/her doctor, the police officers/supervisors arrange an appointment with that doctor. The person remanded in custody has to pay for his/her medical expenses. In all other cases, persons remanded in custody are transferred and examined at governmental hospitals. Necessary arrangements are made in order to enable these persons to keep up any medical treatment received prior to their detention. Relevant are the Police Standing Orders 5/3 para 3(1) and 5/3 para 12 (1) and (2), which are attached as ANNEX VI.

In this framework, Law 163(I)/2005, articles 23 – 28, provide a firm legal basis for the right of access to a doctor, as well as establish a requirement for the results of any medical examination to be recorded in writing and made available to the detainee and his lawyer.

Other rights

By virtue of Police Standing Order No. 5/3, the Police are not allowed to observe any correspondence of the person under custody with his/her lawyer as this is considered as confidential. Personal contact of these persons with their lawyer is confidential and the police officer in charge can only observe from a distance, for security purposes. However, any letters addressed to his/her relatives are examined.

If the person under police custody is a foreigner, he/she is allowed to notify his Embassy or a representative of the Consulate of his country, as regards his/her retention. If a representative of the foreigner's Embassy or a representative of the Consulate of the foreigner's country wishes to visit, discuss in private and arrange legal aid for any citizen of his/her country that is in custody, such arrangements are provided. When the person in custody is convicted to imprisonment, the representative of his/her Embassy/Consulate has the right to visit him/her in a reasonable time. Also relevant is the newly enacted Law 163(I)/2005, article 5.

19. Article 29 of the Bill on the Rights of Arrested and Detained Persons, concerning the improper use of the right to medical examination or treatment, should be deleted (paragraph 32):

Under the newly enacted Law 163(I)/2005, article 30, any detained person who makes improper use of his/her right to medical examination, by making false allegations of health problems, if found guilty for this misuse he/she can be imprisoned for a maximum of three years or fined for a maximum of 3000 Cyprus pounds.

20. The Cypriot authorities are invited to reconsider the possibility of introducing an electronic recording system for police interrogations (paragraph 35):

Video recorded interviews, can only be carried out according to the Domestic Violence Law 119(I)/2000, and the Witness Protection Law 95(I)/2001. According to these Laws an audio and video recorded interview can be presented to Court as long as there is testimony including one of the following:

- Victim or witness to an offence under the Domestic Violence Law
- Minor (under the age of 18)
- Mentally challenged person, or person with a low intellectual or social adaptability
- Physically handicapped person
- Victim or witness to an offence under the Law Combating Trafficking in Human Beings and Sexual Exploitation of Young Persons 3(I)/2000
- Witness under the Witness Protection Program

It is worth noting that as regards cases that fall under the Domestic Violence Law and under the Sexual Exploitation Law, some interviews have already been taken using the audiovisual recording system. A special team of Police Officers has been trained on how to carry such interviews and at all Divisional Police Headquarters special equipment has been installed in order to carry out such interviews.

Presently an action plan is in process that aims for the extensive use of audiovisual recording systems in all cases that fall under the Laws mentioned above.

Requests for Information

21. A copy of the circular letter (reference No. 186/11) issued by the Chief of Police on 3 March 2005 concerning the right of access to a lawyer (paragraph 31):

The circular letter mentioned above, which is titled “Access to Lawyers by Detained Persons”, addressed to all Divisional Police Commanders and signed by the Chief of Police, reference no. 186/11 is dated 17.11.2004 and not 3.3.2005, is hereby attached as ANNEX VII. On March 3rd 2005 new instructions had been given referring to the high importance the Chief of Police attributes for the strict implementation of the provisions of the previous circular letter regarding the issue at hand was sent again to all Divisional Police Commanders and it is also attached in ANNEX VII.

22. Whether Legal Aid is provided to all detained persons who are not in a position to pay for a lawyer and as from the very outset of custody (paragraph 31):

Legal Aid is provided to all detained persons who are not in a position to pay for a lawyer from the very outset of custody. Relevant is the Legal Aid Law 165(I)/2002(as amended by Laws 22(I)/2005 and 77(I)/2005. Any person who is unable to pay for a lawyer, he/she can apply to receive legal aid, following the procedures as set in the Legal Aid Law. Furthermore, relevant is the Constitution of the Cyprus Republic (article 30-3-d) and the Criminal Procedure Law, Cap 155 (section 64).

The Legal Aid Law states that, any person who applies for legal aid and is granted such aid, following the investigation carried out by the relevant authorities to decide if such a person is eligible for legal aid, can have a registered lawyer represent him before the judicial proceedings begin, meaning from the very outset of deprivation of his/her liberty.

23. The outcome of the investigation referred to in paragraph 37 and the measures taken as a result (paragraph 37):

The police officer involved in the incident mentioned above, has been charged with several offences against discipline as provided for by the Discipline Code (Regulation 8 of the Police (Discipline) Regulations 1989 – 2004). In particular, the officer involved was charged with “Disobedience” as the instructions given in writing may constitute disobedience demonstrated with words, acts or demeanor to existing Police Standing Orders in this regards. In addition, he was charged with “Violation or Omission” as he allegedly violated or omitted to comply with any of the provisions of the Police Law of 2004 or any provision of a Regulation made under this Law. A Presiding Officer has been appointed for the trial of the case that will be realized soon. Moreover, the Police Officer involved has been transferred from the Unit he was serving at the time of the incident, and is now serving in a different District.

- 24. Detailed information on the practical steps taken with a view to complying with requirements mentioned in paragraph 39 (paragraph 39):**
&
25. A copy of any instructions on the enforcement of deportation orders (paragraph 40):

All persons seeking asylum are handled by virtue of the Refugee Laws of 2000 – 2004 (Law 6(I)/2000 as amended). The procedure is as follows:

Application Process

Any person seeking asylum is immediately handed an application form which is later sent to the Asylum Service and to the Migration Department (both under the Ministry of Interior). Regardless of the fact that a person entered the Republic illegally before seeking asylum, such a person is not arrested or put into custody, but is free awaiting the decision of the Asylum Service.

When a person enters the Republic illegally and does not seek asylum the Migration Department is informed, which issues a deportation and detention order. If such a person while detained seeks asylum he/she is immediately handed an application form which is later sent to the Asylum Service and the Migration Department and is up to the Migration Department to decide to postpone or cancel the deportation and detention order. Nonetheless, the application for asylum will be examined.

If the application for asylum, after being examined, is denied by the Asylum Service the person will be deported to his/her country of origin. The Aliens and Immigration Unit locates such a person and immediately issues tickets and other documents for the deportation process. Problems though arise when such persons do not hold any identity cards or passports and the Aliens and Immigration Unit with the help of Embassies or Consulates issue documents for the deportation of such persons.

When such persons are detained awaiting deportation, they are not placed at detention centers with criminal detainees, except in very rare situations. There are special provisions for the treatment of such detained persons.

Persons kept under custody pending their deportation, following explicit directions of the Minister of Justice and Public, are not charged with entering illegally to the Republic and consequently are not presented before the Court. Usually they are kept in separate cells. However, in extremely rare situations they may be held together with criminal suspects. This may occur at the police cells located at the Central Prison establishments, but it has to be stressed that in these establishments considerably advanced security measures are taken, to ensure the personal safety and dignity of immigration detainees.

An asylum seeker who has been denied asylum has the right to appeal the decision of the Asylum Authority (Ministry of Interior), to the Refugee Revisional Authority. It should be mentioned that the Refugee Revisional Authority is fully independent, from any Ministry or any other Governmental Department, and is composed of persons of high moral and professional level with experience in international refugee and asylum matters. The powers of the Refugee Revisional Authority are set in section 28(a) of the Refugee Laws of 2000 – 2004 (Law 6(I)/2000) as amended.

Forcible Return

In cases where there is resistance by a deportee to return to his/her country of origin or to even embark the plane, reasonable use of force might be used. If the resistance is reasonable, e.g. the deportee asks for collection of his/her personal belongings, to appeal to the Refugee Revisional Authority, etc, and then the deportation is suspended. But if there is no reasonable ground to suspend the deportation and the deportee is considered to be dangerous reasonable force might be used, such as handcuffing and forcibly embark the aircraft. If the deportee is cooperative then he/she is not handcuffed. Furthermore, if the deportee is deemed by the Captain of the aircraft to be dangerous for the safe flight of the plane, then the deportee is accompanied on board by one or two Police Officers (from the Aliens and Immigration Unit), until he/she arrives at his/her destination.

It should be stressed out that all members of the Aliens and Immigration Unit of the Police are well trained and experienced in matters regarding the procedures to be followed as regards political asylum seekers and deportees.

CONDITIONS OF DETENTION

Recommendations

- 26. The Cypriot authorities to take the necessary steps to address the shortcomings mentioned in paragraph 44 and to pursue their efforts to improve conditions in all Police Establishments throughout the country (paragraph 45):**

The Republic of Cyprus is acutely aware of all issues in respect of prisoner holding and endeavours at all times to ensure that the welfare of persons deprived of their liberty is given top priority. Accordingly, considerable efforts have been made to improve the establishments of police cells and abide by the standards set out by the Committee in various General Reports and in particular Reports to the Republic during prior visits.

During October 2005, the Assistant Chief of Police (Support), accompanied by Police Officers who are involved in issues of human rights, and who are responsible for the conditions of Detention Centres, visited and inspected all Police Detention Centres in the country. During those visits some deficiencies were noted and clear instructions were given in order for all Police Detention Centres to meet the C.P.T. Standards. Issues that were addressed during those inspections included: accommodation of detainees, natural lighting in cells, removal of all metal shutters, heating and ventilation systems, sanitary facilities, quantity and quality of food provided to detainees, etc. It is worth noting that all metal shutters have been removed from cells, thus allowing natural light to enter the cells, all detainees who are under custody for more than 24 hours now receive at least one cooked meal daily, and all detainees receive personal hygiene products (such as toothbrush, toothpaste, towels, etc).

As regards the quantity and quality of food provided to detained persons and the provision of food to persons under police custody is covered by Police Standing Order No. 5/5, which stipulates certain food to be provided to detainees or persons convicted to imprisonment for a limited period of time. In this regards, relevant is also the Decision of the Council of Ministers, no. 48.599, dated 24/11/1998 which explicitly calls upon the Minister of Justice and Public Order to provide cooked food to all foreign detainees which face particular problems. Accordingly, the Chief of Police has recently issued a circular letter, with ref. no. 169, dated 3/3/2005, aiming to further extent the provisions of Police Standing Order 5/5 and implements the afore-mentioned Decision of the Council of Ministers. In particular, the Chief of Police orders the Director of the Police Academy to make adjustments to the relevant Police Standing Order, so that all detainees held in custody for prolonged period of time, will be provided with cooked food. The Decision for the implementation of this, will vest on the Divisional Police Commander, which must take into consideration the circumstances under which the detainee is held in custody, the detainee's health condition and in the case of a foreign detainee, the perspectives of soon repatriation. But following the orders of the Assistant Chief of Police (Support) in October 2005, now all detainees receive at least one cooked meal per day.

The issue of overcrowding of police cells has been minimized, and only in rare situations more than one detainee are placed in a cell of 7m². If such a case occurs it is only for a limited time.

As regards Aradippou Police Station, it was decided not to divide the outdoor exercise area and other measures have been taken in order to facilitate outdoor exercise of male, female, and juvenile detainees. The procedure followed is to take out each group at different timings so us not for them to meet.

As regards heating and ventilation systems, almost all police cells have heating systems and those that do not have one, special arrangements have been made and heating is provided from the existing heaters at the Police Stations.

As regards outdoor exercise, there are some Police Stations where there are few police cells (1 – 3) and no outdoor exercise can be provided there, but door cells remain open so that the detainees can move around that area. At such police cells, the detainees usually stay for very few days, otherwise they are transferred to police cells where an exercise area exists. At the Police Detention Centre (Ward 10), at the Central Prisons in Nicosia, a basketball field has been constructed and now detainees can exercise or play at that open area.

It is worth mentioning that for the year 2004, a total budget of £247.513 (Cyprus pounds) were spent for the improvement of Police Cells in all districts of the country. The initial budget was £190.171 but later it was increased to £247.513 in order to further continue the improvement of Police Cells in the country. For the year 2005 the total budget for improvement of Police Cells was increased and it added up to £332.755 (Cyprus pounds). For the years 2004 and 2005 the budget for improvement of all Police Detention Centers added up to £580.268 (Cyprus pounds), almost 1 million euros.

Works are almost complete at the Detention Centers in Paphos Central Station and Limassol Central Station, and these will meet all C.P.T. standards.

Furthermore, relevant is article 19 of the newly enacted Law 163(I)/2005, which provides for the rights of arrested and detained persons as regards their treatment and conditions of detention.

27. The Cypriot authorities to urgently review the conditions in the existing centers designed to hold persons deprived of their liberty under the aliens/asylum legislation in the light of the standards mentioned in paragraph 49, and to ensure that any additional centers they intend to establish comply with these standards (paragraph 49):

The majority of immigration detainees are either held at the Police Detention Center (Ward 10) in Nicosia, or at Aradippou Police Station awaiting deportation. Such detainees are always detained away from criminal detainees and they have other special privileges that criminal detainees may not enjoy, such as reading material, visits from friends and relatives, more communication privileges and they always have outdoor exercising. Only in remote cases an immigration detainee might not have outdoor exercise, and that is for those who are detained for a very limited time.

It is worth noting that, it has been decided by the Government of Cyprus, in cooperation with the Asylum Service (Ministry of Interior) and the Police to build a Retention Center for Illegal Immigrants Awaiting Deportation. The Retention Center will accommodate 200 illegal immigrants (including men, women and families with children). The model will be based on the standards of a similar Retention Center in France. There will be a Special Reception Center, an Administration Center, an Accommodation Center, a Health Center, a Restaurant, a Laundry Room, etc. At this time we are awaiting for the cession of a specific plot of land, by the competent authorities, in order to begin the construction of this specialized retention center.

28. The Cypriot authorities to review the procedure for selecting and training staff assigned to the supervision of foreign nationals, in the light of the consideration in paragraph 50 (paragraph 50):

Police Officers who are assigned to work at Detention Centers, or are involved with the supervision of deportees are trained at the Police Academy on issues surrounding human rights and on issues relating to immigrants, and of how they should perform their duties in an ethical and humanitarian manner.

29. Immediate steps to be taken to ensure that adequate accommodation is provided for adults accompanied by children who are held at Larnaca Airport (paragraph 51):

Larnaca Airport is under reconstruction and special arrangements and holding places are being constructed for immigrants awaiting deportation in order to meet the standards as set by the C.P.T.

A new Airport will be constructed in Larnaca by a private company (strategic investor), to abide by the Schengen standards. Cyprus Police has already met with the representatives of the company and has requested the establishment of new detention and holding centers at the Airport. More specifically the Police asked for 4 separate centers, with an exercise area, and with all the facilities as set out in the C.P.T. standards. The four centers will be separate and there will be one for male detainees / deportees, one for female detainees / deportees, one for adults accompanied with children, and one for persons who are refused landing at the airport. At these centers special arrangements will be made for detainees / deportees to keep their personal belongings and have access to them. The company has received the C.P.T. standards and soon these will be realized.

30. The Cypriot authorities to review the provision of food to persons detained at Larnaca airport (paragraph 52):

As regards provision of food to people either awaiting deportation or are detained awaiting deportation there are special arrangements and agreements made with the airline companies.

Any persons who are refused landing and will be returned back with the next flight to the country from where they started their journey to Cyprus, the airline companies are responsible for providing them with food. Also such persons may have food, at their own expense at the Larnaca Airport.

As regards persons who are being deported, because they were illegally in the country, and are transferred from other Detention Centers to the Airport Detention Center, their feeding is the responsibility of the Divisional Police Headquarter of Larnaca. The procedure followed is that the food is ordered at the canteen of the Divisional Police Headquarter of Larnaca and is being later brought at the Detention Center at Larnaca Airport.

31. Persons detained at Larnaca airport for extended periods (24 hours or more) to be offered, as far as possible, outdoor exercise every day (paragraph 53):

Following the orders of the Assistant Chief of Police (Support), presently no persons are held for more than 12 hours at the detention cells at Larnaca Airport.

Requests for Information

32. Confirmation that all the metal shutters covering police cell windows have been removed (paragraph 45):

Following the recommendations as set out by the C.P.T. and after the inspection of the Detention Cells in October 2005, presently there are no Police cells with metal shutters. Such shutters have been removed and they have been replaced with other special types of windows that allow natural light to enter the cells. Furthermore, in certain Detention Centers where it was deemed that natural lighting was not adequate, despite the removal of such shutters, further artificial lighting has been placed.

33. Within one month of receipt of this report, detailed information on the concrete measures taken to ensure all persons detained for a prolonged period of time are provided with basic personal hygiene products (soap, toothbrush and toothpaste, sanitary towels, towels etc) and are able to wash every day (including at least one hot shower a week), are offered activities (recreational – reading material, board games, radio, television, etc – educational or otherwise), and at least one hour of outdoor exercise every day (paragraph 47):

All persons detained for a prolonged period of time are provided with all personal hygiene products, as mentioned above, and such hygiene products are also washed and replaced weekly. All detained persons can shower at least once a day with hot water, soaps and shampoos are provided by the Police. Furthermore, there are towels and sanitary towels at the disposal of all detainees and this has been checked during the inspection of the Detention Centers in October 2005.

This request has already been answered in August 2005 and the reply, as it was sent to the Council is attached as ANNEX VIII.

Relevant is the commentary made in paragraph 26, page 24, of this report.

34. A copy of Circular No. 169 issued by the Chief of Police on 3 March 2005 (paragraph 47):

The copy of Circular no. 169, is attached as ANNEX IX, this Circular letter addresses issues surrounding the provision of food to persons under police custody.

NICOSIA CENTRAL PRISONS

PRELIMINARY REMARKS

Recommendations

35. The Cypriot authorities to vigorously pursue the adoption and implementation of a coherent strategy designed to combat prison overcrowding and, in doing so, to be guided by the Recommendations of the Committee of Ministers of the Council of Europe concerning prison overcrowding and prison population inflation [R(99)22], on improving the implementation of the European Rules on community sanctions and measures [Rec(2000)22] and on conditional release (parole) [Rec(2003)22] (par. 57).

A. A feasibility study, for the implementation of a Parole System, for life long sentenced prisoners, is currently being undertaken by the Attorney General.

B. The constitution of the Republic of Cyprus empowers the President with the recommendation of the Attorney General to pardon certain categories of prisoners.

36. The Cypriot authorities to comply as soon as possible with the requirements concerning the size of cells and the living space per prisoner set out in Section 58(8) of the Prisons Regulations (par. 57).

In compliance with regulation no. 58 of the General Prison Regulations, the Prison Administration has scheduled the renovation of blocks 1 and 2 in order to meet the provisions of the said regulation. This will include also the building of new sanitary facilities. Works will commence shortly.

Although there is a problem of overcrowding the administration employs various mechanisms in order to overcome the problem such as quality of life and extended movement (prisoners stay out of their cells around 16 hours a day).

Comments

- 37. The CPT trusts that the prison's management will, as intended, complete the process of separating juveniles from adult prisoners shortly, by providing separate daytime facilities for leisure and regime activities (par. 55).**

The juveniles living accommodation is separate from adult accommodation. The prison management will reallocate juveniles to block no. 9, once this will no longer be used as a psychiatric clinic. Renovation of block 9 will start as soon as possible.

ILL-TREATMENT

Recommendations

- 38. the management of Nicosia Central Prisons to deliver a clear message to custodial staff that ill-treatment of prisoners is not acceptable under any circumstances and will be the subject of severe sanctions (par. 58);**

The principles governing treatment of prisoners in Cyprus are regulated not only by prison regulations but also by legislation, which is based on the provisions of human rights charters. Prison officers treat with respect and dignity bearing into consideration the special characteristics of culture and personality of the prisoners. As a result of the promotion of this policy, the Commissioner of Administration has received and investigated only a small number of allegations from prisoners against the personnel for ill treatment.

- 39. Prison staff to be firmly reminded that the force used to control violent and/or recalcitrant prisoners should be no more than is strictly necessary (par. 58);**

The introduction of thought subjects relevant to human rights issues at the newly established prison school has shaped young warders behavior positively towards prisoners. The training sessions have assisted in the generation and awareness on issues relating to the security, welfare and comfort of prisoners. Also the personnel have been informed that the provisions of the law forbid any ill treatment and that disciplinary measures can be initiated against them. To this effect the prison administration recognizing the importance of compliance to the above, frequently circulates notices stressing the issue of human rights.

- 40. The Cypriot authorities to take the necessary steps with a view to preventing inter-prisoner violence, in the light of the remarks made in paragraph 60 (par. 60);**

No prisoner has the right or any authority is dedicated upon him in order to subjugate or use other prisoners. The Prison Administration abides by the law and it has the responsibility to safeguard the security and human integrity of all prisoners. Often the personnel is informed about the consequences of violence in the prison and also that they must pay much attention to prevent victimization. In addition to the above the administration whenever required employs various mechanisms in order to defuse conflicts between prisoners, such as mediation, consultation or reallocation. Due to the fact that the administration takes into serious consideration the security and welfare of all prisoners has proceeded to some extent with disciplinary measures in order to deter such behavior. It is documented that the administration has brought charges against prisoners who have showed racist behavior.

Information which comes to the attention of the administration which refers to ill treatment or victimization is investigated, evaluated and if there is a need to proceed with disciplinary measures then there is no hesitation to so.

Each cell or lockup is individual.

The inner court yards for exercise and exposition to the sun and fresh air of the prisoners or detainees are large and offer natural light/ventilation. The yards are surveyed by the Police and CCTV System.

41. Appropriate steps to be taken to ensure that the prison management of Nicosia Central Prisons complies with the requirement set out in paragraph 61 regarding the response to information on possible ill-treatment of prisoners by staff or inter-prisoner violence (par. 61);

Based upon the suggestions of the Commissioner of Human Rights the department of prisons has installed complaint boxes in all prison blocks facilitating the transmission of complaints to competent authorities with out censorship. It should be noted that only authorized personnel from Human Rights Committees, Prison Board and Prison Directors office have access to the boxes. This establishes anonymity and reassures prisoners that nobody will interfere or intercept their complaint.

42. The recommendation made in paragraph 24 to apply equally in the context of prisons (par. 61).

A register is kept of all injures sustained in prison as a result of allegation of ill treatment.

43. The necessary measures to be taken immediately to ensure that:

- every newly admitted prisoner is given a proper medical examination as soon as possible after admission; save for exceptional circumstances, this examination should take place on the day of admission, especially as far as newly admitted remand prisoners are concerned (cf. also Section 65(1)(a) of the Prisons Regulations);
- medical screening on admission, as well as all subsequent medical examinations, are conducted out of the hearing and - unless the doctor concerned requests otherwise in a particular case - out of the sight of custodial staff. Furthermore, the presence of other prisoners assigned to auxiliary tasks should in no circumstances be tolerated;
- the confidentiality of medical files is always strictly guaranteed (paragraph 79);

1. A General Practitioner is employed full time by the Ministry of Health secondment to the prison as from 2.1.2006. This means every newly admitted prisoner is given a proper medical examination upon his entry to prison. Procedures have been taken in order to ensure the confidentiality of medical files: a) secure file cabinets b) no prisoners have access to medical files

2. The General Practitioner will soon have a personal examination room and will see prisoners individually provided there is no security risk.

44. The necessary measures to be taken as regards medical files and registers, in the light of the remarks in paragraph 80 (par. 80);

To ensure confidentiality all medical files are secured in metal cabinets out of reach of prisoners.

45. As part of their plans to address the situation of mentally-ill prisoners, the Cypriot authorities to take due account of the remarks made in paragraph 82 (par. 82);

The mental health services employ psychiatrist, psychologist, psychiatric nurses and work therapist to the prison. The prison surgery is an extension of Public Health. It is the responsibility of Health Services to look after the health of prisoners and if required to offer hospital treatment to mentally ill prisoners.

46. Mentally ill prisoners in urgent need of hospital care to be transferred to an appropriate facility without undue delay (par. 82);

The mental health services employ psychiatrist, psychologist, psychiatric nurses and work therapist to the prison. The prison surgery is an extension of Public Health. It is the responsibility of Health Services to look after the health of prisoners and if required to offer hospital treatment to mentally ill prisoners.

47. The Cypriot authorities to draw up an overall strategy for drug users in prison in the light of the remarks made in paragraph 83 (par. 83).

Treatment of drug users is the responsibility of the Ministry of Health.

The Prison administration takes all necessary measures in order to prevent the importation of illicit drugs in prison. Such measures include urine test, sniffing dogs, electromagnetic arches, frequent cell searching etc.

Requests for information

48. Detailed information on the project for the creation of a psychiatric unit attached to Nicosia Central Prisons (par. 82).

The Ministry of Justice in cooperation with the Ministry of Health has laid down plans for the establishment of a psychiatric unit attached to Nicosia Central Prisons. In short term the unit will function from a renovated block 9. In long term, a new multipurpose clinic will be build with European Union funding.

CONDITIONS OF DETENTION

Recommendations

- 49. Immediate action to be taken to renovate Blocks 1 and 2 with a view to ensuring that the material conditions fully comply with the requirements set out in Section 58 of the Prisons Regulations in terms of lighting (natural and artificial), ventilation, cell size and equipment, and sanitation facilities (par. 68);**

The Prison Administration is addressing this issue and funds are available in the prison budget. New sanitary facilities will be created and simultaneously will increase prison capacity.

- 50. Measures to be taken to reduce as soon as possible the occupancy levels in Blocks 1, 2, 5 and 8. As occupancy rates are reduced, it should be ensured that 6 m² cells are only used to accommodate one prisoner and that the living space in multi-occupancy cells is at least 4 m² per prisoner (par. 68);**

The introduction of the following measures will help to increase accommodation and living space

- Enforcement of the Community Work Law
- Termination of imprisonment for civil debts
- The termination of imprisonment for illegal entry and stay in the Republic
- The renovation of block no. 9 for the temporary use as psychiatric clinic, which finally will be used as residential quarters for young prisoners.
- The return of block no. 10 to the department of prisons once new police detention center is build.
- The second stage of the renovation of blocks 1 and 2 will lead to an increase of prison capacity by at least 30 cells.

- 51. The bright lighting in the corridor of Block 5 throughout the night to be reviewed (par. 68);**

The intensity of light corridor in Block 5 has been increased.

- 52. The exercise and recreation yards of Blocks 5 and 8 to be completed without delay (par. 68);**

Works in the yards of Blocks 5 and 8 have been completed thus creating sports grounds for mini football and basketball. Gymnastic bars have also been included.

- 53. The necessary measures to be taken as a matter of urgency to offer juvenile prisoners a full programme of education, sport, vocational training, recreation and other activities (par. 71);**

Professionals help with confidence building, character awareness and team spirit boosting the moral of young juveniles. The school offers education in various subjects, vocational training and it also promotes arts such as theatre and art. A professional Gymnast offers his services three times a week.

- 54. Vigorous efforts to continue to be made to increase the range of purposeful activities for adult inmates (both Cypriot and foreign prisoners) and as overcrowding is reduced, all the requirements of the Prisons Regulations concerning activities for prisoners to be met (par. 71);**

Every effort is made to introduce vocational and educational training, which will lead to, recognized qualifications from external organizations. This will help the meaningful employment of prisoners upon their release. The Prison Administration makes no discrimination and all prisoners have the same right for education, training as well as sports activities and entertainment.

- 55. A genuine policy for the management of life-sentence and long-term prisoners to be established, taking account of the principles set out in paragraph 70 and of Recommendation [Rec(2003)23] of the Committee of Ministers of the Council of Europe on the management by prison administrations of life-sentence and other long-term prisoners (par. 71).**

The Attorney General is currently drawing up a mechanism, which will allow the parole of life long prisoners.

HEALTH CARE SERVICES

Recommendations

- 56. As a matter of urgency, the necessary steps to be taken to ensure that Nicosia Central Prisons have at least one full-time general practitioner post and at least three additional full-time. A qualified nurse' posts. The nursing team should subsequently be progressively reinforced with a view to replacing all medical orderlies by qualified nursing staff from the Medical Services of the Ministry of Health (par. 74);**

The Nursing team at the Nicosia Central Prisons has been already reinforced with 4 full-time qualified nurses and one full-time general practitioner (1/1/2006).

57. The team in charge of dental and psychiatric care to be substantially reinforced, in the light of the remarks made in paragraphs 72 and 73 (par. 74);

The reinforcement of the psychiatric team would take some time before it is accomplished due to severe lack of Psychiatrists in Cyprus.

58. The psychologist's functions to be reviewed so that he can devote the time needed to adequately care for patients, based on a genuine therapeutic relationship (par. 74);

Recently there was an increase in the number of Psychologists (one full-time and one three days a week), in order to provide proper care and devote more time to patients.

59. The necessary steps to be taken to ensure that the whole health-care service works effectively as a team (par. 75):

Measures are taken to ensure that the whole health-care service works effectively as a team. The presence of one full-time Medical Officer, as opposed to four Medical Officers previously attending the Prisons in turn, is seen as an important contribution to the smooth function of the Prisons Medical Unit, allowing consistent cooperation between the general practitioner and the rest of the health-care team. The "scientific team" (i.e. the General Practitioner, the Psychiatrist, the Psychologists, and the Occupational Therapist) meets once a month to discuss issues that emerge and affect the stable function of the health-care service provided in the Prisons.

It should be noted that not all members of the health-care team work "under the authority of a senior doctor in charge of the service", as mentioned in paragraph 75 of the CPT Report, since different members have been assigned by different Services or Departments of the Ministry of Health (e.g. the general practitioner has been assigned by the Medical and Public Health Services, whereas the psychiatrist has been assigned by the Mental Health Services, and the four mental health nurses have been assigned by the Division of Nursing Services of the Ministry of Health).

60. Members of the health-care service to be provided with the necessary basic medical equipment (e.g. stethoscopes, blood pressure instruments) to perform their work (par. 76);

The general practitioner at the Nicosia Central Prisons has the necessary basic medical equipment to perform his work. Any requests that are submitted at the Medical and Public Health Services for the provision of further medical equipment are carefully reviewed by the authorities and are duly catered for.

OTHER ISSUES

Recommendations

- 61. The provisions relating to discipline in the Prisons Regulations to be amended in the light of the remarks made in paragraph 86 (par. 86);**

Prisoners are allowed exercise two times a day. When young prisoners are sentenced to disciplinary confinement they are allowed visits from relatives. Although statutory the Prison Administration is reluctant to use the disciplinary penalty of confinement for 60 days. As far as “malicious allegation against a member of the prison personnel” such charge is included in the Prison regulations. Annex A» disciplinary charges par. 20 {false charges against other prisoners or providing misleading information to the Prison Authorities} Annex B par. 4 {Threat or insult or criminal allegation against member of staff.

- 62. The provisions relating to discipline in the Prisons Regulations to be reviewed in order to expressly guarantee that all prisoners charged with having committed a disciplinary offence benefit from the right to be informed in writing of the charges against them and the right to call witnesses on their own behalf and to cross-examine prosecution witnesses (par. 87);**

This procedure is already enforced because it is included in the relevant law. All relevant documents for disciplinary offences are provided to the accused prisoner, which they are signed for.

- 63. The question of the right of prisoners to be legally represented to be addressed (par. 87);**

The Prison Department is currently reviewing methods adopted by other countries of the European Community.

- 64. The Cypriot authorities to review the provisions of the Prisons Regulations relating to isolation and confinement, in the light of the principles referred to in paragraph 89 (par. 89);**

According to Prison regulation all prisoners have the right to appeal against whatever sentence imposed to the Prison Board.

- 65. A special register to be kept of all isolation/confinement measures, recording the identity of the prisoner, the reasons for the measure, the date and time of the commencement and end of the measure, the deciding authority and the precise place(s) where the prisoner concerned has been accommodated (par. 89);**

The prison authorities already have a register, which records all details for each individual case.

66. The Cypriot authorities to amend the Prisons Regulations, in the light of the remarks made in paragraph 90 (par. 90);

All disciplinary measures against prisoners are regulated by section 153 to 162 of the Prisons Regulation. The Prison Administration is currently reviewing practices from other countries.

67. The Cypriot authorities to immediately take the necessary steps to ensure that all prisoners placed in an isolation cell or confined to their cells, for whatever reason, benefit from at least one hour of outdoor exercise each day (par. 91);

Already steps have been taken to allow prisoners two one-hour periods outside their cells per day.

68. The Cypriot authorities to give high priority to the development of prison staff training, both initial and ongoing and, in the course of such training, considerable emphasis to be placed on the acquisition of interpersonal communication skills (par. 96).

Efforts are made to upgrade the training of prison's staff.

Comments

69. The room reserved for visits for prisoners from Blocks 1, 2 and 4 left much to be desired; it was very noisy and overcrowded (par. 94);

There are plans to create a new visit room. The Prison authorities will renovate existing locations, which will include both open and close visits as well as lowers room.

70. The Cypriot authorities are invited to increase the number of telephones available in each block (par. 95);

Provisions have already been made for the placement of extra telephone boxes in each block. This will increase the number of phones made per day, benefiting all prisoners.

71. The Cypriot authorities are invited to examine the possibility of deploying female staff in all detention areas of Nicosia Central Prisons (par. 97);

There is no discrimination against female members of staff. All positions are open to male and female members. Already female sergeant warders work as night prison managers, female warders work as nurses to the male blocks and one female warder works at the rehabilitation center.

A study will take place in order to investigate future problems with might be encountered with the introduction of female members of staff in male blocks.

ATHALASSA PSYCHIATRIC HOSPITAL

Preliminary remarks

Comments

- 72. The Cypriot authorities are encouraged to accord priority to the transfer of patients with learning disabilities to centres within the community where they can receive appropriate care from properly trained personnel (par. 99);**

Regarding the transfer of patients with learning disabilities we have proceeded to the following steps: The Ministry of Health have started a communication with the Ministry of Labour and Social Welfare (responsible for persons with a mental handicap) in an effort to transfer these patients under the responsibility of the Social Welfare Department. In this framework will be included services from local authorities as well as Mental Health Services which will provide psychiatric and nursing care. In the meanwhile some building improvements have been carried out. Patients are transferred to a renewed ward with two-beds and four-beds rooms and more comfortable common rooms. This change facilitated the upgrading of nursing care and the improvement of the patient's behaviour.

- 73. The Cypriot authorities are urged to give priority to the planning, construction and commissioning of the new Mental Health Centre (par. 101).**

For the design and construction of the new Mental Health Centre there will be a procedure of tenders during 2005, on behalf of the Public Works Department.

Requests for information

- 74. The comments of the Cypriot authorities in respect of the remarks made in paragraph 100 concerning the recent increase in admissions under court order (par. 100);**

Concerning the increase of admissions to the psychiatric hospital during 2004 we believe is due to factors such as the insufficiency of after-care in some areas and the lack of secure beds in the psychiatric departments in Nicosia and Limassol General Hospitals. We expect to solve this problem with the transfer to the new Nicosia General Hospital that will provide three secure rooms as well as with the planned transformations in the psychiatric department in Limassol General Hospital.

For the design and construction of the new Mental Health Centre there will be a procedure of tenders during 2005, on behalf of the Public Works Department.

- 75. The concrete steps envisaged for the opening of the new Mental Health Centre and the schedule for the implementation of these steps (par. 101).**

ILL-TREATMENT

Recommendations

- 76. If security considerations require any patient to be confined to a room at night, arrangements to be made so as to accommodate them in an appropriately secure room, fitted with a suitable bed and proper toilet (par. 103);**

Regarding the facilities required for the patient of ward 34 we have proceeded to temporary improvements of his living conditions while as permanent building arrangements are on the way. General recommendations of the CRT on this matter are seriously taken into consideration.

LIVING CONDITIONS

Recommendations

- 77. Steps to be taken to so that patients do not sleep naked without any sheets or blanket cover during the night (par. 105).**

Measures were taken to secure the proper dressing of patients during day and night.

- 78. All patients whose state of health so permits, including those within a "closed regime" or in acute wards, to benefit without delay from at least one hour of outdoor exercise per day. This might require the setting up of reasonably spacious and secure outdoor areas (par. 106).**

All patients including those within a "closed regime" have the chance for walks outside the wards, (accompanied when necessary). Occasionally football games as well as excursions to the mountains or the beach are organized. Some patient escorted by staff visit restaurants, theatre and football games.

Comments

- 79. The Cypriot authorities are invited to continue in their efforts to further improve patients' living conditions, having regard, inter alia, to the comments made in paragraph 104 (par. 104).**

Efforts are made for the improvement of patients living conditions. Sanitary equipment of wards 37 and 21 have been renewed and the ward 39 is planned to be closed up.

TREATMENT

Recommendations

- 80. The approach towards "PRN" medication to be reviewed in the light of the remarks made in paragraph 109. In particular, a doctor should be immediately notified of any instance in which "PRN" medication is administered (par. 109);**

Requests for information

- 81. Further clarification as regards the administration of "PRN" medication in acute emergency cases, as well as a copy of the orders and instructions mentioned in paragraph 110 (par. 110).**

The CPT recommendation on the use of P.R.N. has led to our reviewing its use. Our current practice consists in the following: Written instructions were given as to the use of P.R.N:

- a. P. R. N. is given after written orders of the psychiatrist
- b. Special forms are kept in every patient's file with signed doctor's orders on the kind, dosage and frequency of the administered medication.
- c. Every ward keeps a separate register where the total use of P.R.N. is registered.
- d. We attach a copy (in Greek) of the written instructions given as to the use of P.R.N.

- 82. An individualized therapeutic programme to be drawn up for each psychiatric patient. In addition to appropriate medication and medical care, it should involve a wide range of rehabilitative and therapeutic activities, including access to occupational therapy, group therapy, individual psychotherapy, art, drama, music and sport (par. 113).**

Occupational therapy as well as other programmes (group therapy art therapy et al.) carried out in the Athalassa Hospital are really insufficient. This is due to the lack of the necessary staff in spite of the Mental Health director's efforts for the employment of such professionals.

However new occupational therapy programs (individual and group) were applied. Such programs are:

1. Communication skills group for pts of wards 24, 36, 37
2. Social skills group for pts of wards 24, 36, 37
3. Relaxation and anxiety management for patients of wards 36, 24, 36, 37
4. Cognitive skills training groups for patients of wards 23, 24, 36, 37

Recreational and other activities such as bingo, backgammon, drawing and painting, cooking and baking attendance patients of wards 21, 24, 14, 23, 36, 37, 34.

STAFF

Recommendations

- 83. The Cypriot authorities to address, as a matter of priority, the insufficiency of medical and other qualified treatment staff and their real-time availability for patient care (par. 114);**

We agree with the remark on the insufficiency of staff.

- 84. At least one member of the medical staff to be available at the hospital at all times (par. 114).**

As regards to the availability of a doctor at all times the arrangement made is the following: A qualified psychiatrist is on call at any time covering all Nicosia s psychiatric services.

Besides, there is a trainee psychiatrist in the Hospital until 21.00 hours. With the opening of the new Nicosia General Hospital (next door) there will be accommodation facilities that will enable the 24 hours presence of a doctor.

MEANS OF RESTRAINT

Recommendations

- 85. In addition to being recorded in the nursing notes, every instance of the physical restraint (manual control, use of instruments of physical restraint, seclusion) of a patient to be recorded in a specific register established for that purpose. Each entry in the register should include the times at which the measure began and ended, who ordered the measure, the circumstances of the case, the reasons for resorting to the measure and an account of any injuries sustained by patients or staff (par. 116);**
- 86. A detailed policy on the use of seclusion to be drawn up, in the light of the remarks made in paragraph 115. This policy should make clear that seclusion should never be used as a punishment (par. 116).**

Comments

- 87. The CPTs delegation was far from convinced that physical restraint was always explicitly ordered by a medical doctor, or brought to his or her attention for subsequent approval (par. 115).**

A detailed policy and the register for reporting the use of physical restraint as well as seclusion measures will be applied according to the CRT's recommendation. However, we can assure the committee that no abuse of the above is noticed.

The door of the seclusion room in ward 23 was replaced.

SAFEGUARDS IN THE CONTEXT OF INVOLUNTARY PLACEMENT

Recommendations

- 88. Any patient unable to understand the information brochure and leaflet on patients' rights to receive appropriate assistance (par. 121);**
- 89. Steps to be taken to ensure that patients have confidential access to the Supervisory Committee. This implies that arrangements should be in place enabling them to send complaints directly to the Supervisory Committee (par. 122);**
- 90. The necessary steps to be taken as regards access to the telephone, in the light of the remarks made in paragraph 123 (par. 123);**
- 91. The resources of the Supervisory Committee to be increased and, in particular, the Committee to be serviced by an independent and full-time Secretariat, which is located in its own separate premises and equipped with adequate facilities (par. 125);**
- 92. The necessary steps to be taken to ensure that all patients have the right to be heard in person or through a personal advocate or representative at all court hearings prior to any decision concerning the renewal of their involuntary placement (par. 128);**
- 93. The requirement that patient' requests to initiate a procedure for termination of compulsory care have to be supported by the treating psychiatrist to be removed (par. 129);**
- 94. A court required to decide whether to continue an involuntary psychiatric placement to have, in every case, access to the reasoned opinion of an independent psychiatrist (par. 130).**

We have taken into consideration the CRT's remarks on the above issue and we are planning to address the Cypriot commissioner for the human rights for advice.

Safeguards during placement: On this issue the Supervisory Committee and the management committee of Mental Health Services have decided on a common procedure for receiving complaints. This concluded to the installation of complain-boxes in every ward which will be opened at the presence of representatives of both committees.

Instructions were given to the staff for safeguarding privacy during the patient's telephone conversations.

CRT's recommendations were forwarded to the supervisory committee.

All CRT's recommendations of the procedure of discharge are addressed to the committee responsible for the revision of the Mental Health Law.

Comments

- 95. It would be advisable for the Cypriot authorities to explore alternative solutions which would fully guarantee the independence and impartiality of the personal representative (par. 119);**

The problems rose in paragraph 95 & 97 can not be addressed by the Ministry of Health. These are issues that should be answered by the Ministry of Justice.

- 96. The Cypriot authorities are requested to bring the remark made in paragraph 126 to the attention of the various professional bodies required to submit lists of candidates for the appointment of Supervisory Committee members (par. 126).**

Voluntary organizations are represented at the Supervisor Committee.

Requests for information

- 97. The comments of the Cypriot authorities on the issue raised in paragraph 120 concerning the assistance of a lawyer at hearings (par. 120);**

The problems rose in paragraph 95 & 97 can not be addressed by the Ministry of Health. These are issues that should be answered by the Ministry of Justice.

- 98. Confirmation that voluntary organizations are effectively represented on the Supervisory Committee (par. 126).**

Voluntary organizations are represented at the Supervisor Committee.

ESTABLISHMENTS FOR CHILDREN TAKEN INTO CARE BY THE SOCIAL WELFARE SERVICES

Requests for information

- 99. Whether the requirements concerning disciplinary procedures applied to juveniles, as set out in paragraph 138, is being met (par. 138);**

Disciplinary procedures applied to children who reside in institutions (Children's Homes and Youth Hostels) operated by the Social Welfare Services (SWS) are formally set in the Manual of Operations of the SWS. For example:

1. Only the director of the Home is authorised to take disciplinary measures.
2. The Director as well as the staff is expected to set an example for children's behaviour.
3. The director is responsible to keep a record in a special "report book" as well as in the child's personal file of any disciplinary measures taken for a particular child.
4. Corporal punishment is absolutely forbidden.

In the case of a serious misbehaviour, the director calls a meeting with the child and the welfare officer, who is independent from the institution and is responsible for the child (or the juvenile).

Sanctions are usually decided in common and usually involve the following:

- Paying fully or partly for a deliberate damage (if possible)
- Restrictions on outings or recreational activities.

100. Whether avenues of complaint are open to juveniles (par. 139).

Disciplinary sanctions applied to juveniles taken into care by the Director of the Social Welfare Services and placed in institutions, are subject to procedures set by the Services in the Manual of Operations of the Social Welfare Services.

If a disciplinary procedure has to be applied for a misbehaviour that has happened in the institution, the juvenile is summoned by the person in charge, for an immediate assessment of the situation and the juvenile's social worker is notified. If the misbehaviour is a serious one, the Director of the institution has a meeting with the juvenile and the social worker and the disciplinary sanctions are commonly decided and agreed upon with the consent of the juvenile.

Such common sanctions are:

- Paying for deliberate damage
- Forfeiture of leave
- Prohibition of visits to the family

In the case where the juvenile disagrees with the sanctions or in the cases where the juvenile expresses a desire to meet a senior officer or even the District Welfare Officer, this is facilitated and arrangements are made so that the juvenile meets with the senior officer alone.

The manual of operations includes a provision for a mandatory register where the misbehaviour and the disciplinary measures or the way the juvenile was treated were recorded with a separate page for each child. This procedure has been relaxed over the years, but will be resumed following the recommendations of the CPT.

Special problems such as misbehaviour and sanctions are recorded on a daily basis in a diary and the personnel are notified during the change of shifts. Disciplinary measures are also recorded in the juvenile's personal file.

The Government of Cyprus in its administrative procedures to implement the Convention on the Rights of the Child has established following the decision of the Council of Ministers No 52.255 dated 30.8.2000, the Central Committee for the Implementation of the Rights of the Child, a Committee with its own budget and personnel.

The Council of Ministers with its decision No. 57.241 dated 30.1.2003, has also set up an Inter-ministerial Committee to examine the Institution of the Ombudsman for Children .and the relevant legal framework has been prepared. The establishment of the Ombudsman for Children will facilitate and safeguard children's participation in decisions affecting them, providing an independent authority competent to receive juvenile's complaints on any matter of concern.

The bill is ready for submission to the Council of Ministers for approval.